FOREIGN

LAND TENURES

AND

THE IRISH TENANT.

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FOREIGN LAND TENURES.

CHAP. I.

THE SITUATION.

THE present land agitation in Ireland, as conducted by Mr. Parnell and the Irish National Land League, embraces in its programme two grand objects :—

(1) The total overthrow of the present relations of landlord and tenant.

(2) The substitution at one stroke of the legislative pen of what is known as a peasant proprietary.

Whatever may be the ulterior motives and objects of this agitation, the reasons given by the popular leaders for seeking the overthrow of landlords as a class, are :—

(a) That landlordism is a remnant of feudalism.

(b) That in other European countries the relations of landlord and tenant are either unknown or looked upon with fear and suspicion.

The reasons given for the substitution of a peasant proprietary are :—

(a) That the land was made by God for the people, and that those who till the soil should be the owners of it.

(b) That it exists in European countries, and has been productive of popular wealth and happiness.

We have thus formulated the case of the Irish agitators in order that their objects may be understood and their arguments and conclusions may be calmly considered and reasonably answered.

CHAP. II.

IRISH LAND TENURE.

THE prime vice then of the Land System in Ireland is the existence of the relations of landlord and tenant, and these relations, it is said, are tainted and destroyed by an alleged spirit of "feudalism" which renders the landlords obnoxious to the occupiers of their property.

If we examine this alleged spirit of "feudalism" we shall find that it does not exist at all, and that in fact it has been expressly destroyed by Act of Parliament.

The land laws of Ireland were expressly stated by the Landlord and Tenant Consolidation Act of Ireland (1860), 23 and 24 Vic. C. 154 to be founded upon contract and not upon obsolete feudal tenures. The rights and liabilities of parties now entering into contracts respecting land, like contracts on all other subjects, are governed by the agreements they have entered into, subject to some special statutable benefit conferred on the contracting parties by the Land Act of 1860. In short, the relation of landlord and tenant now exists wherever there is an

agreement—express or implied—to hold lands in consideration of rent ; feudal services and reversions are altogether abolished. These are the simple facts upon this point, and it is as well that they should be distinctly understood. The principles of the law of landlord and tenant are entirely derived from the Roman civil law. The system is founded upon the assumption that there should be free trade in land, and that the rules as to hiring of land should be the same as those which apply to the hiring of any other commodity. The framers of the Act of 1860 wished to clear away all difficulties of feudal tenure, to introduce free trade into the relation of landlord and tenant, and to enable practical men of business to invest their capital in the purchase of Irish land, and to deal with their newly acquired property in exactly the same way as they would with any other stock-in-trade.

CHAP. III.

IRELAND PHYSICAL AND SOCIAL.

Before examining and comparing the Irish land system with those of foreign countries, let us first take a brief glance at the physical divisions of the country. There are indeed two, if not three, distinct Irelands, physically and socially. A line drawn from Derry to Cork will divide pretty accurately the two greatest divisions, and the Shannon acts almost as the dividing line. The Western half in-

cludes, amongst other districts, Donegal, the whole of the Province of Connaught, and the County of Kerry. Here the climate is most trying, the configuration of the country most wild, and the soil most intractable and difficult to cultivate. Here civilization is most backward and communication with the outer world most difficult. It is here the Land Agitation had its first origin, and it is here that agriculture and the industrial arts are at their lowest ebb. A large portion of the Western population in fact could never depend entirely upon agriculture to support them, living as they do as a rule upon small holdings of from 1 to 15 acres. They depend very largely for subsistence upon the wages which they obtain as migratory labourers in England and Scotland. At the very best of times the land is unable to support the tiller of the soil and his family, invariably large. The rent payable for miserable mountain holdings bears no proportion to the large gains derived from his labour in Great Britain, and so hardly affects the question of his social state. The population increases yearly, and at present the condition of the people is financially unsound, owing as they do larger sums to the meal dealers and gombeen men, or village usurers, than it is possible they can ever pay under present circumstances. Such then is the condition of a very large portion of the population of the Western half of Ireland, and the picture presents a striking contrast to the remainder.

In the North and North East—although the land is also sub-divided—the people, in a great measure owing to the presence of the flax crop, that great

element of wealth, are to a considerable degree raised above want. The linen trade, in all its phases, gives work to thousands, and the character and habits of the Northern farmers are totally different from those of their Western brethren. In the vast East centre and South East, agriculture is at its best—the farms are larger and the people richer and happier. In Tipperary, Waterford, Cork, and Limerick a very large portion of the land is employed for dairy purposes, and a higher standard of comfort prevails.

In contrasting countries, it is also of the highest importance to take into consideration the character as well as the circumstances and habits of the people. "The inhabitants of Ireland," says Mr. Jonathan Pim, "taken individually are active and intelligent, fertile in resources, full of hope, kind to their neighbours, affectionate and faithful in the domestic relations of life; yet they make slow progress to civilization. The time is wasted in party dissensions, which, well employed, might have advanced the prosperity of all." Mr. Nassau Senior, in an article in the *Edinburgh Review* on the same subject, says:—"They can earn the comparatively high wages of a richer country, save them in the midst of temptations and expenditure, and beg their way home without touching their store. But they leave their potato grounds foul, merely to save the labour of weeding them; their cottages let in the rain, because they will not take the trouble to thatch them; a wake or a fair, or a funeral attracts from its occupations the inhabitants of a whole village. They can work for a master

while his eye is upon them, but are negligent task-masters to themselves." Such is the opinion of a calm thinker.

In an agricultural country climate is a subject of the highest importance. Ireland is exposed to the very first burst of the Atlantic storms, and a vast body of rain is carried to and scattered over the land by the southerly and westerly winds. On an average half as much more rain falls in Ireland than on the continent of Europe, and there is, in addition to actual wet, a great body of damp air which is not to be found in any other European country. Arthur Young, in his tour in Ireland, noticed the difficulty of drying agricultural produce, and assigned correctly, to this humidity, the rapid vegetation of the country, even where there is hardly a trace of soil. The average rainfall last year for Ireland was 34 inches. What effect this rainfall, coupled with the dampness of the air, has upon agriculture, may well be imagined. It is certain that on the western coast, the atmosphere and general climate is such, that on an average of years it presents serious obstacles to the ripening of corn crops, to say nothing of fruit or other products, that make small properties so valuable in more genial climes, though advantageous to the production of fodder for the rearing of stock.

Such then is the position, climate, and population of the country to which it is proposed to apply a sweeping and artificial change of land tenure, without apparently any considerations of the varied character of the people, their habits, sentiments, and shortcomings. Whether the portion of the Irish

nation known as the Irish tenant is worse off in his own degree than his continental brethren remains to be seen.

CHAP. IV.

THE IRISH TENANT.

BEFORE entering into any comparison between Irish and other European land tenures, let us see in what position the Irish tenant now stands. First and foremost, the Irish tenant generally pays rent by the Irish acre, which contains two roods nineteen perches more than the English. So that a holding of 5 acres Irish means in statute measure 8 acres 15 perches. The Irish Land Act of 1870 was framed for the purposes of giving to tenants increased stability in their holdings, and security for their labour and outlay. These objects were effected, first, by the recognition of such an interest in their holdings as entitled them when evicted capriciously, to compensation for their loss in quitting, and second, by an allowance for all suitable improvements, increasing the letting value of the holding. This new privilege in the tenants' land was recognised by attaching to the arbitrary exercise of the landlord's power of eviction a penalty in the shape of compensation to the tenant. To such reckless evictions, which removed the tenant from his home and occupation without reasonable cause, the Act gave the name of Disturbance.

The compensation was calculated within certain limits on a scale regulated by the value of the

tenant's holding, and his rent. Six grades were specified, ascending by successive stages from holdings valued at or under £10, to those exceeding £100. The limit of compensation was fixed in the lowest class at seven years purchase of the rent, and in the highest in one year's rent. How large a class of tenants became entitled to this new compensation will shortly be seen by the statistics in preparation for the Government. Broadly speaking, all yearly tenants who were such on the 1st October, 1870, and all tenants on all lettings subsequent to that date for lives or for terms shorter than 31 years, not quitting voluntarily, may be considered as entitled to compensation for disturbance if evicted on notice to quit, or quitting on the termination of their leases.

Let us now consider the position of the Irish tenant under the Land Act, with regard to improvements. He is entitled on quitting his holding under any circumstances to claim unlimited compensation for—

(a) Durable works suitable to the holding which increase its letting value.

(b) Ordinary farming or husbandry works of temporary character, such as tillages, manures, &c., the benefit of which may be wholly or partially unexhausted when the tenant quits.

Moreover, subject to some reasonable exceptions, improvements are now presumed to have been made by the tenant or his predecessor in title. Nor is it possible for a tenant to deprive

himself of the benefits of the Land Act. Any contract made by a tenant of a holding valued up to £50, not to make a claim for disturbance is void, and any contract by a tenant not to make a claim for improvements to which he would otherwise be entitled, or whereby he is prohibited, for making suitable improvements, is also void. In addition to this, the tenant cannot be compelled to quit his holding until the amount of compensation awarded to him is paid, or lodged in court. In cases of eviction for non-payment of rent the tenant can claim to be reinstated in his holding if the arrears of rent be paid within six months. With regard to taxes, an English tenant pays the whole poor-rate, an Irish tenant only pays half; the English tenant pays a heavy amount of assessed taxes, the Irish tenant pays none. If his valuation is under £4 he pays no taxes at all. The expenses of police, except on special occasions, are in Ireland borne by the Consolidated Fund. Such then is the general position of those Irish tenants who have not the benefit of what is known as the Ulster tenant-right custom. Those who hold land under this custom have the right to sell the interest of their holdings, and the sum paid by the incoming tenant is supposed to represent the value of the improvements upon the land. We shall now be able to compare the position of the Irish tenant with that of his continental brethren.

CHAP. V.

FRANCE AND BELGIUM.

So far from "Landlordism" being unknown in France and Belgium we find in both these countries that the relation of landlord and tenant co-exists side by side with full proprietorship of land. And upon examination, we find that almost precisely the same laws which govern contracts for the hire of land in Ireland, exist in France and Belgium. In both countries the code Napoleon treats the letting of land as falling under the ordinary contract of hiring, and the rights and duties of both parties are implied from the contract into which they have entered. Verbal agreements to hold land from year to year exist, and the conditions have been established by law, upon the strict fulfilment of which the tenancy entirely depends. Eviction can be executed upon any contravention of the lease or contract, and compensation for improvements depends upon agreement, and constitutes no legal claim upon the landlord.*

Tenant right, and fixity of tenure, are phrases scarcely known in France. The owner of land is absolute in all matters relating to possession. The legislature has never interfered between him and the tenant, in questions respecting compensation for improvements or indemnities.*

The only limitation to proprietary rights consists in the laws of succession, which prevent the owner of a property from disposing of it as he chooses, but

* See Reports of H.M. Representatives upon Foreign Tenures, 1869, pp. 59-73.

as long as the French landlord is in actual possession there is no law, custom, or usage, which can constitute any claim or right on the part of a tenant or "metayer" holding under him.*

So far, then, it is evident that landlordism exists in France, and the law which governs land tenure is very much less in favour of the tenant than the present law of landlord and tenant in Ireland.

But France is the land of peasant proprietorship, and in this respect she is pointed to as an example for England to follow. And how was this system of peasant proprietorship established? Mr. Cliffe-Leslie has long since exploded the fallacy that it was the lack of landed property that left the peasantry of France in destitution, and drove them to furious vengeance at the time of the Revolution; it was the deprivation of its use by misgovernment, and the confiscation of its fruits by taxation and oppression. Subsequently, the French Law of succession, and the continuous acquisition of land by purchase finally formed the foundation of a peasant proprietary movement, which was perfectly natural and beneficial. But there are other than these fundamental causes, which have made France so marvellous an example of the benefits of peasant proprietorship. She has qualities of soil, climate, and physical comformation suitable for several kinds of agricultural produce, especially the vine, for which *la petite culture*, in the form of manual cultivation, is almost exclusively appropriate. The climate favours the cultivation of maize, wheat, tobacco, flax, rape, and madder, the olive, plum, and

* See Reports of H.M. Representatives upon Foreign Tenures, 1869, pp. 59-73.

mulberry, the produce of the market gardens, the dairy, and the orchard. The vine alone furnishes a supply for a perpetually growing demand for a species of the most remunerative kind of produce which must for ever be a stranger to Ireland. The peasant proprietary of France is not artificial, or the result of sweeping legislation, but the combined result of legal causes, and individual enterprise.

With regard to the character of the French peasant proprietors, it may not be amiss to give the opinion of a Frenchman. It is to be found in a work entitled, "Conversation with M. Thiers, M. Guizot, and other distinguished persons." Among these conversations is a note of one with a Republican in 1860, M. Dussard, a gentleman almost unheard of in England, but in France of high political character, and possessed of independent property.

"Sunday, March 6th, 1860—We reached Paris yesterday evening. Dussard, a Republican of 1832, breakfasted with us. He bought, some years ago, an extensive estate in the Pyrenees, near Perpignan. I asked him how his purchase had turned out. Dussard—'Badly. My neighbours, all peasant proprietors, treat me as a common prey, as a thing to be eaten. They destroy my fences; they turn their cattle into my enclosures; they cut down my young plantations to heat their ovens; they dispute my boundaries, and the tribunals give me no redress when I am plaintiff, and always decide against me when I am defendant. I am a large proprietor and I am a stranger. In the provinces either of these predicates excludes a man from justice. If the judges—like your judges of assize—were itinerant, or, like your County Court judges, were sent from the capital, or, like your justices of quarter sessions, were gentlemen, they would be impartial. But they are the people of the country, ill-born, ill-educated, and ill-paid. I do not know whether they are open to bribery, but they are certainly open to solicitation; in fact, they invite it. My opponent, however, need not bribe or solicit. Both the law and

the facts are always on the side of the peasant against the great landowner, of the nation against the Parisian, of the ignorant against the educated man. I must sell my property for half its intrinsic value; and, cheap as it will appear to be, the buyer will find it dear unless he be a native, and unless he breaks it up and so sell it in lots.'"

An Irish tenant can hardly imagine the intense industry, the severe drudgery of the small French proprietor. Female labour is everywhere the rule. From morning till night every member of the family is toiling at hand labour in the fields, the food is of the worst description, and the sole object of life is to save; nothing is spent upon books, or newspapers, or anything out of the dullest routine. Brought up in the deepest ignorance, the French rural population give no assistance in public affairs, and degenerate into the puppets of politicians or officials.

In Belgium, too, "landlordism" exists. Leases from three to nine years are common, and they rarely run beyond eighteen years. In 1870 considerably over 2 millions of acres were cultivated by occupiers who were tenants. Compared with the Irish, the Belgian tenants are indeed a "down-trodden peasantry." The extreme sub-division of the land has forced young and old to continuous toil in order to eke out an existence. In Belgium there is no law or custom whereunder a tenant is considered as having a right to remain in occupation, even as long as he punctually pays his stipulated rent. The right of eviction exists in full force for non-payment of rent, or for any breach or infraction of covenant. Rent is not regulated by custom or

valuation, and is generally paid at the end of a year. When an eviction judgment is pronounced the tenant must leave within eight or fifteen days, and has no right of redemption, and consequently is far more "hopeless and homeless" than his Irish brother. As far as the "improvements" of a tenant are concerned, the Belgian landlord, at the expiration of a lease, can enter into possession of all improvements, without paying compensation to the tenant, except for such indispensable matters as mending roofs of houses and offices.*

Again in Belgium, as in France, we find a large peasant proprietary existing side by side with the relations of the landlord and tenant, and produced by precisely the same causes as have produced the same system in France. The Belgians combine all the requisites for success in the cultivation of small properties. They are steady, sober, persevering, prudent, and economical. They have pursued, moreover, agriculture as a high art for centuries, and possess in general the great advantage of entering upon their farms with capital. Belgium also is a country full of large towns, daily developing enormous manufactures, and possessing the greatest facilities of communication with its own district, and above all, with neighbouring foreign countries,

And yet, with all these advantages, the social state of the rural population is not to be envied. The extreme sub-division of land entails continuous toil, and complaints are made that excessive agri-

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* See Foreign Tenures Report, 1869, already mentioned, pp. 108, 146, &c.

cultural toil is a serious impediment to educational progress. As in France also, landjobbing is universal. The "landsharks" of Belgium are apparently more numerous than in any other civilized country, and far more tyrannical. With facilities of purchasing land in Belgium, land has fallen into the hands of unscrupulous, greedy persons, seeking only their own interests, instigated solely by motives of gain in their dealings. The result is minute sub-division The farmers are liable to have as landlords at one and the same time—A weaver, a grocer, a haberdasher, a manufacturer, a clockmaker, a publican, a farmer, a doctor, a lawyer, a parish priest, a "liberal," a "catholic." The position of the Belgian tenant, farming from 5 to 10 hectares of land, is therefore very likely to be thus :—The brewer expects him to drink his beer, if he object, he evicts him from the plot of land he holds of him and lets it to a more profitable tenant ; the grocer expects him to buy his coffee at his shop ; his wife and daughters must dress well to please the haberdasher; he must purchase a watch to please the watchmaker; he must assist his farmer landlord in getting in his crops before he attends to his own, and if he and his family do not require the doctor's attendance, the doctor seeks for a less healthy tenant.*

It is a curious fact that the land in Flanders, the most highly cultivated provinces in Belgium, is almost entirely worked by tenants, whereas in Luxemburg, where the land is poor, it is cultivated by peasant proprietors.

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* See Foreign Tenures Report, 1869, p. 124.

In fact, what has occurred in Belgium after years of trial, is exceedingly likely to occur in any country where a peasant proprietary is suddenly established. The soil in the first place is made productive by the toil and labour of the peasant owner and then it falls into the hands of another class who buy land as an investment and who find it more remunerative and profitable to let it out to tenants than to cultivate it themselves. If this is admittedly what happens in a country where a peasant proprietary outnumber those who are in the position of tenants, how much more would it be the result in Ireland if an artificial system of proprietorship was suddenly constructed. The habits of a whole nation cannot be changed by a stroke of the pen, and those who have been accustomed to job land will continue to do so in spite of legislative efforts.

CHAP. VI.

THE PRUSSIAN LAND SYSTEM.

THERE is no country perhaps whose land system has been so studiously misrepresented as Prussia. Notwithstanding radical land-legislation early in the century, Prussia has entirely changed its character within the last 20 years. About the year 1860, 41 per cent. of the entire population lived by agriculture, but a complete change has come over the country, and from being an almost entirely agricultural, it is being transformed into a largely manufacturing country. The stream of emigration, in spite of a peasant proprietary, is enormous.

When the name of Stein is now mentioned, it is generally associated with a general expropriation of landlord's property, and Mr. Bright is primarily responsible for this idea. He is reported to have said—"If in this country 50 years ago, as in Prussia, there had arisen a statesman who would have taken one-third or one-half of the land from the landowners of Ireland and made it over to their tenants, I believe that the Irish landowner, great as would have been the injustice of which he might have complained, would in all probability have been richer and happier than he has been." This is Mr. Bright's version of the Stein Laws and it suits the followers of Mr. Parnell to believe it also. But what the statesmen in Prussia did in 1807 was precisely the opposite of what Mr. Bright describes. Before 1807 the land in Prussia was held by three distinct castes—nobles, peasants and burghers—their status was determined by the land they held, and the land they held was not interchangeable amongst these castes. The lands occupied and owned by the peasant were however attached to the lordship and they had to render certain services and labour which were exacted by the lords as from serfs. Stein's edict in 1807 removed disabilities, loosed the peasant from the glebe, enabled all persons of whatever class to acquire land of every description apart from caste descriptions, and broke down the barriers which separated society. But it was found necessary to make a further dissolution between the nobles and the peasants. The balance was struck between them, and in 1811 the peasants handed over to the nobles one-half or one-third of

their lands, while the lords in return released them from the feudal services and labour he formerly exacted. By this process in fact the lords were put in possession of more land than they originally held. The tenant lost some of his acreage, but he retained the sole dominion over what was left. The landlord in Prussia sold labour and bought land, or its equivalent and rent-charge ; the tenant sold land and bought labour. There was no "injustice" as supposed by Mr. Bright ; the legislation was simply an exchange of interest.

But there are other facts connected with Prussian land legislation, which are also kept in the background. We have shown that the general idea of Stein was to abolish caste lands, and make property acquirable by all ; and the compromise showed plainly how the specific properties of landlord and tenant were to be valued and compensated.

But in 1816 it was found necessary to define the size of a peasant farm ; and the legal definition declared that a farm should (a) suffice for the maintenance of the possessor as an independent cultivator, (b) should be entered in the provincial survey, and pay land tax, (c) should have existed a certain time, and should always have been tenanted by a peasant cultivator.

These important limitations lasted until 1850, when, owing to the embarrassment which, together with the existence of rent-charges, they caused to commercial and industrial pursuits, they were repealed. The rent-charges belonging to the landlords were bought up at 25 years' purchase, rights of common were extinguished, intersected lands

were consolidated, all restrictions upon subdivisions taken away, and land in Prussia is now the absolute property of the owner. It remains to be seen whether, with a growing population and with the price of land rising, Prussian landowners will not create those very tenures which are at present in Ireland the object of such abuses and complaints.

There is another fallacy with regard to Prussia which must be exploded, and that is, that the relation of landlord and tenant is there unknown.* In 1870, the figures show that one-twentieth of the agricultural portion of the community are tenants, there being 60,739 persons and their families holding as tenants, as against 1,111,117 proprietors, and the tenant status is to be found in Prussia, Pomerania, Posen, Brandenburg, Silesia, Saxony, Westphalia and the Rhine province. Wherever the Prussian tenants exist they hold, as a rule, large farms under long leases, and receive the land as in England with all the necessary buildings. There is rent to be paid, and there are the penalties of non-payment of rent, distress, and eviction. These are simple facts which it is as well should be known, though we do not lay much stress on them. What however has occurred in the department of Wanzleben† is only one instance that even in a country where a peasant proprietary is in full swing, temptations to ease and indolence demoralize even the paragon peasant proprietor. In this department there are a quantity of beet-root

* See Foreign Tenures Report, 1869, pp. 264, 292. † Ibid 419.

sugar factories, and whole villages live upon the rents paid for the peasant lands let to the manufacturers. The effect is described thus by Mr. Harriss-Gastrell in his report to the Government in 1869, upon the land systems of Prussia and North German Confederation. "The continued evil of the idle landlord, and of the niggardly parishioner are too often reproduced in such peasant landlords. They live in idleness and waste pitiably their time. The peasant landlord is not only above labour, but also above trade. The large peasant with a landlord's income of £1,000 a-year lives plainly, ignores education, despises intellectual activity, looks with contempt on other labour, and hoards his savings. The small peasant who lets his land is too proud to do any work, except that of a proprietary farmer, and having ceded for rent his opportunity of so working, lives idly upon that rent, instead of turning his attention and labour to some other object. Both, however, turn their attention to the object of making the local expenditure, especially for the schoolmaster, as niggardly small as possible. Living upon rent does not improve the peasant's political ideas."

There could not be any thing more calculated to excite grave thought and parallel considerations with regard to Ireland than this passage. What those who have the interest of Ireland really at heart most fear in any scheme for the promotion of a peasant proprietary is, the strong probability that, as in Prussia, Irish peasants will be tempted to make efforts to sub-let for the purpose of

living on rent. Day after day instances arise where land has been "grabbed" by tenants or small traders, and re-let at exorbitant profits to poor people. But the instance of the Wanzleben department of Prussia leads us to consider whether it might not be possible and probable, that in the event of any similar industry to beet-root growing being introduced hereafter into Ireland, the very same state of things would result as has resulted in Wanzleben.

What we desire to insist, in conclusion, is that, the historical, social, and agricultural economy of Prussia at the time of Stein's legislation was an exact antithesis of facts to the present state of Ireland, and that Stein's legislation is the reverse of that proposed by Mr. Parnell. The cases are not parallel in any way. There is no feudal service exacted by landlords; there are no peasants attached to the landlord's manor as labourers. There is no division of land according to caste. Land is as free in Ireland as the nature of the laws of real property allow it to be. The peer and the peasant can equally purchase an acre of land if he have the means to pay for it. The claim of the Irish tenant to be considered in exactly the same position as the Prussian peasant before 1807, is founded on a combination of ignorance and covetousness. Prussian agrarian legislation was suited to the time and circumstances, but one of its first and most important points was, that it recognised the inutility of investing a peasant with absolute ownership of land, unless that land was sufficient for his maintenance. The legislation of Stein

was based upon the principle of the division of the land amongst existing owners and classes. The principle of Mr. Parnell's proposed scheme is the destruction of one class, and the wholesale transfer of their property into the hands of another.

Mr. Harriss-Gastrell remarks very truly, that Prussia was ready to "soar" to its present prosperity and to take advantage of auspicious breezes; but she was chained to the ground. . . . . The national agriculture legislation severed the bonds, but had not the nation been ready to soar, the result of that severance would have been a much less conspicuous soaring. We have the same authority's opinion that the agricultural progress of Prussia is not to be entirely attributed to Stein or Hardenberg. Side by side with their legislation advanced other legislation which displaced hindrances in other directions to the increase of national welfare. Monopolies were abolished, taxes removed, and the tariff of custom duties amended. New discoveries have been made, which have in Prussia, as elsewhere, effectively contributed to the increase of its prosperity and national wealth. To attribute to the agricultural legislation of Stein the entire welfare of Prussia, and to follow blindly in his wake in the hope of reaping similar results would be as childish as to deduce the entire greatness of England from any one single Act of Parliament, and to recommend to every other nation the adoption of that measure as a specific for the possession of national wealth and prosperity.

The lesson to be derived from Prussia is the same as that which France and Belgium teaches

us—that a mixture of large, middling, and small properties is the most wholesome of national and economical organizations—the problem is how to secure this end without disturbing the equilibrium of society or creating a social revolution. Such a scheme as has been broached by the Irish National Land League, and apparently approved of by a certain section of English politicians, would infallibly produce both these results.

CHAP. VII.

PORTUGAL.*

A study of the various land tenures which are common in Portugal is calculated more than anything else to make statesmen hesitate before adopting the system of any foreign country as a basis or even an argument for land legislation in Ireland. Portugal is not unlike Ireland in some conditions. The population is about 4 millions, of which the rural inhabitants are as 3 to 1. The north differs from the south in its agrarian economy, and the relations of landlord and tenant are strained and unhappy. There is also a vast amount of uncultivated waste land.

The system of land occupation in Portugal consists of small proprietors, tenants under proprietors, "metayers," and "emphyteutas."

This land tenure is not a matter so much of radical legislation, or theoretic evolution, but the result of local wants and climatic influences. In

* See Foreign Tenures Report, 1869, p. 151

the north of Portugal the population is thick and the land fertile. Here we find small properties and peasant owners, large numbers of labourers, the cultivation of the vine, and other phases of *la petite culture*. The central portion of the country is poor and the land worthless, being flooded and marshy. Here the properties are large or middle-sized. In the south the population is thin, the soil poor and sandy, the climate hot and dry, and large properties predominate with the system of landlord and tenant.

The fact that there were in 1870, 139,000 tenant farmers in Portugal is quite sufficient to strengthen the general statement, which we wish to prove beyond all doubt, that the relations of landlord and tenant are common to every European country. Side by side with these tenant farmers exist, as in France, Belgium and Prussia, peasant proprietors, and what is more important, a large proportion of occupiers, who hold as tenants with copyhold tenure, and these are called "emphyteutas" or "foreiros." The local distribution of these three classes of land occupiers is interesting and instructive, showing, as we may reasonably infer, the curious phenomenon in the north of Portugal is presented of three distinct systems of land tenure existing and flourishing together, viz :—Peasant owners, "metayers," and copyhold tenants. The democratic tendency of modern Portuguese legislation has been to forward changes in the tenure of land for the purpose of benefitting State finances. Every opportunity was seized to necessitate the transfer of land, upon which a fine was exacted, and a system of registration of landed

property and mortgages was instituted for the same purposes. Moreover, the action of the law of succession, which divides real property in portions amongst the heirs of the deceased owner, hastens greatly the sub-divison of land. The extinction and dispersion of old estates is sought for rather than prevented in Portugal, for reasons given by Mr. Doria, H. M. Consul at Lisbon in his report to the British Government in 1869 :*—"A class of men," he says, "have found themselves excluded from the honours and privileges of the old aristocracy, in whose possession the great proportion of the landed estates of the country existed. The first step towards removing this barrier of exclusion was to ensure the dispersion of landed property, which, in many instances, the large debts of the aristocracy rendered easy. The abolition of the right of primogeniture and other reforms introduced by the Civil Code continue to promote the movement." These words are certainly striking, especially at this very moment, for they apply almost word for word to the present state of Ireland.

The evil which has been proved everywhere to follow in the wake of a peasant proprietary exists with its natural results in Portugal. Sub-division in the north, the richest part of Portugal, has been carried to excess. "The result has been," says Mr. Brackenbury,* another Consul reporting to the British Government from Lisbon, "to lower the standard of living for the rural population, and to

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* See Foreign Tenures Report, 1869, pp. 161, 181.

create an intense competition for land, which, while it stimulates the avarice of the people in acquiring it, leaves them an easy prey to usurers after it has been acquired."

A few words as to the position of the bona fide Portuguese tenant. He holds land by contract. The duration of leases is brief, a five years' lease being a long one. The vast majority are in the nature of tenancies at will—from year to year. The rent is regulated by competition, and the landlord has an unlimited power of eviction by summary process, in case of non-payment of rent or breach of covenant. No time is allowed for a tenant to redeem. With regard to improvements, where the lease is for less than 20 years, at its expiration the tenant can claim the value of his agricultural improvements, unless there has been a stipulation against their construction. In case of a renewal of a lease, however, the sum thus paid by the landlord and the interest upon it is compensated for by a corresponding increase of rent. Under these restrictions, the landlord in Portugal has a legal right to the improvement made upon a farm.*

Among the class called "metayers," the landlord provides the stock and implements, and receives in kind or money from one-half to two-thirds of the produce of the land. The last class of Portuguese tenure, known as "emphyteutas," is remarkable, approaching as it does to what is known as fixity of tenure. The rent is settled by competition once for all, and the tenure is in the nature of a hereditary lease by which the right of occupation is granted

* See Foreign Tenures Report, 1869, p. 174.

indefinitely. This right is hereditary, but one of its characteristics used to be its indivisibility. But the predilections for French ideas in 1867 induced the Portuguese to change the law, and the division of all property into equal shares is now compulsory. Accordingly it now happens that where the Portuguese tenant-right devolves upon the death of a tenant, it often comes into the market and has to be bought by a stranger, and the proceeds divided among the heirs. The land however remains undivided, and the landlord cannot evict unless the tenant deteriorates the tenement to such an extent that its value becomes less than the value of the capitalized rent, plus one-fifth. The landlord, however, can distrain for arrears of rent and interest.

Here, then, we have a country enjoying for many years every advantage of speedy transfer of property, democratic institutions, and every conceivable facility for tenants becoming proprietors. It contains a large peasant proprietary and tenants rooted in the soil. There are vast amounts of waste lands, the climate is exceptionally good, and the soil of average fertility. We might expect to see, if not a wealthy, at all events, a respectable community. But, as a matter of observation, the reverse is the case. The standard of living and comfort amongst the rural classes is mean and scanty. The production of crops has never within living memory been sufficient for her own wants. The state of finance is deplorable, and agriculture is at a very low ebb. And with all these symptoms of a decaying nation, we find a peasant proprietary and fixity of tenure the lot of two-thirds of the agricultural community.

CHAP. VIII.

HAUSE TOWNS—GOTHA—SCHLESWIG-HOLSTEIN—GREECE—THE NETHERLANDS—ITALY—SWITZERLAND—SARDINIA.

THERE are still some more European countries in which the relations of landlord and tenant co-exist with peasant proprietorship, but we shall not enlarge very much upon the characteristics of their tenure. Suffice it to say, that in *no case* are the occupiers in as good a position as the Irish tenant. In the Hanseatic territories of Hamburgh, Bremen, and Lubeck the large estates are generally divided and let to farmers on lease for terms of years as in England. The rest of the land is in the hands of peasant proprietors, the increase of which class is facilitated by the action of the law of succession, which follows the Roman law.*

The greater part of the lands of the Duchies of Schleswig and Holstein belong to noblemen and other large proprietors who parcel them out and let them to farmers on lease, and it is a remarkable fact that the tenant class are, upon the whole, a superior class to the peasant proprietors, both as regards the cultivation of their land and their standard of living.†

For Saxe-Coburg Gotha, the facts are much the same. The tenants, in comparison with the small proprietors, are described as much better educated in every way, industrious, and intelligent. Nowhere in these countries do tenants wishing to

* See Foreign Tenures Report, 1869, p. 5. † Ibid., p. 10.

become proprietors of land receive any pecuniary assistance from Government. Rent and eviction are all amongst the incidents of tenure, and Government has always avoided interfering in the manner in which property is administered.*

The land question in Greece has never been a burning one. The Greeks, as a rule, have a decided repugnance to agriculture, which is looked upon by them as a degrading pursuit, and only fit for the utterly uneducated. The consequence is that, as education becomes more general, the rural population tends to decrease, owing to the increasing numbers of those who wish to make their way among the townspeople.

The State owns nearly three-fourths of the whole area suitable for cultivation, and there being almost a total absence of competition for land, the tenure is almost altogether a kind of partnership between proprietor and cultivator. In 1836 a law was passed which, with its effects, is well worth the attention of English statesmen. By this Act the head of each Grecian family was given the right to purchase from the State, by public auction, 30 acres of land. To facilitate these purchases, the State granted to each head of a family credit on the Treasury to the amount of £71, to be reimbursed in 36 years at the rate of 6 per cent. interest and sinking fund. The measure proved a complete failure. The purchasers were unable or unwilling to meet their engagements, and in 1855 a law had to be passed remitting all arrears, and retaining only the value of the land. "As nearly the whole Greek nation" writes Consul

* See Foreign Tenures Report, 1869, p. 13.

Martin (*Foreign Tenures, p.* 24) to the British Government "is interested in postponing a settlement of this debt, it is hardly probable that any Chamber of Deputies will be found willing to pass a law enforcing payment of it, or depriving the present possessors of their land, whether acquired by legal purchase of the State, or appropriated without permission."

The Dutch law relating to the tenure of land is identical with the regulations of the Code Napoleon, to which we have alluded. The system of land tenure is in the Netherlands threefold, and contains small proprietors, tenants holding under proprietors, with strict covenant against sub-letting, and a species of copyhold tenure, or perpetuity lease, with a fixed rent, in addition to which the tenant has to pay fines on marriage and succession, and covenant that he will not sub-divide. All three systems work smoothly, and complaints are unheard, notwithstanding the facts that rents are payable, and evictions can be brought for non-payment of rent, or for refusal to give up a holding when the lease has expired. Government gives no assistance to tenant farmers to purchase their holdings.*

Italy is principally occupied by tenants under proprietors, and to a far less extent by small proprietors. These last are coarse and rude in their manners and habits; they are looked upon as small gentlemen, and the small gains which they derive from their very small properties are barely sufficient for common necessaries. The tenant class hold generally by lease from 4 to 6 years, and the conditions are very stringent for payment of rents and performance of

* See Foreign Tenures Report, pp. 207, 216.

covenants. There is no right of occupancy or tenant right, nor any absolute right for compensation for improvements. The landlord has a right of eviction for non-payment of rents, and for non-observance of covenants.*

Even in Switzerland, the model country of the modern land reformer, we find now and then a glaring anomaly to the general aspect and condition of the peasant proprietors in that country. The canton of Berne is to Switzerland what Connaught is to Ireland. It is burthened with a numerous pauper population. From statistics published in 1834, we find the sub-division of land so minute that it can hardly be supposed not to be excessive, and the indebtedness ot the peasant proprietors in Zurich, the most flourishing of all the cantons, is said to "border on the incredible, so that only the intensest industry, frugality, temperance, and complete freedom of commerce enables them to stand their ground."†

Finally, to take an example of what is going on at the present day in Sardinia, we find the remarkable spectacle of an island almost ruined by the establishment by law of a system of peasant proprietary. Some account of the state of affairs in Sardinia was given in November, in a Genoa newspaper, the *Caffaro.* In 1836 the Government of Sardinia subdivided a very large portion of the island, and planted upon the holding Sardinian peasant proprietors, assessing upon the land a very low property-tax. The result has been that the occupiers now declare that they are

* See Foreign Tenures Report, 1869, pp. 102-105.

† See Historical, Geographical, and Statistical Picture of Switzerland, Part I. p. 8, by Von Knônau.

too poor to pay any property-tax, and after much trouble, the Government have had to make wholesale evictions; some 27,000 persons have been turned out, lands are lying waste, houses have been pulled down, and a scheme is actually on foot for the re-colonization of Sardinia, once one of the richest provinces of Rome and the granary of Italy.

CHAP. IX.

A PEASANT PROPRIETARY IN IRELAND CONSIDERED.

We have endeavoured in the preceding chapters to place before the public some idea of the various systems of land tenure which prevail in Europe. It is quite evident that the impression sought to be made upon the public mind that the relations of landlord and tenant are known only in the United Kingdom, is utterly false.* As a general rule, a system of tenure co-exists with ownership of land in the various European countries, and we think the proofs of this fact we have adduced in these pages are quite sufficient to rebut the presumptions and assertions of Irish agitators to the contrary.

The idea that feudalism pervades the present law of landlord and tenant in Ireland we have also shown to be false and unfounded. The tendency of English legislation has ever since the establishment of the Encumbered Estates Court been to reduce contracts regarding the hire of land from a

* Mr. Parnell in a speech at Limerick, November 1st, said, "They got rid of their landlords in France. They got rid of their landlords in Prussia and Belgium. Why should we not get rid of them in Ireland?"

feudal and sentimental, to a commercial footing; and in this respect Irish has much the same scope as French law.

We have therefore to consider the great question of peasant proprietorship, and here we are met at the very outset with the most important considerations. And first, the great question must be decided whether a scheme for establishing a peasant proprietary in Ireland is merely to be considered as a plan for pacifying agitators, or as affording the basis of enlarging permanently the prosperity of Ireland and conducing to the happiness and wealth of the nation at large.

As a mere plan for the pacification of Ireland, the wholesale artificial erection of peasant proprietors would be an unnatural and dangerous experiment. In every country where peasant proprietorship exists it has been the easy and gradual result of specific well-ascertained causes, such as the laws of succession, in France, Belgium, Prussia, Portugal, and elsewhere; the facilities for the transfer of land, and the continued supply of land which, after the sub-division of many years, more or less meets the demand. The experience of a century, the industrial habits, the agricultural arts, the moral qualities which are absolutely necessary to such a system of land culture as prevails abroad, are all by learning and tradition the valuable heritage of continental peasant proprietors. Without these qualifications a nation of peasant proprietors would be a failure. The system is quite as much an effect as a cause, and to imagine that it is possible by creating peasant proprietors by law, to create in

them at the same time that which makes peasant proprietors useful, is manifestly absurd.

Nor must we forget, in forecasting the effects of a sudden introduction of a peasant proprietorship into Ireland, what is the social and material condition of the people at present. And here Englishmen of all degrees are liable to great error. The standard of comfort has advanced most rapidly. Extravagance in living is not unlikely to be a dangerous characteristic of the farming class in the future, as it has been in the past; and as M. de Laveleye remarks, in speaking of the material condition of peasant proprietors:—"It is a great mistake to consider the refinement of wants and luxury in private life as a criterion of civilization. In the best days of ancient Greece, private comfort was all but unknown."

Whatever effect absolute ownership would have upon Irish peasant proprietors, there is no longer any doubt what effect the security afforded by the Land Act had upon the Irish tenants. Following upon 25 years of unrivalled prosperity, it seems to have largely conduced to encourage extravagance. Large credit was given on faith of the damages to be had for disturbance, and yielding to the fast spirit of the age, they very often spent in the coarse pleasures of eating, drinking, gambling, and display, what ought to have belonged to their families, and made their homes bright and happy. If any proof were wanted of these observations, it is to be found in the opinions publicly stated, of Irish County Court Judges, who have the best opportunities of judging of the material condition of the people.

At the Waterford Quarter Sessions, Mr. Waters, Q.C., in October, 1879, made the following remarks :—"The time was when Irish farmers' wives and their daughters were capable of knitting their own wearing apparel, and they prided themselves on being able to do so. But the times are changed. If a farmer's daughter is in need of stockings she must go to a large drapery concern and inquire for hose—I believe that hose is a polite name for stockings—and then it is fashionable that they should have a 9s. 6d. or 10s. 6d. silk umbrella—whilst such luxuries as kid gloves have become quite indispensable. They must have also silk dresses or Cashmere dresses with fancy cloaks and shawls. It is this state of things that has conduced so much of late to place the Irish farmers in the financial difficulties they are heard to be daily complaining of, and whilst such a state of things exists they will be in a state of depression. Take the present case, and it is an everyday one. The defendant is a yearly tenant, in possession of 40 acres of land. He has ten of a family, and we find here to-day that his daughter has an account of £25 for silk umbrellas, hose or stockings, silk dresses, fancy hats and feathers, not forgetting the kid gloves. Such a state of things is really deplorable."

Again, Ireland is full of usurers, or gombeen men. Every town and village is full of obliging persons, ready to advance money at ruinous rates of interest. The business of the publican, meal man, and money-lender are combined. Men drink that they may borrow, and encouraged to borrow in order that they may continue to drink. The very

virtues of the Irish tenants are frequently their ruin. The people are too kind to one another, and farmers are frequently brought to the verge of bankruptcy by going security for their friends. All this has happened in the past, and if any sudden and great change of ownership of the land were to occur, the same thing would happen again. Occupiers would fall into arrears with the Government; they would borrow money to clear themselves. A bad season would come, and they would be mercilessly sold up by their creditors, and a new class of middlemen, and small landlords would arise whose little finger would be worse than their predecessors loins. Well may we say, with the old French proverb—

"From the churl grown rich, good Lord deliver us."

"Even peacefully carried out," says Sir Patrick O'Brien in a letter to the *Times*—"I doubt the Irish farmer would improve his position. The public tax-gatherer admits of no refusal, brooks no delay; the new purchaser would have to pay not alone his old or newly-revised rent, but also the interest necessary to create the sinking fund which should recoup the State, and this too, to one who, despite of times or harvests, will have his pound of flesh." "If one or two harvests occurred," said Lord Dunraven in the House of Lords, "the State would be driven to wholesale eviction, and the result would be rebellion."

We have in the preceding chapter stated what occurred in Greece, where an attempt was made to plant a peasant proprietary, and the result was an almost universal repudiation of the rent.

In 1851 the Belgian Government, partly with the view of bringing waste lands into cultivation and partly in the hopes of relieving Flanders of some of its teeming population, established a colony on a heath bought by the State. The tract of land was said to be of good soil. The Government brought a portion into cultivation, erected a church, a school, a presbytery, constructed roads, etc., divided the land into farms, erecting small houses, and farm buildings on each. The tenants were found, and entered into certain conditions. No rent was payable for five years, after that period the rent arose by degrees. The scheme proved a failure. The tenants from the first considered themselves Government pensioners, considered further that it was to the Government rather than to their own industry, they were thenceforward to look for a living; and, moreover, they turned to other purposes the subsidies which the Government gave to enable them to buy stock. So much for Belgium.

What occurred in the Co. Armagh in 1878-9 may be a matter worthy of consideration. There fifty peasant proprietors who had bought an estate under the Church Commission repudiated the payment of tithe rent charge. Efforts had been made to serve them in February, 1878, but the process server had been threatened, and the writs taken from him. The solicitor to the Church Commission in October, 1879, proceeded under a police escort, in company with the Resident Magistrate, to serve the peasant proprietors personally. On his arrival on the land he served one person, who immediately gave the alarm, and every

door in the townland was shut against him. The bills were then nailed to the doors of the several defendants. If this was done in 1879, what may we expect hereafter in the case of an artificial peasant proprietary.

Taking it therefore on the broadest consideration, and having regard to the present material and social condition of the people, we cannot believe that Mr. Mill's plan, or Mr. Bright's plan, or Mr. Parnell's plan, is a specific which will ensure the prosperity of Ireland. There is no royal road to greatness for men or for nations. As has been well remarked :—* "Nature has endowed the world with an endless variety of material qualities, and man with an endless variety of mental capacities to work out his own material interests. It is when we seek to interfere with this free action that we get into a mess. The interest of one man is stronger than the wisdom of a hundred. It is collective interest, not collective wisdom which governs the world. Property in its integrity is the object of this interest. It is the reward offered for individual industry, and nature will not tolerate any artificial substitute for her management and her laws. As well might we presume to manage the weather." That this new cry of a peasant proprietary was not even considered feasible so far back as 1843, is proved by Mr. O'Connell's own opinion. Some such plan was proposed in the Catholic Association in 1843, and his words in reference to it were these :—"A more absurd and unjust plan he never heard of; it did

* *Mechanical Difficulties of the Irish Land Question.* By W. T. Hamilton. Dublin: Hodges, Foster & Co. 1870.

not do anything for the labourer of the country, it transferred the fee-simple from the present proprietor to the present occupier of large farms ; it was in fact creating a smaller monopoly than the former one, but equally mischievous in its nature." Such an opinion can hardly be disregarded at the present crisis.

Let us now consider this question from an economical and agricultural point of view, and here almost all the arguments of all the writers in favour of the small ownership system are founded upon the experience of foreign countries, whose rural history has been unbroken by agitation or excitement. Mr. Mill especially is fallacious. He marshals an array of authorities which refer back to periods of this century when the state of society was the very reverse of what it is at present. The institution of a peasant proprietary was initiated on the Continent at a period when communications with the outer world were difficult, and agriculture was conducted without machinery. It is believed by Mr. Mill's disciples, that it is possible to extemporise out of a nation such as we have described the Irish to be, the same blissful state of mind, agricultural, political, and social, which characterised the peasant proprietors of the Continent fifty years ago. But the whole case is different to what it is imagined to be by such theoretic reformers as Mr. Bright. The insular position alone of Ireland would be sufficient to place her at a great disadvantage in a comparison with continental countries, where it is as easy to get from Paris to Brussels or Berlin as it is to get from Dublin to Cork or Belfast

"When the property possessed is not sufficient to relieve the possessor from dependence on wages, the condition of a proprietor loses much of its characteristic efficiency as a check to population." These are Mr. Mill's own words, and it is a notorious fact that more than half the occupiers of Ireland cannot live on the land independent of wages. "In a limited territory," says Jones "*On the Distribution of Wealth*," p. 146, "peasant cultivators very rapidly approach a state of want and penury, and will be stopped at last only by the physical impossibilities of procuring subsistence," This is what has been happening with tenants in Ireland for centuries. And for a potent reason that the state of agriculture is exceedingly backward in many parts. It is obvious, therefore, that to make tenants proprietors will not better their condition. And here we are struck again by the absurdity of imagining that comparisons with foreign countries, can alter the actual state of affairs in Ireland, or make its soil or climate different to what it is. What is there in common between the soil and climate of France and Ireland, between the ideas, habits, customs, and agriculture of the two peoples? Men cannot gather grapes in bogs, or figs in moors. The idea is preposterous. Will Irishmen and women cease to increase, and multiply, and replenish the earth as has been their wont for centuries, directly they become peasant proprietors? There is probably no race in the world so expansive as the Irish. She has ever been a teeming nursery of men.

Again, England and Ireland resemble each

other nearly in climate and soil, but the only peasant proprietors known in England—the Westmoreland Statesmen—have almost entirely disappeared. The argument of *post hoe propter hoe* is the fallacy upon which the Radical Land reformers build their conclusions. Because small farming succeeds in France and Belgium and the Channel Islands, where the surplus population is absorbed in the various manufacturing industries, that can surely be no reason that such a system, artificially introduced, would succeed in Ireland. The climate favours large holdings, and considerable portion of the land is unsuitable for tillage of any kind. Again the tendency of agriculture in Belgium and elsewhere has been to increase competition and raise rents, and the system has certainly been found advantageous to the landlords in foreign countries. One of the leading members of the Land League, Mr. Kettle, in a letter to the *Freeman*, May 5th, 1880, said :— "The head of landlordism is its power of eviction, but its stomach, sting, and life, is rent." The result of peasant proprietorship in Belgium and France has most undoubtedly been to raise the price of land, and increase the stomach, sting, and life of foreign landlordism. In Ireland before the potato failure the large farmers, who, in virtue of their long leases, controlled the agricultural market, were so fully alive to *la petite culture*, as applied to the potato, that they cut up their holdings into sections and sub-sections with the patriotic desire of increasing their own rentals. The present race of landlords, except the small land-jobbers, discountenance sub-

division, because they conscientiously believe it is a bad system.

There is yet another consideration, and that is how far the present agricultural habits of the Irish tenants are calculated to improve or deteriorate the land they might hereafter own. Dr. Elrington, Q.C., County Court Judge, remarked at Clonmel Quarter Sessions in 1879, on the agricultural practices of the Irish farmers :—"In former times," he said, "the farming classes were largely employed in collecting manure, generally of a very good quality, and of which there used to be abundance. Now-a-days it appears that industry is almost entirely given up, and enormous sums are incurred for artificial manures, because it is easier to obtain them, and run in debt, and live in idleness, than for the parties to gather the natural manure by the sweat of their brow." This statement of Dr. Elrington has been echoed throughout Ireland, and we find yet another obstacle to the realization in practice of the utopian dreams of the land-system reformer. The study of agriculture as an art, has much to say to the prosperity of a country, and agriculture lies at the root of the Irish Land Question. Flanders has reached her present position in the agricultural world after centuries of striving after perfection. When Ireland was fighting her various invaders, Flanders was studying the rotation of crops and the whole of the intricate art of husbandry. What could be more absurd than the crude idea of a small group of agitators, who maintain that it is possible by an Act of Parliament to diffuse throughout a country by one stroke of the legislature,

those results of peace and advancement which can only be the result of customs, industry, and early training. The want of capital is created by want of industry, a prime qualification for the promotion of a successful and prosperous peasant proprietary. To study the arts of modifying the processes of agriculture to suit the nature of soil and climate in Ireland, and to improve the present condition of the farmers, is an object far more likely to benefit the future of Ireland than an attempt to overthrow, by revolution, a system which is engrained in the habits and feelings of the people.

What makes Mr. Parnell's own particular scheme for establishing peasant proprietors so suspicious, is the contradictory nature of his assertions. He says that farmers cannot pay rent in bad times, and can only pay Griffith's valuation at any time. As a remedy he proposes that they should pay rent and a large sum in addition, to Government for a term of thirty-five years. He asserts that no landlord has an absolute title in land, and he agitates for the object of creating a number of landlords who are to have an absolute title in the land. Landlords they would certainly be ; for it would be quite impossible to administer an artificial system of checks against rack-rents, sub-letting, and subdivision ; and one of the remarkable characteristics of the Celtic race is the extraordinary celerity with which they turn themselves into landlords and their fellow-countrymen into tenants at the earliest possible opportunity.

For a healthy, natural, and spontaneous growth of peasant proprietors in Ireland we are as anxious

as any land reformer in the United Kingdom, and any statesmanlike proposition to further this end must command support. But we deprecate most seriously any wholesale appropriation of property from one class to another. We have shown that there is no precedent for such a course unaccompanied by revolution.

CONCLUDING OBSERVATIONS.

FROM what has been already written, the following may be said to be established :—

1. That the charge of "feudalism" brought against the laws of landlord and tenant in Ireland is false and absurd ; and that those laws are the reflex of the Roman and French civil codes, in so far as they base the purchase and transfer of land upon contract.
2. That the system of landlord and tenant exists side by side with peasant proprietorship in France, Belgium, the Netherlands, Prussia, and North Germany generally, Denmark, Portugal, Greece, and Italy, and is no obstacle to thrift, hard-work, and the creation of capital and ownership in land.
3. That there is no such thing on the continent as a law of compensation for "disturbance," such as exists in Ireland.
4. That in the few countries where tenant right exists, the principle of indivisibility of the holding is strictly maintained.

5. That generally the circumstances and condition of the continental peasant are inferior to those of the Irish tenant.

We offer, moreover, the following considerations for those who are engaged in the study of the question of peasant proprietorship as applicable to Ireland.

1. Whether, if a portion of what was originally the dormant fertility of the earth be adjudged to be the property of 423,829 tenant farmers, a far larger share must not be forthwith allotted to the 444,729 labourers who help to evoke it.
2. Whether perpetuity of possession is to be extended to the conacre cultivator, and cottier sub-tenants of the Irish peasantry, and if not, why not?
3. Whether it is possible to administer an artifical system of checks against rack-rents, sub-letting, and sub-division.
4. Whether the present agitation does not seek, not so much the alteration of tenures or laws as the relative situation of the parties affected by them.
5. Whether any attempt at keeping down rent by artificial means would not be abortive.

It would be well for statesmen who are engaged upon the difficult task of legislating upon the Irish Land Question to weigh well the above conclusions and considerations. The future welfare of Ireland is so inextricably bound up in the solution of the land problem, that it is an absolute necessity that no further false steps should be taken in a matter of national importance.

THE

LAND QUESTION, IRELAND.

"RIGHT ABOUT FACE."

1870 AND 1881.

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"RIGHT ABOUT FACE."

1870 AND 1881.

When the Irish Land Bill of the Government was as yet a matter of speculation and conjecture, it was currently reported that Mr. Gladstone had conclusively convinced himself of the injustice and inexpediency of introducing an extreme measure by the perusal of the speeches which he had delivered on the subject of Irish agrarian legislation eleven years ago. Whatever might be the wishes of the more advanced members of the Government, and however thoroughgoing the scheme of land reform which the Prime Minister personally had, in the first instance, been prepared to advocate, the careful consideration of the words uttered by him in 1870, and of the arguments by which those words were supported, rendered it impossible for him, it was said, to sanction anything like a revolutionary measure in 1881. Undoubtedly, if Mr. Gladstone was as firmly persuaded as he was reported to have been, that the general principles on which he based his legislation in the former of these years was sound, and that beyond these principles it was not safe to advance now, a real guarantee was forthcoming that the new Land Bill would be a moderate measure of amendment, and would not involve the subversion of a whole social system. The result has proved that all these anticipations were delusive. An examination of the speeches delivered by the Prime Minister in 1870, and of the fundamental propositions on which the Irish Land Act of that year was based, shows plainly enough that Mr. Gladstone has abandoned the cardinal points on which he then insisted, and furnishes the most unanswerable condemnation

of some of the chief provisions embodied in the measure now before the House of Commons.

In 1870 Mr. Gladstone held strongly the belief that the maintenance of the old gradations of rank in Ireland was essential to the welfare of the country, and that without landlords tenants would find themselves in an evil plight. In 1881 his ideal is entirely different. The tenant's interest is his paramount consideration; the landlord, however just and even generous he may be, is the representative of an institution which it is to be hoped may eventually be dispensed with altogether. Mr. Gladstone, it is true, does not now propose the compulsory expropriation of landlords; he would do no more than facilitate their disappearance. In other words, the temper in which he approaches the subject of Irish land legislation was as friendly and favourable to the landlord in 1870 as it is the reverse in 1881. This will readily be apparent from what the Prime Minister said when he introduced the Irish Land Act eleven years ago. Mr. Gladstone then would not only not hear of "fixity of tenure," he objected to the words "perpetuity of tenure." The extreme length to which he was willing to go was that of "security of tenure." "The law," he said, "now is that where there is no special contract tenure shall be understood to be from year to year. We do not propose to reverse this assumption; but we propose, looking at the condition of Ireland, not to leave it to parties without the interposition of the law to make contracts which they may be unwilling to make. . . . No persons value more highly than we do the freedom of contract; it lies at the root of every healthy condition of society." This freedom, Mr. Gladstone pronounced, it was only necessary to curtail so far as it would obviate an "insecurity of tenure, which not only abridges the comforts of the cultivator of the soil, but which vitiates the relations in a vast number of cases with the landlord." As for "per-

petuity of tenure," Mr. Gladstone declined to entertain the idea: —

"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."

After arguing that this compensation could not take the form of a grant from the Consolidated Fund, and must therefore involve an increase of rent, Mr. Gladstone denied that, even if this latter alternative were practicable, the results which it would accomplish would conduce to the general good of Ireland. He then contended for the preservation to the landlord of his existing place in the social scale in Ireland in these words:—

"The Legislature has no doubt the perfect right to reduce the landlord to the condition of a pensioner or rent-charger, giving him proper compensation for any loss which he may sustain in money. But then it is bound not so to think fit unless it is shown that this is for the public good. . . . Now, are you prepared to denude the landlords of their interest in the land; and what is more, are you prepared to absolve them from their duties in regard to 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 to bringing about a state of things in which the landlords of Ireland may 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."

A little later in his speech, Mr. Gladstone declared that to sanction perpetuity of tenure in Ireland would be "to undertake a social revolution in the main characteristics, would be the absolution of wealth and property from the performance of duty." After this the Prime Minister at great length, and with much fertility of illustration, demon-

strated that "perpetuity of tenure" would disturb every department of the social system in Ireland, adding, "If perpetuity of right is to be transferred from one class to another, that would not be a bit more expedient on this side of the water than on the other;" and, accordingly, in this view of the matter, that with which we have now to deal is not an Irish Land Question, but an United Kingdom Land Question. Lastly, he continued:—

"I must say, having endeavoured to examine as well as we can the evidence in regard to the agricultural condition of those portions of Ireland which are at present held upon tenure of perpetuity without proprietorship, or which approximate to those tenures, that we do not feel the result to be such as to assure us that this class of tenure would in Ireland attain the object which we greatly prize—namely, the object of enlarging the wealth of the soil, and of developing a powerful and flourishing agriculture."

To these arguments, Mr. Gladstone said, in 1870, he was "aware of no reply." How, then, would he provide an answer to them in 1881, or why, if he has the power of providing it, was not that answer contained in the speech which he delivered in the House of Commons on the 7th of this month?

On the 10th March, 1870, the debate on the second reading of the Bill began, and the present Lord Selborne, then Sir Roundell Palmer, made a memorable speech, on much the same lines as those of the Prime Minister, but giving fresh emphasis and prominence to all his chief points. "The only questions," he said, "I am disposed to ask myself on the second reading are—

"First, whether the 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 the

rights of property rest. Some of the schemes which have been proposed to Ireland do seem to me, I confess, entirely to ignore these principles. I shall not go into the argument 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 hon. friend said that, according to the principles of 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."

Again, in the criticisms which have already been made on the Irish Land Bill of 1881, it has been repeatedly pointed out that no regard whatever is paid to the Parliamentary titles granted to purchasers in the Encumbered Estates Court. This was one of the objections which Sir Roundell Palmer foresaw in 1870 to any scheme proposing fixity of tenure. "Not only," he said, "would an Act of general confiscation violate fundamental principles, it would violate also

"The special guarantee on the faith of which you had induced purchasers to invest their money. There is no doubt this would be a kind of legislation which would be the gravest possible breach of faith."

The present scheme of the Government may be correctly described as one of fixity of tenure with periodical valuation. What had the present Lord Chancellor to say to that proposal eleven years ago? Here are his words :—

"Another matter mentioned either by the mover or the seconder of the Amendment was the scheme of giving what, in substance, would be fixity of 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."

Incidentally Sir Roundell Palmer dwelt upon another topic in language so suggestive and so seasonable that it may well be reproduced here. He was combating the notion that agrarian outrages were exclusively caused by eviction for non-payment of rent, and he declared that he had evidence which entirely proved 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 causes, as where it has been for the most arbitrary cause. . . No wise man, therefore, will expect that this measure, standing alone and recognizing, 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." Mr. Bright was absent in consequence of illness from the House of Commons during this debate, but on the final night Mr. Gladstone protested that he (Mr. Bright) had always declared "that any measure he would propose in reference to the land in Ireland would be based on the principle of the most sacred respect for the rights of property." Mr. Gladstone proceeded:—

"Our main contention is this—that the great remedy which, apart from custom, should be provided for the Irish occupiers ought to be in the shape of a shelter against eviction; of a penalty, if I may so call it, upon eviction; but not upon a 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 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."

Or let us hear Mr. Gladstone prospectively criticising such an institution as the Land Court which he

now proposes, with its power to give a "judicial rent":—

"But it is suggested 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. . . . 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; thirdly, for carrying widespread demoralization throughout the whole mass of the Irish people, I must say it is this plan."

And again:—

"We are not ready to accede to a principle of legislation by which the State shall take into its own hands the valuation of rent 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 power to determine on what terms as to rent every holding in Ireland shall be held."

This categorical denunciation of the principle which he was asked, and which he peremptorily refused to sanction, was not enough for Mr. Gladstone. If the State undertake to fix—as the State does, according to the Irish Land Bill of 1881—the valuation of rents, it must, he argued, also be prepared to 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 also the last."

Mr. Gladstone then indicated some of the practical difficulties in the discharge of such functions, as it was then suggested and as now he himself suggests, that the State shall undertake. He estimated the number of holdings in Ireland at six hundred thousand; what an army of agents, he said, would be required. Moreover, he demonstrated at great length that it would be difficult, if not impossible, to agree upon any standard by which rents were to be fixed. What is the test, he asked? The prices of produce? Of what kind of produce? Of one kind 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 agricultural produce of all kinds?" Yet how else is the amount of the "fair rents" to be secured by the Government Bill of 1881 to be settled? There are some other words of Mr. Gladstone uttered in this Debate eleven years ago well worthy of quotation now:—

"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 or its capacity to produce this kind or that kind 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, where is the tenant's inducement to increase the quantity? If he is not, by what right do you cut off the whole of the landlord's interest in the prospective increase in the quantity of the produce?"

In all Mr. Gladstone's utterances on the subject during the passing of the Land Act there occurs, perhaps, no more memorable passage than the following:—

"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 on 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 may have, but the other cannot. We are called upon, therefore, to begin this rectification of land tenures in Ireland with a plan which, if it be good at all, is good not for Ireland only, but for the whole of the three kingdoms, and which certainly amounts to, perhaps, a peaceful, but yet a very searching and complete social revolution."

Mr. Gladstone expressly declared that he saw no difference between this proposal and the plan of Mr. J. S. Mill, "which told out plainly and distinctly, and at once, the whole of its purposes and its results, and amounted in so many words to an expropriation of the proprietors with full compensation." It may be said that the Prime Minister has adopted Mr. Mill's programme now with the single important difference that he does not include compensation to landlords in its provisions. Not once, nor twice, but repeatedly, when the Bill of 1870 was passing through Committee, did Mr. Gladstone say, "I am irreconcileably opposed to granting fixity of tenure." It was on the 19th of May, 1870, that he delivered himself as follows :—

"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. . . . 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 the valuation of rents."

There was nothing on which Mr. Gladstone expended more words and greater ingenuity of argument than in the attempt to show that the Bill then under discussion did not contain the germ of either of these principles. The objections he then pressed against both are so serious as to be conclusive, and the chief difficulty the Prime Minister will have in the debate now in progress will be to refute the arguments which can be easily produced from the dialectical armoury he furnished so richly in 1870.

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SPEECH

OF THE

RIGHT HON. E. GIBSON, M.P.,

ON THE SECOND READING OF

THE LAND LAW (IRELAND) BILL.

DELIVERED APRIL 25th, 1881.

LORD R. GROSVENOR moved the second reading of this Bill.

Mr. GIBSON: The Prime Minister, in introducing this Bill, said it was the most difficult and complex he had ever submitted to Parliament. I can well understand why he used those terms. The task of the Government was indeed one of vast gravity and extreme responsibility. It was impossible to overrate or overstate the importance of a measure which proposed to deal with 600,000 holdings, and to do that at a time not particularly happy in its circumstances, and when the country had not recovered from the disturbance of last year and the distress of previous years. The question is one which must have taxed the ability of the ablest draughtsman that ever sat down to draw a Bill, and the ability of the most accomplished Minister that ever unfolded a statement to the House. We were prepared from the statement of the Prime Minister to read the Bill with attention, with earnestness, and with a certain amount of curiosity, for we were told that the Bill had been reprinted and re-edited twenty-two times, and that it had led the colleagues of the Prime Minister to such an

honest difference of opinion that the Duke of Argyll,* who was an old friend and colleague of the right hon. gentleman, was unable to remain longer responsible for the measure. (Hear, hear.) Independently of what might be the merits of the Bill, and what might be the judgment passed upon its important legislative proposals, I must say at the outset, that a more confusing and confused Bill never was presented to the British Parliament. (Opposition cheers). It was obscure, involved, vague, uncertain, and often unintelligible. Read for the first time, even by the light of the speech which illuminated its introduction, it was very hard to realize its meaning, but on more frequent perusal, some kind of a glimmer of meaning commenced to dawn upon the earnest student,—(Ministerial laughter)—and he became aware that there were numerous and important rights clearly conferred upon the tenant, and that conclusion deepened by further perusals, and he found that those rights were more numerous and more clear. But on the other side, at the outset, one saw that the landlords' rights left—there were none conferred—were few and obscure, and a closer and deeper study showed that they were fewer and more obscure still. Part V. stood out in comparative relief, for it was at all events comparatively simple and intelligible. It proposed to encourage the growth of a peasant proprietary, and I venture to think that in this House, as in Ireland, there will be little difference of opinion as to the desirability of giving every fair, reasonable, and legitimate encouragement to the growth of a peasant proprietary, always bearing in mind that they only stimulated and did not force the growth. (Hear, hear.) The subject of the reclamation of waste lands deserved, and would, I am sure, receive favourable consideration, provided that the Legislature was satisfied not only that there were numerous

* See Appendix II. for extracts from Article by Duke of Argyll, in *Nineteenth Century Review* for May, 1881.

waste lands which might be reclaimed, but that the process would be attended with utility, and not entirely divested of profit. There was a difference of opinion expressed on the great question of emigration, but I believe that in the hearts of men there was unanimity upon it. I believe that emigration, applied with proper safeguards, not only for the physical but for the moral and religious well-being of those who voluntarily offered to leave Ireland, might be a process accompanied with great advantage as well to themselves as to their country. I would leave the financial proposals of the Bill to those whose abilities and habits of mind qualified them to deal with such subjects, and would discuss and invite the earliest possible explanation upon the parts which dealt with the occupation and tenure of land in Ireland. Those were the parts of the Bill as to which the confusion became appalling. This was a strong and drastic measure. It was the strongest ever submitted to Parliament on this subject. (Ironical cheers from the Liberal benches.) It was far stronger than the Land Act of 1870, and in some of its proposals it went beyond those made by the late Mr. Butt. The Prime Minister proclaimed and disclaimed certain reasons for bringing forward this measure These reasons when arranged in proper order are worthy of the closest attention. It is conceded that the Irish land laws are more favourable to the tenants than are the land laws of the United Kingdom. But this avails not, for some defects have been noted in the Irish Land Act, 1870, which, I may say in passing, did not, and was not intended to confer, any proprietary right, joint or otherwise on the tenant. What is the second class of reasons with which we have to deal in reference to this Bill? There are schemes of public plunder afloat in Ireland which, it is said, are so gross that no responsible Minister will have any act or part in them; but it is urged that the land hunger must be satisfied and that, therefore, we must pass this Bill. And what is the

third class of reasons we are asked to consider? It is not contended that there is general misconduct on the part of the constantly maligned Irish landlords, or that it is their habit as a class to exact unfair and exorbitant rents. It is admitted that it is unusual to exact the fair commercial rents, and that evictions are not increasing. Indeed, it has been shown with pride by the Prime Minister, that the average annual number of evictions has diminished by one-half since 1870, and the number of evictions as compared with the number of holdings during the last ten years, other than for non-payment of rent, was only one in 5,000. (Hear, hear.) But, notwithstanding the limited number of Irish landlords who have acted differently from the predominating number of their great class, it is contended that the whole body of them must, to use the words of the Prime Minister himself, be subjected to searching and comprehensive legislation — in other words, that the Irish landlords must go through the furnace of legislation and litigation. (Cheers.) It might have been thought from the speech of the Prime Minister in introducing this Bill, that his observations were the prelude to the introduction of a limited and moderate land Bill. I thought, however, at the time that the illustrations used by the Prime Minister, who, nevertheless, innocently protested all the time that he did not mean that any undue inference should be drawn from them—were very ominous. It was certainly strange that the only illustrations which occurred to a man so rich, so affluent in the power of illustration as the Prime Minister, of the position of the Irish landlord were those of the Jamaica slaveholder, who required to be restrained from a return to vicious habits, and of the stalwart ruffian who would as a rule commit an outrage upon an infirm man if the latter were not protected by the police. (Cheers.) I think that those illustrations were very unfortunate and

very unhappy, and that they were illustrations which should not have been used in reference to this question, seeing how difficult it is at the present time for Irish landlords, not only to get any kind of rent, but to save themselves from outrage. (Cheers.) But the arguments of the Prime Minister in favour of this Bill did not stop there. He in substance contended that this measure must not be read by the ordinary light of political economy, or the science of observation and experience. Poor Mr. Bonamy Price and almost all the able writers of the Cobden Club series, must wander off if they know the way to those interesting places, Jupiter and Saturn, which have been referred to by the Prime Minister. (Hear, hear, and laughter.) But not only is political economy put aside, but also the whole tendency, spirit, and progress of English law. English law was ever striving towards freedom. (Hear, hear.) English law, even this Session, has proclaimed, with the consent of the Crown, that it desired to free itself from the shackles of copyhold; but these were to be no guides, but beacons to be avoided, in the retrograde course of Irish legislation. (Hear, hear.) Neither were the rules of logic to be relied upon in a criticism of the Bill, because when a man suggested any well-worn theories about logic and reason, he was told that he was discussing a grave political problem on entirely abstract grounds. (Laughter.) The Bill was opposed, also, to some of the most deliberate Government proposals of 1870; and it was further opposed to some of the most persuasive and conclusive reasonings ever addressed to Parliament by the present Prime Minister. (Opposition cheers.) The Bill, therefore, comes before us unsupported by principle, unaccredited by any known system of political economy and law, and directly opposed to the last legislative proposals on the subject, and to the former reasoning of the Government. (Hear, hear.) But let us look at this strange and peculiar piece of proposed legislation

from the standpoint of the Government themselves. I have ever striven in public life not to be unfair or unreasonable in criticizing the proposals of my political opponents, and I have no desire to misrepresent them on the present occasion. I understand that the way in which the Government ask us to look at this measure is this—that we are to regard it as a great practical proposal, consistent with expediency, and not inconsistent with justice. (Ministerial cheers.) I will, therefore, endeavour to look at the Bill from the standpoint of the Government, and having regard for common sense, I shall look upon this measure as a practical endeavour to deal with what I admit is a most grave, difficult, and important social and political problem. I will endeavour, therefore, to see whether this Bill is consistent with the dictates of common sense and ordinary prudence, and whether it is consistent with justice. As the Bill at present stands it concedes to the tenant what are called fair or valued rents, free sale, and fixity of tenure, while it gives no compensation to the landlords for what has been taken from them, and no security for what is left, though it does offer them a guarantee for universal litigation renewable for ever. (Hear, hear, and laughter.) I venture to think that, notwithstanding the remarkable and powerful statement of the Prime Minister in introducing this Bill, the measure is at present understood by very few indeed. Having the respect I have for the members of the present Cabinet, I hardly like to say what is passing in my mind, but I do venture to say, with hesitation, that I have a suspicion that some right hon. gentlemen in the Cabinet have a very hazy idea indeed of what is the real meaning and effect of this Bill. (Hear, hear, and laughter.) And I may at once frankly admit that, notwithstanding the closest study of this measure on my own part with the most earnest desire to ascertain the effect of this proposal, my mind still fluctuates as

to what the meaning of some parts of the Bill may be. (Hear, hear, and laughter.) I need scarcely say that I have always the most profound sympathy with the law officers of the Crown, and I am bound to say that when the Prime Minister, coming in the course of his statements to the thin ice of his Bill, turned round blandly to my two hon. and learned friends opposite and undertook on their behalf that they would explain the legal bearing of the measure, I felt for them the most acute sympathy. (Hear, hear, and laughter.) I never saw in my life two men looking more intensely wretched than did the hon. and learned gentlemen opposite on that occasion. (Hear, hear, and laughter.) I could only compare their expression to that of the two melancholy individuals who used to appear in Mr. Holloway's advertisements as wretched examples of the result of not taking his pills. (Hear, hear, and laughter.) It is not my intention at this stage of the Bill to criticise its details. With the indulgence of the House, however, I propose to draw attention to a few of its more important principles, and to ask Her Majesty's Government to give us some explanation with regard to them. I trust that the Government may find it consistent with their duty to give, as early as possible, clear and definite answers to the questions I shall venture to submit to them. (Hear, hear.) The first topic I shall touch upon—I don't say that it is the most important topic in the Bill, although it is certainly one of vast importance—is that which relates to the question of fair rent.* (Hear, hear.) The rent is the most serious impost upon the tenant, and it frequently constitutes the greater portion of the income of the landlord. Every reasonable and proper man is in favour of fair rents, and every reasonable and proper man is strongly opposed to extreme or rack rents. (Hear, hear.) How, then, does the Government propose to deal with the question of fair

* See Section 7, in Appendix I. p. 27.

rents? They propose to apply to rents a standard from which is removed permanently the application of the test of the ordinary commercial law of demand and supply. The Court in fixing what is to be the fair rent is not bound to confer upon the landlord what he could get in the open market by legitimate competition of the most moderate character. On this point Judge Longfield,* whose authority on the subject is fully recognized by the Cobden Club, has stated his opinion that any tenant-right measure dealing with rents must have the effect of reducing the rents one-half. But, if it is not the intention of the Government that rent should be reduced in Ireland to such an extent, what rules have the Government laid down in this measure for the guidance of the Court in fixing the amount of the fair rent? A fair rent is defined by the Bill to be such a rent as a solvent tenant would be willing to pay. I do not criticize that definition, and up to the present it has not been criticized adversely as far as I know. But the difficulty that strikes my mind, as it has obviously struck public opinion,† is to be found in the remarkable proviso

* The settlement of rent by valuation appears just only to persons who do not know what a valuation of land is, and always must be. . . . . The injustice of setting aside a voluntary contract and substituting a valuation is not manifest at first sight; for the words appear fair. . . . . But every one who has any experience knows that nothing can be more uncertain and undetermined than the valuation of land. It is not uncommon to see two valuators differing enormously in their estimates, and yet neither suffering in reputation as if he had made a discreditable mistake. It is probable the value, as fixed by any tenant-right measure, would be *less than half the rent which a solvent tenant would be willing to pay.*" Nay, more: "It is highly probable that, in the excited state of feeling that would be raised by an alteration of the law, no valuator would venture to express an opinion of the value of the land that was not in accordance with the tenant's wishes." —*Judge Longfield, Cobden Club "Land Tenures."*

† Then comes a proviso of great obscurity, and of inestimable importance: "Provided that the court in fixing such rent shall have regard to the tenant's interest in the holding: and the tenant's interest shall

which follows. Before I read that proviso I have to ask the House to bear in mind the difference that exists in the customs relating to the land which prevail in Ulster, as compared with the other three provinces of the Island. (Hear, hear.) Now, the position of Ulster in reference to this question is clear, and I think it is logical. Ulster is proud of its tenant-right; it is jealous of its tenant-right. The tenants of Ulster desire that their right, which they have purchased, and often dearly, should not be partially destroyed by frequent and unjust raisings of the rent, and that their right of sale should not be hampered by office rules, no matter how worthy the motives of the authors. They do not demand, they repudiate the assertion that they desire that landlords should be deprived of legitimate rents. Well, that being the position of Ulster, what is meant in reference to the proviso which is put down for the guidance of the Court in reference to Ulster? That Court has to consider first what a solvent tenant could pay. It has then to consider it in reference to his Ulster tenant-right. Now,

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be estimated with reference to the scale of compensation for disturbance by this Act provided (except so far as any circumstances of the case shown in evidence may justify a variation therefrom), and to the right, if any, to compensation for improvements effected by the tenant." The latter part of this clause may be put aside. . . . . But what is the meaning of the reference "to the scale of compensation for disturbance provided by this Act?" . . . . In the first place that compensation was granted avowedly as a penalty to discourage landlords from unnecessary eviction—not in any sense as a recognition of any pecuniary right in the tenant which obviously did not exist. . . . . In the second place, whatever the motive with which the concession was made, it clearly had no connection with the amount of the rent; for by the clause which was added to the Bill (of 1870) at the instance of Sir Roundell Palmer it is expressly provided that the imposition of a just and reasonable rent shall not be treated as disturbance. Under the Act of 1870 the tenant cannot obtain compensation for disturbance if his rent is raised to a reasonable point. Under the Bill of 1881, if his rent is raised, reasonably or not, he may call on the Court to reduce it on the ground that he is entitled to compensation for disturbance.—*Quarterly Review*, April, 1881.

the tenant-right of Ulster often sells for twenty years, for thirty years, it has been known to be sold for as high as forty years' purchase, whilst the actual fee simple was worth considerably less. I will take a moderate case. Take a twenty-acre farm at £1 per acre; £20 would be a year's rent. Now, the County Court Judge, after consideration, arrives at the conclusion that £24 is a fair rent on the whole, and the first element to be considered in his judgment would be that £24 would be a fair rent that under ordinary circumstances, without considering anything else in the Bill, would be paid. Then comes in the second element, that he is to have regard to the tenant-right. Now, the tenant-right I put at a moderate figure—at twenty times the rent. That would bring £400. Allowing moderate interest on that, and less than £18 could not, I think, be paid, and then having regard to the rent which a solvent tenant would pay, he deducts the interest from the fair rent—that is to say, £18 from £24—which would leave to the landlord £6 rent. (Cheers.) That is, two-thirds might, under this clause, in Ulster, be taken off an old rent which had been paid without question for years—and, in some cases, the rent might be reduced to nothing. (Hear, hear.) Now, whatever may be the intention of the Government, I assert, as a matter of construction, and I do not think it will be questioned, that it would be competent for the tribunal to which is to be handed over the working of this Bill to give a decision exactly as I have stated. (Hear.) But, again, what is the guidance of this section with regard to the rest of Ireland? In the rest of Ireland there is, speaking broadly, really no tenant-right. There the Court is to have regard to the scale for disturbance in fixing a fair rent. In respect of the tenant's claim for disturbance, with a similar rent of £20, the tenant would be at once credited as if he had paid a fine to the landlord for a diminution of the fair rent to the extent of one-third. (Cheers.) Mr.

Butt,* in his numerous Bills, which were always opposed by the present Government—(cheers)—never submitted to the House, speaking with all the weight of the Home Rule party, a proposal so unarguable as that. (Cheers.) I, like other persons, have read a good deal of correspondence upon this question, and in that correspondence, and also in conversation, I have learnt that another construction is suggested—that the section is an intimation to the Court, not that it is at once to substract the *maximum* for disturbance, but that it is to fix the rent so as to leave to the tenant the interest, which he could sell in the market at a rate equal to the scale for disturbance. I do not know anything about the intention of the Government, but assuming that that is the argument for the Bill, I at once test it. What is the difference between deducting from the fair rent the value of the disturbance scale, and fixing the rent so much below the fair rent as to enable the tenant at once to go into the market and sell the farm at the rate of the scale? Is not that exactly the same thing? (Hear, hear.) In either case you carve out of the landlord's property, and millions are taken from the landlords without any compensation. (Cheers.) Where does the property come from? It does not come from the tenant, because the presumption is that there is no tenant-right or the similarity of tenant right. Nothing comes from nothing. Where are the millions to come from? Like manna, from heaven? But that was not all; for if, even at his own invitation, the tenant was, after a couple or three years, evicted, the landlord would still have to pay him the scale

* Mr. Butt's definition was as follows: "The rent which a solvent and responsible tenant could afford to pay fairly, and without collusion for the premises after deducting from the rent the addition to the letting value of the premises, by any improvements made by the tenant or his predecessors in respect of which the tenant quitting his farm, would be entitled to compensation under the provisions of the Lands' Act."

for disturbance all over again, as if it had never been taken into account. In other words, the candle of the unfortunate landlord was to be burned at both ends. (Hear, hear.) What is your construction of this clause? Government intentions won't avail. We call to mind that the Prime Minister now relies upon a state of facts alleged to exist, but the intention to create which was disclaimed in 1870. (Cheers.) The Prime Minister took great credit to himself for excluding from this Bill what he called English tenancies—tenancies where the improvements had been made by the landlord. I do not criticize that now. I am glad to hear of the intention to remove from litigation a very substantial number of tenancies. But why should landlords, who for twenty years have not raised the rent, be left to be worried by most litigious tenants for the purpose of fixing the rent? (Cheers.) I do not think that is wise on the part of the framers of this Bill, but certainly it is not just. If what I say now were done, they would exclude from litigation 4,700,000 acres, because upon that amount of acreage in Ireland the rent has not been raised during the last twenty years. (Hear, hear.) How would all this fixing of a fair rent work? Fair rents are all very well to talk about and as a phrase; but under the very same Bill as it stands you provide machinery to kill fair rents under free sale. Rent is not all composed of the rent that is payable to the landlords. Rent is to be measured by what the tenant has to pay for possession of the holding, whether in rent to the landlord or in interest on the money paid to the outgoing tenant. You provide that the landlord, the owner, shall have no power to raise the rent, but you absolutely leave free the other item of the account; so that you may have the tenant who comes in under a fair rent absolutely swamped by his obligation, not to the landlord, but for interest on the purchase-money, either to the outgoing tenant or to the usurer who lends the money. (Cheers.)

The Prime Minister saw the force of this, and in his statement he said :—

"In vain do you cut down the judicial rent if you still leave it open to any one to pay an extravagant sum for the tenant-right. We have framed the Bill on the principle that to recognize the power of the landlord or of the Court to raise the rent is the due and just means of preventing the tenant-right, which we think to be the just right of the tenant, from passing into extravagance and from trespassing upon what is the just right of others."

No one could have presented the case with greater clearness than the right hon. gentleman ; but when I turn from his statement to the Bill which he was supposed to be expounding I find nothing whatever to carry out that object. (Hear, hear.) The words "raising the rent" are used again and again ;* but if you read the clauses you will find that the position of the landlord is penalized, that he cannot appear in the Court which is to be created in this Bill, except when he is brought in by the tenant with a rope round his neck in the invidious position of a defendant. I have a right to demand a reply to this question : Why if your Court is to be a Court of Justice, is its portal to be shut to the landlord ? The Prime Minister said he did not mean one-sided justice to be administered in this Court ; but he took care, in the drafting of his Bill, that the door was only open to one willing litigant. I ask, not only in the name of British law, but in the name of impartial justice, how can you defend the shutting of the door of your Court, which is to be a Court of justice, to an Irish landlord who desires to enter ? (Loud cheers.) What is the machinery for raising rents left to the landlord in this Bill ? I take one or two of the clauses which refer to permitting the landlord to raise the rent, and you will see how he is handicapped and made to walk in irons every step that he takes. He may not have raised his rent for years. He may on consideration arrive at the conclusion that the time has come when, having

* See Clause 3 in Appendix I. p. 25.

regard to the interest of the tenant and to every ground of justice, he may make a moderate rise. He cannot appeal to the Court to help him, he must sit down to consider the question as best he can; and when he has come to his conclusion, suppose he fixed on a rise so moderate and so fair that if he were permitted by the Bill to enter the portals of what you call a Court of justice any man who was ever called a Judge would say it was fair, the tenant is not, by your Bill, compelled to pay that fair rent. If he disputes it he is not compelled to bring the landlord into Court, but he can entirely refuse to pay that fair and reasonable rise, and then he can compel his landlord to serve a notice to quit, which service of a notice to quit exposes the landlord to payment of the increased scale for disturbance; and all this although the rise is fair and the conduct of the landlord is throughout absolutely moderate and reasonable. (Hear, hear.) And yet we are told by the Prime Minister that this is a due recognition of the just right of the landlord to raise the rent. (Cheers.) What is another clause in which this right of the landlord is recognized? The landlord considers with himself what would be a fair rise to put on a farm which is let too low. He makes a mistake in his calculation. He is not allowed by this tribunal to correct the mistake. He has demanded the rent a few pounds above what is decided by the Court to be a fair rent. What is the position of the tenant in that case? The tenant can compel the landlord to pay at once a penalty of ten times the amount of his mistake; he can sell at the full rate in the open market; and I ask what is then the position of the purchaser in the open market? The landlord, under this Bill, has not advanced an inch towards a rise of rent, the greater part of which was fair, and for which, to the extent to which it was a mistake, he has already paid a penalty ten times the amount. The purchaser is not bound by the

demand to raise the rent, as a demand cannot change the conditions of the tenancy; he is as free as air; he can proceed exactly as the original tenant can proceed. The landlord must again make the demand, and under the Bill there is no machinery by which he may effect the rise of rent. He may demand; it will be like "summoning spirits from the vasty deep," but with this difference, that by the act of making summons the unfortunate landlord is treated as if he were a criminal to be punished by fine. (Hear, hear.) Again, as to the question of free sale, without going into it I ask the House to remember the great difference between Ulster and the rest of Ireland, and I ask the House to confine its attention here to the case where there is no tenant-right. There is no restriction on the price; every tenant may if he likes give the *pretium affectionis*, and there is nothing to prevent him, if he has a good landlord, from putting up the amenity of a good landlord to auction at the village fair. (A laugh.) He may put up to auction the easiness of the landlord under non-payment of rent, the fact that he pays the taxes regularly, or any other circumstance which is likely to enhance the value of the tenant's interest. (Hear, hear.) There is, again, no distinction made in the Bill between the worst tenant and the best.* Every tenant in Ireland the morning after the Bill passes, whether he be good, bad, or indifferent, whether he be improving or the reverse, whether he bought the tenant-right or not, can put up his tenancy to auction and can get the best price which the market will yield. What, I ask, is the effect of a sale pending a notice to quit ?† That is a plain question, about which there ought not to be left the shadow of a doubt. Now, either the sale is absolutely illusory to the purchaser, or else the notice to quit is a farce to the landlord. What do you sell when you allow a sale to take place pending an eviction ? Is the purchaser only to hold until the eviction? Or does the sale create a new tenancy ? The Bill says that

* See Duke of Argyll in *Nineteenth Century Review*, in Appendix II. p. 31.

† See Clause 13, in Appendix I. p. 28.

the tenant, at any time before he is evicted for non-payment of rent or on service of notice to quit, may sell his tenancy. If these words stand alone without qualification or expansion, all he can sell, in law, would be the occupation until he is evicted, for that is all that is legally in him. In that case the purchaser would make an illusory and worthless purchase. If, on the other hand, you mean that by the act of purchase he acquires a right to stay in possession after the eviction, then the notice to quit and the eviction are illusory to the landlord. (Cheers.) I ask attention to the clause about the right of pre-emption.* You give the landlord this right in a mocking manner, as if its exercise were a thing to be discouraged and made penal. You hamper his power to make a new letting or a free letting. You do not allow him free ownership of even the possession he is permitted to buy. There is an important question I wish to put here; if a tenant sells, disregarding the provisions of section 1—that is, if a tenant sells, giving no notice to the landlord that he is about to sell—if the landlord is given no opportunity of recovering for improvement or arrears of rent, what is the position of the purchaser then? He is in possession under the ordinary law as an assignee, and he can laugh at the landlord. Is it intended to annul an assignment not made with statutory formalities? Are the safeguards which are elaborately provided for the landlord against the abuse of the right of free sale worthless and unavailing? I think my questions are so plain that I might be given an answer affirmative or dissentient? Is it intended that the tenant may, notwithstanding and against your Bill, come in under the provisions of the ordinary law? Now, your own provision on the subject is this—that the landlord need not accept a tenant. But a tenant need not care whether he is accepted by the landlord or not. The only question is whether the landlord will accept the rent or not. The Bill

* See Clause 45, in Appendix I. p. 30, and also Appendix II. p. 32.

does not create the power to sell. It legislates specially with reference to the power to sell in respect of the property which it transfers from the landlord, but it does not purport to annul a sale not made with the formalities it so elaborately enumerates. I do not like to ask too many questions, but there is one clause which stands out, I may say, in noble relief. It is very hard to give any section priority for obscurity and unintelligibility in this Bill, but after much heart-searching, I am inclined to think that almost the queerist section in the Bill is the 45th;* and I would suggest to persons of an ingenious mind to apply themselves to this clause, not in the slightest hope that they will ever find out the meaning of it, but as an intellectual exercise. (Laughter.) I do not propose to go through the section, and I dismiss it with this question—if a tenancy is determined when it is sold, what does the purchaser get? (Cheers.) I am sure I do not know, but that is the first proposition in the section, and my strong suspicion is that when the Chief Secretary to the Lord-Lieutenant comes to speak, if he speaks before the law officers, he will leave that matter as a legacy to the law officers. (Laughter.) Now, I come to make a few observations upon fixity of tenure, because it is idle to suggest that fixity of tenure is not given in this Bill.† (Cheers.) We have the words of the Prime Minister, and we know that valuation of rents is perpetuity of tenure in disguise. The valuation of rents is here, and, taken in connection with the rest of the Bill, there cannot be a shadow of doubt that fixity of tenure is also here. But I may be told that fixity of tenure never can exist—it can never be where the power is left to the landlord of serving ejectments and notice to quit. These ejectments and notices to quit can all be arrested by the tenant if he pleases to exercise the option of sale—that is, unless the sale is intended to be illusory. There is nothing here to

* See Clause 45, in Appendix I.

† See Duke of Argyll's article in *Nineteenth Century Review*, May, 1881, Appendix II. p. 32.

prevent the full and free operation of fixity of tenure. (Cheers.) Yes,—I recognize these cheers from the Radical benches—but if fixity of tenure is to be given, would it not be fair and frank to have done it in three lines (Cheers), and not disguise it under a mask, as the authors of this Bill have done. (Renewed cheers.) There is one question I would put on this point, and I think it will serve to bring into strong relief some of the startling consequences of this Bill. A tenant in Ireland may have entered into the clearest and most binding contract—it may have been for a low rent or a high rent; the tenancy may be, as is common in certain cases in Ireland, for "a year certain."* It is not like a tenancy from year to year, which suggests duration; but the tenancy may be for a year certain. Well under this Bill the tenancy for a year certain, the morning after this Bill passes may be turned into fifteen years certain, and the rent which was measured with certainty may be reduced to what the Court would call a fair rent. (Hear, hear.) I do not propose to discuss that, but it does not strike one as ostentatiously just. (Laughter and cheers.) The way this matter has been put by Lord Dufferin shows the injustice of applying what exists in one part of Ireland to all parts of Ireland. Lord Dufferin says :—

> Is a fifty-acre farmer in Down, who took up the land five years ago, to be credited with an historical claim to fixity of tenure because the grandfather of a cottier in Galway turned ten acres ot bog into a potato garden at the beginning of the century? (Laughter and cheers.)

I have referred to, but shall not discuss, the statutory conditions. Under the Bill the landlord's right, very much valued by some, of game would be absolutely destroyed in every tenancy from year to year. If that is intended it is a very serious element. That was never contemplated at the inception of the tenancy from year to year, and it is opposed

* See Clause 16, in Appendix I. p. 29.

to the entire usage of Irish country life. The practice of Irish country life is for the landlord to have the sporting over tenancies from year to year. It is not a right of strict law, there being no legal reservation or regrant—(hear, Hear)—we know that. (Hear, hear.) Well, but the tenancy was made of short duration, easily capable of termination, and, therefore, the tenant who chose to be disagreeable and disobliging without doing anything for himself had a certain check, a certain control. (Sir W. Harcourt. —Hear, hear.) We know that since the right hon. gentleman passed the Hares and Rabbits Bill he is one of the greatest authorities as to game. (Laughter.) But this Bill is remarkable not only for the statutory conditions which it contains, but the statutory conditions which it omits. It would be permissible for a tenant without notice to destroy the offices, level the fences upon the place and on the farm, use the mines and minerals that it contained, and he would not come under this Bill. There is nothing in it that would prevent him doing any of the things I have mentioned; and there is nothing which would condemn him as a bad or unfair tenant. What power do you give the landlord—do you leave him—to enforce statutory conditions? You leave him the power of serving notices to quit, a power which would expose him to pay on the *maximum* scale for trying to save his farm from ruin. Is a tenant really entitled to get damages on being ejected for want of statutory conditions? Is that reasonable? Can any defence be given of that? There is no limit to the amount which may be awarded in a claim for disturbance; I ask why should there be no limit? It is suggested that much that is now proposed was originally in the Land Bill of 1870, and "another place" is blamed severely in connection with this matter. But what is the history of the limit? It was proposed from the Liberal side of the House and the Prime Minister said he accepted it willingly and ungrudgingly, because he thought it a decided

improvement (cheers); and yet now limit is dropped out of the Bill without question or explanation. The position of a head landlord towards a sub-lessee, whose immediate middleman landlord has been evicted, is startling. (Hear, hear.) If a piece of land is let for ten years, and the tenant is evicted for non-payment of rent, the tenant may have let a portion of it to a sub-lessee for 100 years, at a very small rent, in consideration of a large fine; and under this Bill you provide that on the eviction of the middleman the landlord is not entitled to get possession—that the landlord, in fact, is bound by the middleman's obligations to the under-tenant, who holds at a merely nominal rent. I do not dwell on the moral effect of the legislation you are proposing. The Prime Minister said that any concession of the three F's would amount to a moral and political revolution. If this Bill passes, will it be for the real good of the Irish people? Are the landlords now as a rule not centres of enlightenment, civilization, and charity? (Hear, hear.) If you pass this Bill you will render them mere rent-chargers, bailiffs for the recovery of rent, and little more. What motives will the best Irish landlords have to continue to act as they have acted? What motive will there be for the resident rather than the absentee to carry on a career of improvement, good management, prudent control, and philanthropy? He will be really powerless to do good. Under this Bill the Land Commission is made a great universal land agency business for the management and control of all landed property in Ireland, owners only being left the invidious privilege of collecting rents in the best way they can. (Cheers.) The Prime Minister recognized the demoralizing effects of this legislation in 1870, when he said:—

If I could conceive a plan more calculated than anything else .... for carrying widespread demoralization throughout the whole mass of the Irish people, 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.

In the past in Ireland there have been several confiscations, but never before has there been in that country a confiscation directly levelled at the loyal, against those who support law and order, and who are the firmest friends of that country's connexion with England. (Cheers.) You cannot be surprised if it is widely thought and if it is openly said, from one end of Ireland to the other, that the genius of this legislation has been the Land League. The legislation in this Bill is all for one class—those who chance at the moment the Bill passes to be tenants. The labourers are ignored. (Cheers.) The slender right given to the landlord of resuming possession at his own expense of part of his holding for the benefit of the labourers is practically postponed for fifteen years. Future tenants and their claims are forgotten or postponed; the landlords, of course, are not to be thought of. I ask where, in this legislation, is your guarantee for present contentment, and where is your guarantee for future peace? The Prime Minister, in introducing the Bill, said that the Court was the core of the measure, it was its salient point, its cardinal principle. This Court will have a stupendous work to do. It will have to consider the most numerous and important transactions between man and man in Ireland. Every little circumstance connected with the assignment and tenure or the rent of 600,000 holdings in Ireland may all come at once under its purview, and all this is to be done by 21 County Court Judges and three appellate individuals. (Hear, hear.) With a quick-witted, sharp, and litigious people like the Irish, is not this just the condition of things to develope litigation? Will there not be an immediate rush for reduced rents? Will not a man who may be in debt be compelled by his creditors to make a rush for a fixed term which can be immediately laid hold of as security? The litigation under this Bill will be incessant, universal, angry. Calculations have been made by statisticians of the extent, duration, and cost of this litigation. I believe that the most moderate

estimate of the duration of this litigation is one hundred years. (Laughter.) The most moderate figure put down for the cost is between four and six millions. I do not guarantee these figures, for I have no particular taste for statistics. Under this Bill you have no guarantee for uniformity of decision; the decisions under it may vary as rapidly as the sands of the sea move. As to the County Court Judges, I know possibly all of them; they are able and honourable gentlemen. I believe if they were consulted on this question, not one of them would desire the labour the Bill proposes to impose upon them; but suppose the County Courts are made tribunals under the Bill, it is obvious the number of judges must be increased; and it is plain, unless the judges are to be treated as the landlords are, their salaries must be increased. I am of opinion that any kind of judge, with judicial training and independent tenure of office, is better than casual functionaries, it may be with no training and no guarantee of independence; and therefore I am disposed to think that it will be difficult to get tribunals better than County Court Judges with a firm tenure which make the judges independent of both the Government and the populace. The Land Commission* is put at the head of the County Court Judges, and is supposed to give them guidance, advice, correction, and strength. I never in my life read of a queerer tribunal than this Land Commission is to be. I do not know who A B, C D, E F are to be; but they need to be angels from heaven to fulfil with satisfaction the extraordinary functions given them. There may be a quorum of one, and that quorum of one is free to appoint an unknown delegate with arbitrary powers of giving decisions and doing everything else suggested in the Bill. The delegate of a month may order judges of the Landed Estates Court about like lackeys; he may hear the appeals of an entire county; he may revise the rents of an entire province; and all this without having one particle of independence, and while being the mere creature of whatever people may appoint him. You have in this

* See Clauses 36, 37, and 40, in Appendix I. p. 29.

Bill conflict and confusion of jurisdiction. The Lord Chancellor of Ireland has the control of a vast amount of landed property in Ireland in his judicial capacity of guardian of the lunatics of that country. This case may arise. Some of the properties under his control may be let at low rents, as they generally are; he may direct a moderate increase of rent; and this direction of the Lord Chancellor is not to bind the chairman, or the quorum, or the delegate; and the casual itinerant Solon may overrule the Lord Chancellor of Ireland upon this question. (Hear, hear.) A judge of the High Court, having the control of receivers who are holding property for creditors, may, in the exercise of his judicial discretion, direct rents to be raised; and these unnamed gentlemen, it may be without legal training and certainly without any fixed *status*, may overrule him without giving any reasons. The poor County Court Judges are liable to be confused by three sets of rules made by three independent authorities, while their decisions may be taken by way of appeal, partly to the Assizes, partly to the Land Commission. Indeed at the same time, for aught I know their decisions might be under discussion at the same time before two Appellate tribunals. Is this Commission to be represented in Parliament in any way? Or is it intended that its operations are to be submitted at any time, and, if so, in what way, to public criticism and review? One word upon compensation. If the Bill is open to any of the criticisms I have suggested, I ask—Have not the Irish landlords a right to either of two things?—either a fair compensation for the legislation the State thinks necessary, or else that they should be given the option of selling their properties to the State on fair and reasonable but not exorbitant terms? (Cheers.) Can any man concientiously or fairly say that the property of the Irish landlord is not damaged in the market to the extent of thousands and millions by this legislation? With certainty of reduction of rent, with a penalty on raising it, with the practical certainty of never resuming possession, I ask is there not a clear mutilation of property; is there not a distinct expro-

priation? (Hear, hear.) What did the Prime Minister say in 1870, when dealing with a proposition which was somewhat like some of those contained in this Bill. He said:—

"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 proprietors, with full compensation. I do not see any advantage in our rejecting that plan, if we are to adopt some other, which, although couched in other language, and, perhaps, contemplating certain stages in the process with something like an agony of procrastination, is, notwithstanding certainly and inevitably to end in the same conclusion."

Now, I venture to think that the landlords are entitled to one or other of the alternatives I have suggested, and I would put this to the Government: If landlordism is to be done away with, why should not the transaction be done openly and in the light of day? Do not filch their property without confession, or depreciate it without acknowledgment. (Cheers.) Let the transaction be English and above-board. (Cheers.) What you take, take openly, and pay for what you take. (Cheers.) If no compensation is to be given, I ask what thinker, what statesman, what man of common honesty, can approve of some of the proposals in this Bill which I have indicated? (Cheers.) Would it not be better at once to drop all disguise and recognize plainly the naked features of avowed confiscation? (Cheers.) If an Act of Attainder, if a Bill of Pains and Penalties against Irish landlords is intended, it would be better for all parties—for the landlords, for the tenants, for the whole community—to drop the farce of pretending that this is an honest Bill. Let the tenants know in plain English what they get; tell the landlords in equally plain English what they lose. Do not involve all parties in a sea of angry litigation, in which the landlords must swim for their lives, and in which all parties must lose all memories of past kindliness and all hopes of future amity. (Cheers.) It would be better, it would be franker, it would be more considerate to enact boldly and at once what you intend the Courts to decide. As it stands, unexplained and unamended, the Government Bill is neither direct nor intelligible. It has, to my mind, neither the frankness of fearless justice, nor the candour of open confiscation. (Loud cheers.)

APPENDIX I.

LAND LAW (IRELAND) BILL.

SECTIONS REFERRED TO.

SECTION 3.

Increase of rent to attract statutory conditions or enhance price on sale.

Where the landlord demands an increase of rent from the tenant of a present tenancy (except where he is authorised by the Court to increase the same as hereafter in this Act mentioned) or demands an increase of rent from the tenant of a future tenancy beyond the amount fixed at the beginning of such tenancy, then,

(1.) Where the tenant accepts such increase, until the expiration of a term of *fifteen years* from the time when such increase was made (in this Act referred to as a statutory term) such tenancy shall (if it so long continues to subsist) be deemed to be a tenancy subject to statutory conditions, with such incidents during the continuance of the said term as are in this Act in that behalf mentioned:

(2.) Where the tenant does not accept such increase and sell his tenancy, in addition to the price paid for the tenancy he shall be entitled to receive from his landlord ten times the amount of such sum (if any) as the Court, on the application of the tenant, may determine to be the excess of the increased rent over a fair rent within the meaning of this Act, or, in the case of a holding subject to the Ulster tenant-right custom, or any usage corresponding to that custom, the amount (if any) by which the Court may decide the selling value of his tenancy to have been depreciated below the amount which would have been such selling value if the rent had been a fair rent, whichever of the said sums may be the greater.

(3.) Where the tenant does not accept such increase and is compelled to quit the tenancy, but does not sell the tenancy, he shall be entitled to compensation as in the case of disturbance by the landlord.

(4.) The tenant of a present tenancy may in place of accepting or declining such increase apply to the Court in manner hereafter in this Act mentioned to have the rent fixed.

Section 4.

Incidents of tenancy subject to statutory conditions.

A tenant shall not, during the continuance of a statutory term in his tenancy, be compelled to pay a higher rent than the rent payable at the commencement of such term, and shall not be compelled to quit the holding of which he is tenant except in consequence of the breach of some one or more of the conditions following (in this Act referred to as statutory conditions); that is to say,

(1.) The tenant shall pay his rent at the appointed time.

(2.) The tenant shall not commit persistent waste by the dilapidation of buildings or the deterioration of the soil *after notice* has been given by the landlord to the tenant to desist from such dilapidation or deterioration of soil:

(3.) The tenant shall not *persistently* refuse to allow the landlord, or any person or persons authorized by him in that behalf (he or they making reasonable amends and satisfaction for any injury to be done or occasioned thereby) to enter upon the holding for any of the purposes following; that is to say,

Mining or taking minerals;

Quarrying or taking stone, marble, gravel, sand, or slate;

Cutting or taking timber or turf;

Opening or making roads, drains, and watercourses.

Viewing or examining the state of the holding and all buildings or improvements thereon;

Exercising any rights of hunting, shooting,

fishing, or taking game or fish which belong to the landlord:

(4.) The tenant shall not, without the consent of his landlord, sub-divide or sub-let his holding:

(5.) The tenant shall not do any act whereby his holding becomes vested in a judgment creditor or assignee in bankruptcy.

Agistment or letting in conacre or for the purpose of temporary depasturage shall not be deemed a sub-letting for the purposes of this Act.

During the continuance of a statutory term in a tenancy, *consequent on an increase of rent by the landlord*, the Court may, on the application of the landlord, and upon being satisfied that he is desirous of resuming the holding for some purpose having relation to the good of the holding or of the estate, or for the benefit of the labourers in respect of cottages, gardens, or allotments, authorise the resumption thereof by the landlord, and require the tenant to sell his tenancy to the landlord upon such terms as may be approved by the Court as being full compensation to the tenant.

Provided that the rent of any tenancy subject to statutory conditions may be increased in respect of capital laid out by the landlord under agreement with the tenant to such an amount as may be agreed upon between the landlord and tenant.

Section 7.

Intervention of Court.

Determination by Court of rent of present tenancies.

(1.) The tenant of any present tenancy to which this Act applies, may from time to time during the continuance of such tenancy apply to the Court to fix what is the fair rent to be paid.

(2.) Such application may also be made by the landlord and tenant jointly.

(3.) A fair rent means such a rent as in the opinion of the Court, after hearing the parties and considering all the circumstances of the case, holding, and district, a solvent tenant would undertake to pay one year with another: Provided that the Court, in fixing such rent,

shall have regard to the tenant's interest in the holding, and the tenant's interest shall be estimated with reference to the following considerations; that is to say,

(*a.*) In the case of any holding subject to the Ulster tenant right custom or to any usage corresponding therewith — with reference to the said custom or usage;

(*b.*) In cases where there is no evidence of any such custom or usage—with reference to the scale of compensation for disturbance by this Act provided (except so far as any circumstances of the case shown in evidence may justify a variation therefrom), and to the right (if any) to compensation for improvements effected by the tenant or his predecessors in title.

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Section 13.

Regulations as to sales and application to Court to fix rent.

(1.) Where proceedings are taken by the landlord to compel a tenant to quit his holding, the tenant may sell his tenancy at any time before but not after the expiration of *six months* from the execution of a writ or decree for possession in an ejectment for non-payment of rent and at any time before but not after the execution of such writ or decree in any ejectment other than for non-payment of rent; and, if any judgment or decree in ejectment has been obtained before the passing of this Act, such tenant may within the same periods respectively apply to the Court to fix the judicial rent of the holding.

. . . . . .

Provided that proceedings shall not be taken by a landlord to compel a tenant to quit his holding for breach of any statutory condition, save as follows:—

(1.) Where the condition broken is a condition relating to payment of rent, then by ejectment subject to the provisions of the statutes relating to ejectment for non-payment of rent; and

(2.) Where the condition broken is any other statutory condition, then by ejectment founded on notice to quit.

Section 15.

Provision in case of title paramount.

If in the case of any holding the immediate landlord for the time being is deprived of his estate by title paramount, effluxion of time, or otherwise, during the continuance of any tenancy, the next superior landlord for the time being shall, for the purposes of this Act, *during the continuance of such tenancy* stand in relation of immediate landlord to the tenant of the tenancy, and have the rights and be subject to the obligations of an immediate landlord.

Section 16.

Provision as to certain small tenances.

A tenancy for a year certain shall, for the purposes of this Act, be deemed to be a tenancy from year to year.

A tenant holding under a tenancy less than a yearly tenancy created after the passing of this Act shall have the same rights under this Act as a yearly tenant, except where land is let merely for temporary convenience or to meet a temporary necessity.

Section 36.

Appointment of assistant commissoners

The Lord Lieutenant may from time to time, with the consent of the Treasury as to number, appoint and remove assistant commissioners.

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The central office of the land commission shall be in Dublin, but the land commission may form sub-commissions in any province, particular district or districts of Ireland, and such sub-commissions shall consist of such number of the said assistant commissioners as the land commission may think fit, and the land commission may delegate to any sub-commission such powers as they think expedient, and may from time to time revoke, alter, or modify any powers so delegated to a sub-commission.

Section 37.

Quorum of commission.

Any power or act by this Act vested in or authorised to be done by the land commission may be exercised or done by any one member of the land commission, or by such assistant com-

missioner or number of assistant commissioners as the land commission may from time to time determine with the assent of the Lord Lieutenant.

Section 40.

Powers of commission

(1.) For the purposes of this Act, the land commission may refer any matter to the land judges of the Chancery Division of the High Court.

(2.) The land commission shall have full power to decide all questions whatsoever, whether of law or fact, which it may be necessary to decide for the purposes of this Act, and they shall not be subject to be restrained in the execution of their powers under this Act by the order of any Court, nor shall any proceedings before them be removed by certiorari into any Court.

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Section 45.

Rules as to determination of tenancy

A tenancy to which this Act applies shall be deemed to have determined whenever it is sold in consequence of a breach by the tenant of a statutory condition, or, in the case of a tenancy not subject to statutory conditions, of an act or default on the part of a tenant which would, in a tenancy subject to such conditions, have constituted a breach thereof, or whenever the landlord has resumed possession of the holding either on the occasion of a purchase by him of the tenancy, or of default of the tenant in selling, or by operation of law, or reverter, or otherwise. Provided that:

. . . . . .

Where a present tenancy in a holding is purchased by the landlord from the tenant in exercise of his right of pre-emption under this Act, and not on the application or by the wish of the tenant, or as a bidder in the open market, then if the landlord within fifteen years from the passing of this Act re-lets the same holding to another tenant, the same shall be subject from and after the time when it has been so re-let, to all the provisions of this Act which are applicable to present tenancies.

APPENDIX II.

Extracts from Article on Irish Land Bill, in May number of the NINETEENTH CENTURY REVIEW, *by the* DUKE OF ARGYLL.

PAGE 885.

Indiscriminate right of sale.

I wish it to be distinctly understood that my objection to the right of selling Occupancies lies only against giving it universally and indiscriminately. I do not speak of the right of sale established and regulated by mutual agreement; nor of the right of sale as gained by custom and acquired by purchase; nor of the right of sale agreed to by the owner as an alternative of paying "Compensation for disturbance;" nor of the right of sale similarly agreed to as "compensation for improvements." I speak, and speak only, of the right of sale given universally—as an inseparable incident of agricultural tenure—irrespective of all special circumstances and of all the conditions on which men may have let and hired yearly tenancies in Ireland.

This sweeping proposal cannot be defended on the ground of any rights which have been equitably acquired; because it is to apply to all cases without discrimination. It cannot be defended on the ground that it is necessary for the successful prosecution of agriculture; because the best agriculture in the world is to be found where no such right of sale exists, or could be entertained. It cannot be defended on the ground that it is required for the protection of mere poverty and helplessness, because it embraces thousands of tenancies in respect to which no such circumstances can be pleaded.

. . . . . .

Right of Assignment.

It may be perfectly true that by the common law of Ireland, as by the common law of England, Occupiers, in the absence of agreement to the contrary, have a right of assigning their own interest, whatever that might be. But they could not assign an interest larger or greater than that which they themselves possessed.

They could not give away that which was not their own to give. By law, the Owner had the right to turn out the assignee when the interest which had been assigned to him had expired. This counter right, inseparable from ownership, was as essential a part of the law as the right of assignment.

PAGE 892.

Fixity of tenure.

We must remember what the new definition is of a "present" tenancy. It may continue to be "present" till the crack of doom. Death does not put an end to its existence. Sale does not put an end to its existence. Even bankruptcy does not, apparently, in all cases, put an end to its existence. It passes from generation to generation, and from hand to hand, for ever, or until one or other of two contingencies occur. It may be forfeited by breach of certain conditions; or it may be extinguished by being bought up by the landlord. Strange to say, however, there are counter-limitations even upon this power of the landlord to buy back the complete interest in his own land. As the Bill is now drawn, it looks as if an owner could not get rid of a "present" tenancy, even if he buys it at the tenant's own desire, or acquires it as the highest bidder in the open market. It is expressly enacted that "during the first fifteen years after the passing of this Act a purchase by the landlord of a tenancy in exercise of his right of pre-emption shall not determine a tenancy." Why not? What can be the use of pretending that a "present" tenancy has not been determined, when under any circumstances or at any time the owner has bought out the "present" occupier? Such a provision is clearly not inspired by the simple policy of defending existing interests. It seems rather to be a policy hostile and discouraging to that most natural and most legitimate method of returning to, or reaching, a healthy and natural condition of things, namely, the process by which owners may redeem the full possession of their own land.

Exercise of Right of Pre-emption.

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IRELAND'S FATE—BRITAIN'S WARNING.

(*Reprinted from 'Blackwood's Magazine' for February* 1882.)

IRELAND is ruined!

Kingdoms rise again in time from their ruins, and a resurrection is, we hope, in store for Ireland. But to this generation, and to the next—we will not at present concern ourselves with a remoter future—that kingdom is ruined.

Evil government, like a blight, has come upon the unhappy land, has aggravated its diseases, has taken away all hope of present healing, and the result is ruin.

The main disease of Ireland is poverty—poverty which frequently reaches the stage of famine. This is a complaint which appears to belong to the soil: bad government has not produced it, but recent bad government has made a way for its fearful increase.

The disease next in importance is the failure of all confidence in the ruling powers, and of all confidence between man and man there—social dissolution.

By these two Ireland has been ruined!

It requires no argument, we think, to prove that poverty is the mortal complaint underlying, and probably causing, the other complaints. To superficial observers the ailings have seemed to be religious, or political, or agrarian; but these ailings were only the forms in which the bane showed itself. Poverty was the fatal malady. Poverty caused discontent; and discontent once aroused, was quick to clothe itself in the likeness of a specific grievance. If the proposition be assented to—as we expect that it will be—then the obvious corollary is, that to benefit Ireland substantially, her physician must find means of creating or introducing, and of distributing, wealth in her provinces. Capital from some source must be profitably used so as to provide steady employment for native labour, to develop the resources of the island, and to improve the population morally and physically.

The above being admitted, it requires but another step to show that the action of the present Government has operated to the impoverishment of Ireland, and therefore in the direction of its ruin; for every

omission and every action of our present rulers has been an efficient cause of driving away what little means were yet remaining. The crime which became prevalent eighteen months ago, and which has never yet been stopped, the unlawful greed and the dishonest sentiments which were disseminated at the same time, and which have been a moral poison ever since, wrought powerfully in destruction of property, and in prevention of improvement or repair. The Government has failed—we will not say to suppress, but failed even to check the ruinous crime, the evil desire, the unjust doctrine; and by its omission to perform its duty in this respect, has encouraged the aggravation of the fatal poverty. By mere wanton and lawless destruction, which a capable Government would have prevented, the means of the country have been seriously diminished.

But the mischief which the Government has culpably tolerated, is light in comparison of that which it has directly caused. The notorious Land Act, the remedial power of which its authors and admirers so confidently predicted, has worked already, is working, and must continue to work, towards the scaring away of capital. The confiscation of rents, and the creation of tenants' rights in land, have disabled and disinclined landlords to spend a farthing on the improvement of the soil: more than this, they have induced every man with money at command to rescue it from Irish connection, and to transport it to regions where it may be safe from plunder, and where it may be put to profitable use.

In writing as above, we have not forgotten that means torn from the landlords and given to the tenants only change hands—they are not necessarily abstracted from the available wealth of the community. They rest in many pockets instead of in one, but they still are there to be spent. The country is neither richer nor poorer by the transfer. We have not forgotten this, we repeat; but we cannot refuse to accept what we believe to be the opinion of all who know the Irish well, and have studied the question. That opinion is, that the rents which have been taken from the landlords will not be applied by the tenants to the improvement of estates, or in any way to the general benefit. The transfer will simply lead to increased idleness, thriftlessness, and discontent. When there is little or no rent to pay, it will be possible to keep up the old amount of squalor, filth, and pig-companionship with less labour and care. If this be true,—and unfortunately there is only too good witness to its truth,—then the deductions from the rents are so much deducted from the fructifying wealth of the land. In other words, the direct action of the Land Act is towards impoverishing the country.

The marvellous perversity with which the Liberal Government has chosen to sympathise with the disaffected, violent, and criminal part of the Irish people, and to shut its ear and heart against the innocent and the law-abiding, has operated to the detriment of Ireland in a degree which is not yet apparent, but which must show itself with fatal certainty. It has created a general feeling that all property held in Ireland is insecure. That which the law has not yet reappropriated it may reappropriate speedily. Only a little more clamour, only a cry altogether that there is a "hunger" for some species of property, and a law will be made to seize that property and to throw it those who are an hungered. Such a feeling may be unjust to the Ministry; but the mere existence of it, whether just or unjust, is sufficient to do incalculable damage. The disposition of every

man who can control any property now in Ireland is to take it, or its value, away from thence. The disposition of every man who possesses property outside of Ireland is to keep it outside.

Whether Ministers do or do not intend to tamper more with property in Ireland, certain it is that their past conduct explains and justifies the general distrust to which we have called attention. The man who bought Irish land in reliance that he would possess it in peace under the Land Act of 1870, finds that he is despoiled by the Land Act of 1881. How can any one fail to apply this truth to present times, or to feel that he who may put money into Irish property in 1882 will be despoiled by an Act to be passed a few years later? No belief can be more hurtful in a trading or an agricultural community than the belief that the Government is ready at any time, and for any temporary purpose, to disturb the laws which affect property. Yet this belief generally obtains with regard to Irish property; and Ireland must and will smart for it.

If, then, poverty be the ruinous disease of Ireland, and if the conduct of the present Government has aggravated that poverty, then is the Government one of the most unfortunate doctors that ever were allowed to prescribe for patients sick to death. It cannot escape from conviction of gross incapacity. And here one cannot but pause a moment to marvel at the infatuation which induced our people to allow the present Government to prescribe for Ireland at all at this time. The same Government signally failed when contending with the same disease in 1870: the mere fact that another Land Act was wanted in 1881 was a glaring proof that the treatment in 1870 was unsound; and surely this should have been a warning to the electors not to commit unhappy Ireland again to the bunglers who had already shown so much incapacity with regard to the same patient. None of them would act thus as the head of a family. None of them, having a member of his house dangerously ill, would think of making over the sufferer to a doctor who had shown himself on a former occasion totally incapable of dealing with the case satisfactorily. It would be inhuman, it would be criminal, to do so; but he would not do it—he would know better!

Not only has the course followed by Government produced ruin; it has so demoralised the people, it has so loosened the bonds of society, that it will be impossible in this century to raise the country from its ruins. The work of destruction has been done so effectually, that neither those who did it, nor any who may succeed them, can within a reasonable time accomplish a restoration. Agitation has been rewarded: that alone must be for years the cause of political disquiet, for the belief is now confirmed that agitation is the sure way to the attainment of any favourite object, good or bad; and it will be only after long time and much suffering that men will cease to seek the gratification of their desires by that method.

Again, confusion has been created between justice and injustice. The old wholesome ideas regarding property have been ruthlessly assailed—not in theory merely, but in practice. The law has not disdained to separate itself from justice in this matter, or to declare that it will side with the expediency of a moment, and set at naught principles, maxims, and precedents. One class of men has been stimulated by success to fresh efforts for the prevalence of iniquity; another has been taught to regard the law of the land as its inexorable enemy. Property is pros-

trate and helpless; rapine is triumphant. Society, in a proper sense, cannot exist in such circumstances.

We have been shown how contracts, deliberately and lawfully made by the parties thereto, can be arbitrarily annulled. The contracts hitherto dealt with have been concerning land alone; but the pernicious example has operated so as to detract from the sanctity of covenants generally. Consequently, man can have little or no faith in his brother man: he looks not to law and order for security, but to cunning and force. Business is paralysed; effort is seen to be useless; mere selfishness must be every one's guide; and where that dominates, knavery alone can thrive—thrive at the expense of the commonwealth, or, more properly, the common poverty. The chief cry of the moment comes from the ruined landlords; but it cannot be long before we shall hear the whine of the dishonest tenant, and of the starving labourer. Ruin may be retrieved while society is united and sound at heart; but when the ruin proceeds from the dissolution of society, how shall the land recover? The very elements which, acting in harmony, might have stayed the plague, are in their greed and selfishness intent upon sinking the impoverished community to lower depths!

Startling facts come to light at intervals, confirming the accounts transmitted to us, and pointing morals more impressively than any preacher could do. Here is an instance. The Director of Army Contracts stated in December last that he had called for tenders in Ireland for the supply of stores to be consumed in that country. He was, it seems, in making this statement, replying to complaints that the supplies for Ireland were furnished wholly or principally by tradesmen in Great Britain. He called, as he said, for tenders in Ireland itself; his invitations extended over four months, during which period only five persons made inquiry regarding the supplies, and of these five, two only sent tenders. Does not such a revelation as this speak volumes as to the condition to which business has been reduced in the unhappy country, —as to the decay of enterprise, the non-existence of means? The Director's advertisement for tenders brings to mind the challenge of Sennacherib to Hezekiah: "I will deliver thee two thousand horses, if thou be able on thy part to set riders upon them."

The Land Act has not simply failed to produce less bitter relations between landlords and tenants; it has created jealousies and disagreements where none had ever existed before. Tenants who never in their lives had had a dispute with their landlords, have been led by the prospect of reduced rents which the Act opened up to them, to apply to the courts, and to enter into judgment with those between whom and them there had always before been confidence and harmony. A strange outcome this of a law which was trumpeted as a healing Act and a message of peace!

Conspicuous among the causes of the ruin which we see, are the tolerance which the Government extended to crime during the first months of disturbance, and the feebleness and incapacity which they have shown in dealing with it since they have been armed with special powers for that purpose. From the summer of 1880 to the commencement of 1881, it seemed as if protection to life and property were no concern of Govment—as if murders, arsons, and hideous cruelties to men and beasts were not worthy to occupy the thoughts of those whose souls were intent on the higher objects of stimulating agitation by concession, of fomenting

injustice and greed by the gratification of them, of ruining the wealthier and more educated portion of society by alienating its property.

There may have been instances in former days of so-called Governments which, while rebellion and crime were raging and increasing to a torrent and bursting all bounds, sate with folded arms *dum defluit amnis* —passively awaiting the end. But if such Governments have been, we have no acquaintance with them. Since the world began until now, government and crime have been things by their very nature opposed to each other, as far as our knowledge goes. There have been at different epochs different opinions as to what constituted crimes; but to those acts which the laws declared to be crimes Governments have always been uncompromising opponents. The very word "anarchy," when applied to a state of utter disorder such as now obtains in Ireland, witnesses to the general belief among mankind, that where crime and licence are unchecked, there can be *no government*. The idea seems to have been quite unknown of a Government which by choice would give violence and vice their heads.

Now if the attitude of the British Cabinet towards Ireland be altogether unprecedented, it is difficult to predict exactly what the result of that attitude may be, because we are without the historical parallels which alone could furnish a presentment of it. But if we know thus much—namely, that it is an attitude which is directly at variance with the wisdom, nay, the instincts, by which in all ages of the world Governments have been moved—then we may with confidence expect that it will end in evil of some kind,—in such disaster as its presumptuous, and at the same time fatuous, character invites. Yet we need not foreshadow the future for proof of the perilous course on which we are embarked. The present shows only too plainly the effect of this arrant dereliction of duty. The innocent suffer in all quarters, and call in vain on the Executive for help. Peaceful possession, freedom of action, are things altogether out of the mode. It is the criminals only who have a good time—who murder, and wound, and burn, and destroy, not simply with impunity, but with reward and encouragement at the hand of the law, —not simply unmolested by those who bear the sword, but knowing themselves to be, and known by others to be, the peculiar *mignons* in whom the rulers are well pleased.

While things have been rapidly surging onwards to the present horrible condition, the members of the Cabinet have endeavoured to keep the public mind quiet by promising and bragging. For fifteen months the assurance has been given at intervals that the Government would not fail to make life and property secure, and that it was only delaying its action in order that its wonderful healing measures might have a clear field, and work their great cure without the imputation of their having been assisted by force. Then it was boasted some four months ago by the head of the Government, that he would cut the ground from beneath the feet of the leaders of rebellion. The people have waited and waited. So far has the promise to protect life and property been broken, that both are in a manifold degree more insecure than they were when the promises were made. Assassins and destroyers of property worked before in darkness and in silence; now they openly defy the laws, turn out in mobs by thousands, and commit their crimes under the eyes of the police and military—the latter being, as it may be pre-

sumed, set in array to ornament the scenes, and to make the ascendancy of the rioters more signal.

As to cutting the ground from beneath the agitators, the history of the past quarter of a year has shown how vain, how contemptible, was that boast. The agitation has taken up a new cry and established a new wrong. Its answer to the flourish of the Prime Minister was a proclamation ordering "no rent" to be paid, where before it had allowed a reduced rent. It has maintained, and is maintaining, practice in accordance with this proclamation. It is waxing stronger by perceptible degrees. Its actions are more insolent and less guarded. It shows that it regards the opposition of Government as scarcely worthy of notice. There is not a sign of the ground being cut from under it, but rather of it rapidly gaining ground of which it has no uncertain foothold.

The promises, then, have been mere delusions. And this must be remembered when further promises are offered (as they will be) to render the people of Great Britain still patient, while additional ills are being prepared for, and inflicted on, them. If it be true, as the Radicals have so often told us, that *force is no remedy*, is it not time that they should exhibit some remedy which may be better than force — which may eclipse all the arts of government that have been propounded by the most subtle and inventive of rulers since the dawn of history? They profess to be scandalised and horrified at the thought of their standing upon the old ways. Is it too much to require of them that they should show us ways that are more excellent than the old? A country brought at railway speed to ruin is not good standing evidence that it has been governed with superior ability.

Wilfully to depress a prominent and unoffending class of the community, even though the depression be effected by the agency of a law; persistently to force a whole nation down to ruin; obstinately to withhold from loyal subjects adequate protection for their persons and property,—these are something more than mere defects in governors; they are crimes, heinous wickednesses, and they deserve to be punished as such. The innocent blood which, through the default of our rulers, has been poured out, may righteously be required of them. Occupying the position which they do, they are as guilty as if they had themselves shed this innocent blood. Virtually they are murderers—cold-blooded murderers. Their leader, when last year it served his purpose to do so, canted about blood-guiltiness as a burden which his pious conscience shrank from with horror. The burden of blood-guiltiness incurred by neglect of his duty towards Ireland does not seem to weigh him down, though we see him dyed red from head to foot. And this is the man who, when railing against the late Government, charged them, above all other errors, with "*wickedness*." Surely the charge may be retorted now, with justice, on the blood-stained wrong-doer who is causing utter misery to thousands. Surely sin lies at the door of him who has callously destroyed a nation!

But now, if Ireland be already ruined, as we say that she is, her case is past present remedy; and for what practical purpose are we at pains to set forth her miserable case, and to point to the authors of it? Do we desire simply to make moan over the irretrievable calamity; or are we calling down vengeance on the criminal agents of destruction? Our

answer to this is, that we have not written without a practical object in view. It may be that we have been fain to wail over ruined Ireland. Who can restrain his sorrow for her? It is certain that we should gladly behold retribution overtaking her destroyers. But our main motive in writing now has reference to the future more than the past: it is to urge our countrymen to save—to save without loss of time—the parts of the empire which are still comparatively sound.

When we think of the appalling pace at which misgovernment has wrought in Ireland, we are sick with apprehension of the short time in which similar ruin may be wrought in Great Britain. It has taken our most fatal rulers only about twenty months to physic the life out of Ireland. Twenty months ago their leader described her as "little troubled by crime, in comfort, and satisfied:" look at her now, after less than two years of his mismanagement! Should not the fate of Ireland be a warning to us—a summons to stop his ruinous career while there is yet time? Such is his talent for humbling a nation to the dust, —so rapidly can he change a "guiltless and contented" land into a pandemonium which the rudest foreign States may thank God on,—that there seems to be not a moment to lose if we would not be brought into the same condemnation as Ireland. His demolition brings to mind, by the rapidity of its action, the devastating powers of nature—the hurricane, the volcano, and the lightning-bolt. It is electric ruin. While we hesitate, while we consider, his crimes and his blunders may be initiating a havoc in England or Scotland, which, once begun, it may be difficult or impossible to stay. If the country would avert from itself the fate which now punishes Ireland, it must act at once. Not a day is to be lost!

It has been laid to the charge of Irish landlords that they might by prompt action have warded off the calamities, or some portion of the calamities, that have fallen upon their country—that a quicker apprehension of agitators' real objects, a firmer protective union, a bolder line of action, might have stemmed the torrent. We are not about to decide as to the justice or injustice of these accusations, neither would it be profitable to do so, for the punishment of the Irish landlord is already upon him,—his ruin is accomplished. We quote the charges only as a caution of solemn import to British landlords, and indeed to all holders of property in Great Britain. There can be no doubt that their trial is coming. Let it never be said that apathy, disunion, pusillanimity, forbade them to make a becoming stand for their goods. Before all things, let it not be objected that they suffered for procrastinating.

> "There is a light cloud by the moon—
> 'Tis passing, and will pass full soon;
> If by the time its vapoury sail
> Have ceased her shaded orb to veil,"

they have not taken some order for checking the revolutionary government, for repressing rapine, for preserving the laws in a condition worthy of respect, and for commanding respect for them, they must prepare for their fate, which will not be long in overtaking them.

Only twenty months, be it remembered; it took Mr Gladstone only twenty months to ruin Ireland!

This should prove that hesitation or procrastination may be fatal.

While men linger, he will be laying and preparing to fire the train which is to bring us even to the same condition in which we see Ireland. In order that they may linger, he will play the game which he played last autumn, of promising and bragging. If we listen to the promises and boasts, we are lost. The "resources of civilisation" will no doubt be trumpeted again (perhaps under a newly invented name), as the means by which the transformation-scene will be effected, and everything be made to look radiant, peaceful, and delicious. It will again be affirmed that the ground shall forthwith be cut away from beneath the feet of the Land League. If we are induced to pause—if we put the slightest faith in the boasts—if

"Man will hearken to his glozing lies,"

we lose precious opportunity, and "all the voyage of our lives" will be "spent in shallows and in miseries." Ireland will have been sacrificed in vain if her sad example fail to warn us off the whirlpool in which she is tossed and twisted, and from which she has not yet been stranded a lifeless wreck. It is necessary, we repeat, that we turn a deaf ear to Mr Gladstone, whether he may attempt to delude us in the character of an evangelist, an apologist, or a braggart.

More than once it has been pointed out in these pages that Mr Gladstone is a luxury, and that those who would enjoy the vain pleasure of having him for their leader, must be content to pay a fancy price for him. He has cost us pretty heavily of late, and the account is not closed yet; he will cost us much more, even if we dispose of him now before February is out. Commonwealths are not fit subjects for visionaries to toy with. The price of newfangled theories of government which outrage all the wisdom and experience that men have amassed, is perdition. It is one thing to speak fluently and well; it is quite another thing to govern with sagacity, judgment, and justice. Those who have the choice of their own rulers may choose such as are showy, plausible, eloquent, impressive, and destructive; or they may prefer men with fewer or less remarkable ornamental qualities, but with some prudence, forethought, experience, and common-sense. In the former case the pleasures of the imagination will be chilled by substantial loss; in the other prosperity may go far towards enhancing satisfaction with gifts that are less striking.

One stumbling-block there is which we fully expect to see thrown in the way of those who would save their country by deposing Mr Gladstone, and that is the accusation that they will be only manœuvring to bring the Tories into office. Now the answer to this is—first, that it is by no means certain that the present Government, if broken up, must be followed by a Tory administration; secondly, to take office at the present time, even if their duty should compel them to it, would be anything but pleasant or advantageous for the Opposition. Their game—if they were intent only on party gain—would be to let Mr Gladstone flounder on in the quagmire to which he has wandered, and to wait quietly until he should have become a hissing and a reproach to the whole land—until he should hear a deceived and desperate people curse the day when they listened to his insidious speeches. But Conservatives dare not play such a game—their patriotism would not admit of it. They

know well that while they should be waiting for his thorough exposure and discomfiture, Mr Gladstone would be undermining the strength and prosperity of Great Britain. If this island be prosperous and contented now, that is no reason why it should not be turned into a region of rebellion and crime in twenty months; and he is the man to so transfigure it. The reason, then, why to strike effectively we must strike at once is, not to punish Mr Gladstone, who would in the long-run be much more severely punished by being allowed to remain where he is; not to gain power for the Tories, who would infinitely rather decline to take up the management of affairs which have been brought to such a depth of confusion and wreck; but to save—while yet she may be saved—this other island from the destruction which he has brought upon Ireland!

The Prime Minister has been reticent of late—a sure sign that he perceives the strait to which his Government has brought itself. All of us know well his belief in the power of words well twisted, and of phrases ambiguous and suggestive, of truth suppressed, and of fallacy speciously presented, to warp opinion, and to make the worse appear the better cause. All of us know that if there be to him a cruel self-denial, it is holding his tongue—refraining from the delight of hearing his own voice while he addresses an assemblage regarded as fit subjects for the experiments of his oratory. If, then, he compel himself to silence, be sure that he perceives the case of his Government to be so bad that even his practised and unscrupulous advocacy is likely to do it harm rather than good. He is shrewd enough to see that his present best policy requires that attention should not be drawn towards the state of the country, or towards his past expressions and acts. But we shall do well to look carefully into them, nevertheless, and to mature opinion rapidly and to act promptly, whether he may speak or hold his peace.

The day, however, is fast approaching when for Ministers reticence will no longer be possible. They must speak, and yet they have nothing but disaster and failure to point to as the result of their conduct. In this unhappy case they will certainly beg for time. They will tell us once more how their wise and beneficent policy has been temporarily obstructed by unforeseen causes which prevent it from bearing as yet its blessed fruit; that this fruit nevertheless is ripening, spite of adverse chances, and will certainly be brought forth, twenty, sixty, or a hundred fold before long; and that therefore it is our duty to wait patiently for the glorious harvest, even if it tarry. But when thus appealed to, we must recollect that there is not the smallest sign as yet of anything but confusion and misery in Ireland; and that Ireland was "satisfied and but little criminal" twenty months ago, while now she is the distracted, ruined, God-forsaken land that we see her. Time, therefore, is what we must by no means give—time to set Britain by the ears—time to make a chaos in this island. It cannot be if we have any sense of the benefits which we enjoy. It cannot be if we have minds to perceive what has happened to Ireland!

Owners of property are, no doubt, sufficiently alarmed; but alarm will not help them: it is more likely to incapacitate them. Action, prompt and vigorous, is what they must resort to, if they would avert from themselves revolutionary horrors. It will be too late after projects of laws shall have been announced for making over half of their means to the tenants of their lands, or the workmen in their factories. When once

confiscation shall have been definitely conceded by Ministers, the appetites of those who are to share the plunder will be quickened to a degree in which all sense of justice, all moderation, all chance of compromise, will be hopelessly lost. Let the scramble but begin, and it will never stop until that dreadful day when, everything having been overturned—blood having flowed like water, wealth having been dissipated, and democracy having rushed to such excesses that it must be saved from itself, and that a few embers may survive to found a new nation—some Napoleon may be entreated to point his cannon on the uproarious residue, and make them leave off to throttle each other, when there shall be nothing left but the pleasure of the strife as an incentive to murder.

The above, as we well know, may be sneered at as wild writing. What an idea that Britain—steady, cautious, commercial Britain—should ever be in a condition to justify the last sentence in the foregoing paragraph! Howbeit the words have been written in sorrow, not in wantonness; after long deliberation on the aspect of affairs, not as a flourish of pessimism. Events march at such a pace in these days, like stones set to roll down inclines; unwise government and unwise laws so rapidly multiply their momentum, that almost "ere men have time to say *Behold*," the dire consequences have trodden on the heels of the ill-designed acts. Fourteen months ago there appeared in this Magazine * some remarks on the condition of Ireland, and suggestions of remedies which might (had they been adopted) have averted ruin. These were objected to as far in excess of what the occasion required—as making mountains of molehills; and yet, since then every one of the recommendations therein set forth has been discussed by the press as a possible remedy, now that it is too late to save the country; and the sad and rapid change of circumstances has completely justified our premonitions. Let no man flatter himself that, because we are here steady and secure to-day, buying and selling, eating and drinking, marrying and giving in marriage, the plagues that are written in this paper may not be upon us in 1883 if we refuse to take warning and to take order for our own safety. The example of Ireland is for our instruction, like Moses and the prophets. Let us not shut our understandings to the signs of the times, waiting till one arise from the dead to convince us!

It is quite true that Great Britain to-day is very unlike what Ireland was when she was pronounced to be "contented and in comfort." Ireland at her best was but an inflammable, badly welded community, with her ear open always to the fables of the agitator,—ill-fed, ill-clad, ill-housed, idle, whisky-stricken, turbulent. There is a far less excitable race to deal with on this side the water. But then it must be remembered that the treatment which has destroyed Ireland has not been without its effect upon Britain through the eighteen months last passed. Britain has not burst into flame yet; but she has been deeply impressed with the fact that she has an impotent Government; that the law may now be used for unjust purposes which in a law-abiding community could not be spoken of; that violence may be resorted to, almost with impunity, to enforce illegal edicts, and to swell the ranks of the discontented. Above all, she knows by precept and example that by law-breaking and terror almost any political project may be realised!

* See 'Blackwood's Magazine' for December 1880—Art., "Ireland our Reproach."

It must be remembered also that the monstrous doctrine, *Force is no remedy*, was never proclaimed in Britain until somewhere about a year ago. It is a direct invitation to the ill-disposed to break the laws. It offers an immunity to those who may incline to use force against established order, against life or limb or property, and it contains an assurance that Government on its part will never seek to uphold the law by force. Such a maxim published by an executive government sounds very like a proclamation of anarchy. A people which might conduct itself on the whole very soberly under other circumstances, could hardly help being demoralised and stirred to violence by so mad an advertisement. For in every—even in the staidest—commonwealth, there are always some bad spirits capable of doing widespread mischief; who are kept quiet by the dread of certain punishment as long as there is a vigorous executive, but who, once that dread is removed, incite to mischief. This baneful doctrine has probably conduced in a high degree to disorder. The men who uttered it possibly did not mean to do ill—probably did not by those words express exactly what they meant; yet the vast evil of their speech is not lessened on that account. Says the Scripture—"Let a bear robbed of her whelps meet a man, rather than a fool in his folly."

Force is not a desirable or a satisfactory remedy; and nothing is lost by letting it give place to a better, when a better and an efficient one can be found. But that force *is* a remedy there can be no doubt. Sometimes, too, it is the only available remedy; and when this is the case, to hold that it must not be resorted to because it is distasteful, is to talk nonsense. It is generally a less evil than the disturbance which is to be put down. And so, as the minor of two unpalatable things, it ought certainly to be used.

Perhaps nothing weaker was ever spoken than the argument used last month by Mr Bright to the effect that it is unwise to use force, because those against whom it may be employed will afterwards retain a bitter feeling against the Government, which will rankle in their minds, and make reconciliation difficult or impossible after the coercion is past and gone. Certes, they who have felt the stroke of the law's arm will not "be senseless of the bob," will not think very kindly of ordinances or of officers. But if this argument be of any weight, it must tell as strongly against flogging the garotter, or sending the burglar to penal servitude, as against striking and keeping down the rebel by main force. Every one of these offenders will to the end of his days bear the law a grudge for what he may have suffered at her hands. But will any sane man consider that a good reason why all criminals should be coaxed and not punished? Punishment has, at any rate, the merit of effecting its purpose—*i.e.*, of awing and subduing the criminal, if it does not conciliate him. Mr Bright's method of dealing with Irish rebels neither subdues them nor conciliates. They laugh at his remedy, and curse the laws all the same!

The declaration of the Government against the use of force to uphold the law is, we repeat, in itself a heavy blow to order, and furnishes one good reason why we must not judge the Britain of to-day by the Britain of former days. The unwholesome influences of the kingdom have, so to speak, been unchained by the announcement, and will not be slow

to use the licence that has been accorded to them. Everything indeed looks, at present, against the continuance of order even in Great Britain.

Such warnings as we have given above address themselves clearly to the owners of property. But, as we are by this time pretty well aware, much of the political power of the State is in the hands of persons who do not possess land or capital. Much pains have been taken to persuade this large and influential class that injustice practised against the propertied classes must be advantageous to them—cannot, at any rate, be detrimental to them. We have seen with what uproarious delight all Irish meetings receive the proposal that landlords shall disappear altogether from among them. And we are not likely soon to forget the rapturous satisfaction with which Mr Bright contemplated "the landlords running for their lives."* It may gratify feelings of envy, hatred, and malice, certainly, to behold an unfortunate class hounded from their own, and violently turned forth as beggars. Plainly, such a spectacle affords sport to many. And, so far, it seems simple sport, quite unconnected with the wellbeing of those who enjoy it. Nevertheless it is dangerous. It will prove to be, like Mr Gladstone, a luxury, and a very expensive one. For of one fact we may be quite certain, since all history confirms it. It is this: LANDLORDS AND CAPITALISTS CANNOT SUFFER ALONE!

The idea of those whom we may call the Optative, as opposed to the Possessing, classes is that capital may be neatly and without much deterioration torn from those who now hold it, and transferred, either in the lump or by distribution, to those who hunger for it. But this is merely the prompting of appetite. All recorded examples tell against such a result. Capital forcibly torn from the owners does not pass entire, or without serious diminution, to the new recipients. It has an inveterate tendency to disperse during the transfer. It has already, by the first robbery, lost the magic protection which had been given to it by law; many feel bold to pick and snap at it; the successful spoiler will probably think it wise to spend and enjoy it while he can. Thus it is not the same power, nor anything like the same power, that it was to the former possessor. It is not likely to fructify: it is very like to be wasted. Possession will altogether disappoint expectation. When in a tempest or a mutiny at sea Jack breaks into the spirit-room, he does so under the idea that inexhaustible felicity will be at his disposal. Yet it is wonderful if he gets more than one debauch—one brutal revel to take him blind drunk to Davy Jones, or whithersoever the uncared-for ship may drift to. Should he survive to be once again a sentient being, he will probably find that the rum for which he risked everything has been allowed to run during his ecstasy, that it has all disappeared, and that he is literally worse off in respect of liquor than he was when the purser kept the tap; for puncheons of fine spirit have gone to waste, and will never gladden a soul. It is much the same with plundered property, which very soon becomes wasted property. It is found that the workman cannot thrive without the capitalist, that the two are necessary the

* Shakespeare's *Jack Cade* appears to have been very much of the same humour as Mr Bright, for he says—

> "We will not leave one lord, one gentleman:
> Spare none but such as go in clouted shoon:
> For they are thrifty, honest men," &c.

one to the other, and that the destruction of the capitalist will quickly lead to the ruin of the workman. Workmen, before they allow themselves to be carried away by revolutionary illusions, should endeavour to discover for themselves whether what we have just said is borne out by all examples, or whether it is not.

For those who will look and learn, unhappy Ireland affords at this moment an example of what is likely to ensue whenever we may take to legal plundering in this island. Irish tenants have been by law permitted to despoil the landlords of a large fraction of their rents, and have been presented with a right—a saleable property—which they had not before, and which they have not acquired by any honest effort or outlay of their own. In addition to this they have, in a vast number of instances, helped themselves to the reduced rents which the law yet reserves to the landlords. But do Irish tenants appear to be in the slightest degree better off than they were before the Land Act was passed? Is there the least sign of their thriving or being made happy by their gains, lawful and unlawful? Is it not a truth that every dishonest tenant is otherwise occupied than in attending to his land—that he is alert watching his neighbour, and applying to his neighbour all kinds of unlawful pressure, lest he should act like an honest man? Is not the country thoroughly disturbed from one end to the other? and is not the tenant, with all the advantage that he has gained, an object of pity rather than of envy?

The answers to these questions are all readily obtainable in the present; but we are greatly mistaken if the future be not big with answers, which will be understood without any examination,—which will force themselves on our attention. We err greatly if within a very few months we shall not hear that the tenants who have gained so much are absolutely impoverished by the process, and that they, along with the great body of their countrymen, are once more suffering from want, the result of paralysis of business, of the absence of confidence between man and man, of the idleness caused by political excitement, and of the withdrawal of capital from the island,—causes which are now in operation, and which must be intensified as the seething of the Irish caldron increases ever towards its catastrophe.

And we cannot here refrain from making a remark concerning the many Irish ladies who have been reduced to absolute pauperism by the non-payment of rents. Their cases have been so deplorable, that the charitable part of the British public has come forward and given from their own means for the relief of these indigent ladies. It was well that in their distress they had the charity of the larger island to appeal to. But what will English ladies do when their turn shall come? There will be no larger island for them; and their turn will come if we delay.

How swiftly the desire to confiscate and to rob is spread, how unholy desires allowed to ripen and to be gratified in one locality wing their way to another, was exemplified on the 16th of January of this year, when a meeting of a society, calling itself the Land Nationalisation Society, was held in London. The objects of this association may, in brief, be stated as the dispossession of every landowner in the kingdom, without compensation, and the seizure of the land for the use of all the population in common. It is probably as yet not a powerful organisation, but it is a spark wafted from the burning house across the water.

The band of would-be robbers is quite as strong as the Land League was when it began its agitation. The Nationalisation Society cannot but be mightily encouraged by the history of the Land League. It no doubt believes itself to be the grain of mustard seed which in a few months will have become a tree, and will overshadow the land, forcing the Government to work its will, and spreading terror and ruin till we have the Irish tragedy, with perhaps a few variations, repeated in the English and Scotch counties. We know that when it shall begin, we have no help to expect from the Radical Government. Rebellion will be allowed to have its way, cheered probably by Ministerial sympathy; while its victims will be held up to censure as criminals, on whom a just retribution has at length descended. According to their programme, the society would be good enough to leave the land in the hands of the families who now own it for this and the next generation; but we doubt whether, if they should once feel themselves to be in the ascendant, they would wait so long before taking the spoil. The mention of the two generations is probably only a bait for getting the project more readily considered.

We say, then, that it is the part of every man in Great Britain, above the condition of a pauper, a criminal, or an outcast, to resist with all his might the further proceedings of Mr Gladstone's Government—and this independently of duty, but regarding self-interest merely. What public plunder really means is the dissolution of society: and those who allow themselves to be made tools to work out that result, are not the men who will gain anything when the disruption comes. Let each elector, before he is induced to acquiesce longer in the present dangerous state of things, ask himself what Irishmen have really gained by the present anarchy, and whether he would himself like to drag along a life subject to the terror of Leagues of many kinds, with capital and employers fleeing from his vicinity, with law paralysed, and with the trust of man in man extinguished. Few of them, we are sure, would desire or would endure such a state of things. But if they would avert it they must not pause, they must not hesitate, far less must they tolerate any first tamperings with property. They must act at once, or the enemy will have mastered positions from which it will be impossible afterwards to dislodge him. They must remember how in eighteen months Ireland came to her death-blow.

We have been told, we know not with what degree of correctness, that, in the Session of Parliament which is about to commence, many members who have been returned to the House of Commons as Liberals will think of their country before their party, and forsake Mr Gladstone and his fatal measures. Should any of them thus assert themselves in order to save Great Britain, their service at Shrewsbury may somewhat gild over their exploit on Gad's Hill—their rescue of this island may be some set-off against the facility with which they allowed themselves to be used for ruining the other. They must perceive by this time that Mr Gladstone is not a person to whom they may surrender their own judgments. They committed that fault last year with regard to Ireland, and they see now how incompetent a guide he was. Had they aided him to make only a harmless experiment, the failure of his plans would have condemned his followers. But they did far worse than that. They supported him in doing what they knew to be an act of cruel injustice, the only apology for which would have been that it had resulted in the

pacification of Ireland. It has resulted in the aggravation of disorder and disaffection there, and in the appalling increase of crime. For these grave consequences they must see that they are responsible. To all of them who have anything to lose, the consciousness must have come that the measure which they so weakly assented to for others may now be measured to them again. If they would make atonement for the wrong, if they would secure their own goods, they must check this revolutionary mania before it is a month older. Plausible representations and specious promises will no doubt be made for the purpose of holding them steady in their error; but they ought to know by this time what credit to give to these. They have heard such before.

We fancy that we see symptoms of a design to cajole by assurances that, let things look as they may, there has in reality been a great diminution of crime in Ireland; and this may be accepted as proof that the Queen's authority is once more regaining the ascendant, and that the efforts of the Executive may yet be crowned with success. More than one of the small deer of the Liberals have piped gently in this key, anxious, no doubt, to ascertain whether or not this is a tune to which people are likely to dance.

Now, in the first place, all evidence to which the public can attain tells for the increase in quantity, degree, and boldness of crime; and friends of the Ministry will have great difficulty in showing that the decrease of which they speak is real. Secondly, supposing even that so many crimes had not been committed during the last week or two, what would that prove? That the Queen's authority was reviving in the miserable country? By no means: it would only be a sign that the behests of the Land League were being generally obeyed, and that it is no longer necessary for that conspiracy to enforce obedience to its edicts by violence. Murders and outrages go on only as long as some remain loyal and honest. It will be nothing for the Government to boast of, if these crimes are less frequent because all men have joined the party of disorder.

Neither will it be any reason why men in Great Britain should pause an instant before taking steps to insure themselves against Ireland's fate. While they see Mr Gladstone afraid to move from place to place without a body-guard, they will be slow to believe that the reign of violence is over, or that he supposes it to be over. No matter with what persistence crime may show itself, Ireland is disintegrated for many a day.

It is a curious fact, though one not without parallel, that even now, while all around him appear the evidences of his failure and our bitter damage, there are fond partisans who can yet see no imperfection in Mr Gladstone. Those hearts which once truly loved, and can never forget, are ready to-day—and, we believe, without the least sense of irony or sarcasm—to proclaim that he never at any period of his career occupied a grander or more honourable position. The wreck of Ireland, the imminent peril of Britain, are lost upon these idolaters. He won their goodwill by his unscrupulous tongue in the past, and he bids them disbelieve their own senses in the present, and confide in him, and dismiss all care for the future—

> "And they believe him!—Oh, the lover may
> Distrust that look which steals his soul away;—
> The babe may cease to think that it can play

With heaven's rainbow ;—alchymists may doubt
The shining gold their crucible gives out ;
But faith, fanatic faith, once wedded fast
To some dear falsehood, hugs it to the last."

This admiring chorus will probably be hymning in its constant and only key on the day when the flood shall come and take us all away. It knows no other note than the note of admiration, and will be as unchangeable as the cuckoo. The devotees are past argument, past reflection, past even ridicule. They must be left to their devices. "Cry aloud, for he is a god !"

Europe looks on astonished, while the British Empire is falling to pieces. The nations, seeing the incomprehensible follies to which we allow ourselves to be deluded, fancy that we are possessed by evil spirits, and ready to rush together down a steep place into the floods. They cannot understand how a country which has attained to unexampled prosperity, and which has always been able to ward off peril from without, should be impatient of its blessings and labour for its own undoing ! It is undoubtedly a strange spectacle, that of a nation well-to-do, and the envy of its neighbours, whose boast it lately was that it had grown great by following the guidance of plain common-sense, and by turning away from fair-seeming impracticable speculations, now the victim of unproven theories, lending itself to dreams and fancies, and choosing for its guides and governors, not cool hard-headed men of the world, but some of the most reckless crotcheteers that the world has ever seen.

'Maga's' counsel is, Ward off the blow: do not wait for it to fall. Put away our present Ministers as the greatest danger of all that beset us. Let them not ruin Great Britain as they have ruined Ireland : let them not even begin their experiments on her. A year and a half ago they promised great benefits. We have received no benefit, but we have suffered a large amount of evil. Let us profit by the eighteen months' experience. Ireland lies there close at hand to prove to any man who will see, how deadly—how rapidly deadly—they can be. If the friends of order do not know the value of time, the friends of disorder know it well, and will utilise every moment.

"To-morrow, and to-morrow, and to-morrow,
Creeps in this petty pace from day to day
To the last syllable of recorded time ;
And all our yesterdays have lighted fools
The way to dusty death !"

Our choice must be made at once, whether we will simply be broken (which is already our case) or whether we will be ground to powder. It is for Britain to choose. For 'Maga,' she has delivered her soul.

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[SECOND EDITION.]

THE NEW LAND BILL:

WHAT IT PROPOSES TO DO, AND HOW IT IS TO BE DONE.

WHAT TENANTS IT PROPOSES TO PROTECT, AND HOW THEY ARE TO BE PROTECTED.

EXPLAINED,

In Clear and Simple Terms,

FOR THE INFORMATION OF

IRISH TENANT FARMERS.

BY

A. M. SULLIVAN, M.P.

TO WHICH IS APPENDED

THE FULL TEXT OF THE BILL,

In Corresponding Lines and Pages, with the Official Parliamentary Print.

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I.

Introductory.

To the Six Hundred Thousand Tenant-Farmers of Ireland I dedicate this effort to bring more clearly within their comprehension the various provisions and proposals of the all-important measure now before Parliament entitled the "Land Law Ireland Bill."

No more eventful moment than this has dawned on the Irish people for centuries.

Hitherto our great struggles have been for abstract political rights. This one is to win security for industrial property. It means life or death, liberty or serfdom, happinesss or misery for Six Hundred Thousand tillers of the soil.

Upon the correct understanding of the present Land Bill by the class whom it is to affect, a great deal will depend both before and after it becomes law.

The terms of the Bill, in its language of legal technicalities, are almost impossible to be clearly comprehended by ordinary readers. Scattered throughout its fifty Clauses are various allusions, conditions,

and provisions that very often have all to be read together before the point they deal with can be accurately understood.

For want of some such simple explanation of the Bill as this aims to be, the most contradictory statements, opinions, and criticisms have been put forward, and the most glaring errors have been fallen into, even by speakers and writers of influence and position.

The leading feature of this summary is that for every statement, and at every point, I give, so to speak, "chapter and verse," by naming the clause and sub-section of the Bill, which each reader can refer to and judge for himself.

My purpose is not to add one more to the already numerous and perplexingly contradictory pronouncements upon the Bill. Except as to a few observations and suggestions at page 42—which suggestions I make only in the spirit, and within the scope, of the Government proposals—I reserve for a different occasion my opinions and criticisms upon the scheme; that is to say, any contrast between it and others which might be considered more direct and simple, more far-reaching and efficacious.

For the sake of greater simplicity I have collected separately into one brief chapter (XVI.) all the references and provisions relating expressly to Ulster

Tenant Right, instead of mixing them up with the rest of the measure.

The text of the Bill is printed line for line and page for page with the Parliamentary copy, with which also the page-numbers correspond. Therefore, when, in the course of the memorable debates now at hand, an Irish Tenant reads in the newspapers of an amendment to omit or insert certain words "at line 7, page 15," or otherwise as the case may be, he will be able, by reference to the Bill as printed herein, to discern at once what is likely to be the effect of such an amendment.

A. M. SULLIVAN.

Temple, London,
18th of April, 1881.

II

Tenancies to which the Act does NOT Apply.

Such benefits as this Act proposes to confer on Irish Tenants are not intended for the renters of large bullock-ranges and sheep-walks, but for the occupiers of *bona fide* agricultural holdings or dairy-farms in connection with such holdings. No holding let to be used wholly or mainly for the purpose of pasture, if it be so large as to be valued over £50 a year, shall be entitled to the protections and provisions of the Act. (Cl. 46, sub-sec. 3.)

Grazing-farms of *under* £50 a year are also excluded from the Act, unless they be residential holdings; that is, unless the Tenant resides thereupon, or has his residential holding adjoining such Grazing farm. (Cl. 46, sub-sec. 4.) *But*—

Even though the Tenant does not reside on or adjoining such Grazing farm, valued under £50 a year, if it be one (no matter how far distant from his residence) which is ordinarily used with or for the convenience of the holding on which he actually resides, then such Grazing farm *is* within the protections and provisions of this Act. (Cl. 46, sub-sec. 4.)

Demesne lands, town parks, and accommodation fields let to dwellers in cities or towns, are excluded from the Act.

Any holding occupied by a hired servant, or hired labourer, as such ; any holding let expressly for temporary convenience ; any con-acre or temporary depasturage ; any cottage-allotment under quarter of an acre—are each and all excluded from the Act. (Cl. 46, sub-secs. 5. 6. 7. and 8.)

Holdings held under existing leases, short or long, remain subject to such Leases, and are during the term of such Leases *not* regulated by this Act. (Cl. 47).

[There is, in Clause 47, an apparently invidious advantage given to Leases now subsisting in the Tenant-Right Counties or districts of Ulster, securing to the holders of such Leases certain rights ; but the Act is *silent* as to the *status* or rights of the holders of existing leases, long or short, throughout all the rest of Ireland.]

III.

Tenancies to which the Act Applies.

Clause 1, in its very first line, says that "the tenant-for-the-time-being of every tenancy-to-which-

this-Act applies" may sell his tenancy for the best price that can be got for the same.

Who are the persons thus empowered to sell? What is a "tenancy-to-which-this-Act-applies"?

There are several sorts, classes, or degrees of tenancy mentioned in the Act; and the Act "applies" to each of them in a greater or lesser degree. There are no less than seventeen different sorts or nomenclatures of tenancy mentioned in the Act. Some of them, no doubt, are meant to be synonymous. Others are not only manifestly different in character, but have very different rights accorded to them by the Act.

[Some few of them are "defined" in the interpretation clause (44); but the majority are not.]

The following are the tenancies, tenures, or terms mentioned in the Act:—

1. "Tenancy-to-which-Act-applies." This is referred to in Clause 1, page 1, lines 7 & 8; Cl. 2, p. 3, l. 22; Cl. 9, p. 9, l. 19 and 20; Cl. 10, p. 9, l. 30 and 31; and in Cl. 45, p. 26, l. 1.

2. "Present-Tenancy." This is referred to in Clause 3, page 3, line 35; Cl. 3, p. 4, l. 20; Cl. 7, p. 6, l. 29; Cl. 7, p. 7, l. 34; Cl. 7, p. 7, l. 36; Cl. 7, p. 7, l. 41; Cl. 10, p. 9, l. 29; Cl. 44, p. 25, l. 24; Cl. 45, p. 26, l. 14; Cl. 45, p. 26, l. 21.

3. "Future-Tenancy." This is mentioned in Cl. 3, p. 3, l. 37, and in Cl. 44, p. 25, l. 26.

4. "Ordinary-Tenancy." This is mentioned in Cl. 9, p. 9, l. 8, and in Cl. 44, p. 25, l. 28.

5. "Present-Ordinary-Tenancy." This is mentioned once; namely, in Cl. 10, p. 9, l. 26.

6. "Fixed-Tenancy." This is mentioned in Cl. 10, p. 9, l. 27; Cl. 10, p. 9, l. 28; Cl. 11, p. 9, l. 32; Cl. 18, p. 12, l. 12.

7. "Tenancy-subject-to-Statutory-conditions." This is referred to in Cl. 1, p. 1, l. 11; Cl. 3, p. 4, l. 1; Cl. 7, p. 7, l. 38.

8. "Tenancy-not-subject-to-Statutory-conditions." This is referred to in Cl. 45, p. 26, l. 4 and 5.

9. "Tenancy-subject-to-statutory-conditions-consequent-on-an-Increase-of-Rent-by-a-Landlord." This is referred to in Cl. 7, p. 7, l. 39 and 40.

10. "Holding-to-which-this-Act-applies." Mentioned in Cl. 9, p. 9, l. 9 and 10.

11. "Judicial-Lease." Referred to in Cl. 9, p. 9, l. 12, 13, 14, 18, 19, 21.

12. "Statutory-Term." Cl. 3, p. 3, l. 40 and 41.

13. "Future-Ordinary-Tenancy-from-year-to-year." This is mentioned in Cl. 9, p. 9, l. 22.

14. "Holding-within-the-jurisdiction-of-the-Court." Cl. 14, p. 11, l. 9 and 10.

15. "Tenancy-for-a-year-certain." Referred to in Cl. 16, p. 11, l. 32.

16. "Tenancy-less-than-a-yearly-tenancy-created-after-the-passing-of-this-Act" Mentioned in Cl. 16, p. 11, l. 34 and 35.

17. "Tenancy-subsisting-at-the-time-Improvements-were-made-under-Landlord-and Tenant-Act-1870." Mentioned in Cl. 6, p. 6, l. 11 and 12.

IV.

Free Sale.

Every one of those tenures, terms, or tenancies (with the solitary exception of No. 16 in a given contingency) comes within the scope of the *power to sell* given in Clause 1:—"The tenant-for-the-time-being of *every* Tenancy-to-which-this-Act-applies may sell his tenancy (that is, his interest in the holding) for the best price that can be got for the same."

The Tenant is to give the Landlord notice that he wishes to sell; and thereupon the Landlord may, if

he think fit, buy the Tenant's interest, at such price as he and the Tenant may agree upon, or, if they cannot agree, at such price as the Court may fix as its fair value. (Cl. 1, sub-sections 2 and 3.)

The Landlord may object to a purchaser on "reasonable" grounds (Cl. 1, sub-sec. 5), such as that he is without means to stock or work the farm, that he is a "bad character," that he has already "failed" in farming. This does not mean that the Landlord can prevent a sale to any one whom he pleases capriciously to dislike. If the Court consider that his objection had not solid justice in it—that is, for instance, if the Court do not consider the purchaser to be a bad character—then it will quash the objection, and may make the Landlord pay the Tenant's costs. It appears almost certain, however, that these restraints on Free Sale will be either swept away, or be greatly modified, when the Bill gets into Committee.

The Tenant can sell to only *one* purchaser—that is, the holding must not be divided—unless with the Landlord's permission (Cl. 1, sub-sec. 1).

The Tenant can bequeath to only *one* person (Cl. 2).

Rent due to the Landlord is always a claim to be stopped out of any purchase-money payable to the out-going Tenant (Cl. 1, sub-sec. 8).

V.

"Fair Rents."

On the day this Act becomes law the power of an Irish landlord to capriciously or arbitrarily raise the rent of a tenant is gone for ever.

Raising of rent henceforth is (unless in certain rare and exceptional cases hereinafterwards mentioned) to be subject to rule and supervision of the Land Court, with a view to fair-play and justice between all the parties.

[As to this "Land Court" (and the "Land Commission," to which Tenants or Landlords may appeal from the decision of the Land Court) see further on, at page 40.]

Every Tenant in Ireland who is a Tenant-at-Will from year to year may, immediately on the passing of the Act, apply to the Land Court to adjust his rent on a fair and equitable basis. (Cl. 7.)

In a "fair rent" a tenant is not to be made to pay a rent on the value his own outlay has created. By Clause 7, sub-section 3, a "fair rent" means such a rent as in the opinion of the Court a solvent Tenant would undertake to pay one year with another, *deducting* from such rent the yearly sum which represents *the Tenant's interest in the holding.* (Cl. 7, sub-sec. 3.)

On properties that are rack-rented to an extent that at present confiscates the Tenant's interest, such deduction will of course have to come out of the present unjustly-swollen fee-simple value, inasmuch as this at present includes Landlord's *and* Tenant's interest in the holding.

On properties that are *not* rack-rented, but that are let at or under a fair rent that is not in any way charged on the Tenant's own improvements and good-will, such deduction will not lessen the Landlord's interest or income by one farthing; for it will be a deduction from the sum of the two interests added together that are already recognised as distinct.

That is to say—take, in the first place, the case of a holding fairly worth about £80 a year, but now rack-rented on the tenant at £120 a year:—If, after hearing all the parties, and after considering all the circumstances of that particular case, and all the circumstances of that particular holding, and the circumstances of that particular district, the Court should say that £90 a year would be a fair and reasonable rent for a new-comer to give for that holding as it stands—then the Court shall in the same way enquire and consider (1) how long the occupying tenant and his fore-fathers have been in that place; (2) what improvements of the occupying tenant or his fore-fathers or predecessors increase the letting value of the holding, and to what extent. Whereupon the Court may say:—

We allow that this Tenant, on account of occupancy-right or "compensation for disturbance," has an interest in this holding of £200

We allow that this Tenant, on account of Improvements made by himself or his predecessors, has an interest in his holding of ... £300

Total Tenant's Interest ... £500

[These are only supposed amounts; because the Court *may* allow for disturbance £360, or they may allow *nothing at all;* and for Improvements, they may allow any sum from a shilling up to a thousand pounds. It will all be according to the facts and merits of each individual case.]

Supposing, as above, the Court fixed £500 as the value of the Tenant's interest in the holding; then they would probably deduct that £500 from what they thought the Landlord's fee-simple of the holding to be worth *as it stood;* say £2,000 in all. The Tenant's £500 deducted from this would leave £1,500 as the Landlord's interest; so that on the £90 which would be a fair rent *from an outsider* for the *whole* £2,000-worth, the *occupying Tenant* should only pay the Landlord £67 10s. 0d. a year, as the fair rent under Clause 7 of this Act.

[Such, or some such, would seem to be the process most in accordance with the spirit of the Act; but I merely give it here as an assumption for the purpose of illustration, referring the reader, meanwhile, to the terms of the Act.]

Every rack-rented yearly tenant in Ireland may, the day the Bill passes, send in his claim to have his

rent thus adjusted. If he has no substantial improvements to show, he will be allowed nothing for "improvements." If he has no strong case of long occupancy by himself or his forefathers (or by predecessors whose interest he bought or succeeded to) he will be allowed nothing for "occupancy right." But whether he has improvements or not, and whether he has been long or short in the holding, his rent will be lowered if the court consider it too high. (Clause 7, sub-secs. 1 & 3).

The rent thus adjusted is, in the language of this Act, called a "judicial rent" (Cl. 7 sub-sec. 4), and for fifteen years from the date of its being so adjusted (which term of years is, in the Act, called a "statutory term") the landlord has no power whatever to raise the rent so fixed. (Cl. 4—first three lines.)

When that term of fifteen years is drawing to a close—that is to say, at the end of the fourteenth year—the Tenant may, if he fears the Landlord is likely to raise the rent on him, come to the Court and get an order, as he did in the first instance, as to what shall be the fair rent for the next fifteen years; and so on, from time to time at the end of every fifteen years. (Cl. 7. sub-secs. 10 and 11.)

[If prices in general have gone up or are rising, the Court will probably add to the rent. If prices are falling, the Court will probably take something off.]

Once a Tenant has had his rent thus adjusted for

him by the Court, the Tenant is what is called in this Act "A-Tenant-subject-to-Statutory-Conditions"; which conditions are these :—

1. Shall pay his Rent.

2. Shall not commit persistent waste, by dilapidation of buildings or by deterioration of the soil.

3. Shall allow Landlord's rights to mines, quarries, hunting, fishing, and sporting; Landlord paying the tenant for any damage done.

4. Shall not sublet or subdivide without Landlord's permission; but con-acre and temporary grazing are allowed.

5. Shall do no act whereby his holding becomes vested in a judgment creditor or assignee in bankruptcy. (Cl. 4, and sub-secs. 1, 2, 3, 4 & 5.)

If a Tenant whom the Court has protected by adjusting his rent breaks any one of those "statutory conditions," the landlord may compel him to sell out (Cl. 13.), by serving notice of ejectment proceedings.

When (presumably after the passing of this Act) the Landlord serves *notice* of ejectment for non-payment of rent, the Tenant will have from that date up to six months after the *execution* of the decree to sell his interest to the best advantage; but if the ejectment is for any cause other than non-payment of rent, the Tenant will only have the period between

the first notice or commencement of the proceedings and the actual execution of the decree within which he can sell. (Cl. 13, sub-sec. 1.) "And if any judgment or decree in ejectment has been obtained *before the passing of this Act*, such Tenant may, within the same periods respectively, apply to the Court to *fix the judicial rent* of the holding." (Cl. 13, last four lines.)

So that if the Act pass, say, before the 30th of June next, in the case of all tenants evicted for non-payment of rent since the 1st of January, 1881, *such evictions are quashed*; the Tenants are entitled to the protection of this Act; and can obtain statutory security at a fair rent. (Cl. 13, sub-secs. 1, 2 & 3, and Cl. 7, sub-sec. 7.)

As the Act stands (that is, as printed for its first stage in Parliament), such protection of Tenants already under notice or already evicted will not amount to much, unless they are able to pay up the arrears, because even Statutory-Term-Tenants can be evicted (or rather *compelled to sell out*) for non-payment of Rent. In *every* such case, however, fresh ejectment proceedings would have to be commenced, and every such Tenant (whether evicted, or only "noticed," since the 1st January last) would get a declaration by the Court of what the fair rent on him should be, exclusive of all his tenant-right and other interests, and then such tenant would have the

right *to sell his interest* in the holding, *at the adjusted fair rent*, for the best price he could get for it. (Cl. 13, sub-secs. 1 and 3, and Cl. 7, sub-sec. 7.) *But*, according to Clause 45 (as it stands in the first print of the Bill) every sale of a Tenancy for breach of Statutory conditions *breaks the continuity of the Tenancy*, and constitutes the *incoming* Tenant what is called a "*Future*-Tenant," whose status and rights (referred to hereinafterwards, page 25.) differ from those of a present-tenant and the recognised successors (by purchase or otherwise) of a present-tenant. In the case of a now-pending ejectment, if the Tenant is not actually out of the holding before the Act passes, the eviction is *stopped*, and the Court will give him a declaration of his rights as a Statutory Term-Tenant at a fair rent. (Cl. 13, sub-secs. 1, 2, 3, and Cl. 7, sub-sec. 7.)

If any Irish Tenant who is now a Tenant-at-will-from-year-to-year does not care to apply on the passing of the Act to have his rent adjusted by the Court —and if at any time or in any year hereafter the Landlord demands an increase of rent for the holding (unless it be for outlay on the farm by the landlord on an agreement with the Tenant—(Cl. 4, last four lines) then—

The Tenant may assent that the increase is deserved, and *accept* it:

Or, he may consider it is *not* deserved, and *refuse* it,

If the Tenant *accepts* such proposed increase, he becomes a Tenant for a "Statutory Term" at that rent; that is, for fifteen years from that date his rent cannot be further increased, and during those fifteen years he cannot be evicted, unless (as explained above at page 8) for breach of "Statutory-Conditions." (Cl. 3 and sub-sec. 1.)

[At the end of the fifteen years, if he thinks the rent too high to go on with, he can call on the Court to adjust it to a "fair rent" under Cl. 7.]

If, however, the Tenant *refuses* to agree to such proposed increase of rent, then he has his choice of any *one* of these three courses:—

1st. He may sell his interest in the holding (to any *one* purchaser) for the best it will fetch at the increased rent, in which case the Landlord must pay to him *ten* times the amount of such sum as the Court may determine to be the excess of the increased rent over a *fair* rent (by him) for that farm (Cl. 3, sub-sec. 2).

Or, 2nd. He may choose to leave the farm, and demand compensation for Disturbance *and* for Improvements under a scale laid down in the Act (Cl. 3, sub-sec. 3).

Or, 3rd. He may choose to stay in the farm, and call on the Court to fix the fair rent of it (Cl. 3, sub-sec. 4), whereupon he becomes a "Statutory-Term-Tenant" entitled to claim renewals every fifteen years at a fair rent.

Take the case of a Tenant who has held at £50 a year, but from whom the Landlord now demands £65, and who elects to *sell out* at the proposed increased rent—he will of course get so much less for it than he would if he could sell at the old rent. But he is to be recompensed in this way:—

The Court will first enquire what would be a fair rent *for a new-comer* to give for the farm *as it stands* —say £60 a year. The Court will next enquire and consider how long the outgoing tenant and his forefathers or predecessors have been in that farm, and what amount of substantial improvements they executed. Then the Court will make an allowance on each account as the Tenant's interest in the holding, and say that he has on account of those things an interest of £25 a year in the holding, so that the statutable fair rent on the *outgoing* Tenant would be £35 a year. The Landlord would thereupon have to pay to the outgoing Tenant (*in addition to* any sum which the incoming Tenant may agree to pay him for the farm at £65 a year) *ten* times the difference between that £35 and the £65 claimed by the Landlord—namely, £300.

[But if the outgoing Tenant had no good improvements to show, or was not long in the place, or had it at a fair rent, it probably would happen that the Court would award him *nothing at all*. Everything would depend on the facts and the merits of each individual case.]

The incoming Tenant in the above case would be

a Tenant for a "Statutory Term" of fifteen years at the rent thus increased. At the end of that term, if he considered the rent too high, he would be entitled to call on the Court to adjust it for a new term, and so on.

If a Tenant who is not in a "Statutory Term" (see above, page 18) sells his holding without having previously received any notice from his Landlord of an intention to demand an increase of rent—and if that Landlord demand an increase of rent from the *incoming* Tenant, then the incoming Tenant may at once sell the holding for whatever it will fetch subject to the *increased* rent; and the Landlord must pay to him the amount by which the selling value was depreciated by that increase of rent (Cl. 12).

[The *status* and rights of the Tenant who has thus purchased at the *increased* rent are, oddly enough, left quite obscure in the Act.]

Any Tenant who by purchase, inheritance or bequest succeeds to a Tenant who has not been sold out for breach of Statutory conditions, stands in the place of that Tenant for all the purposes and benefits of this Act (Cl. 44, definitions of "Tenant" and "Tenancy" read with the first enacment of Cl. 45.)

VI.

Perpetuatory Tenure.

Inasmuch as a Statutory-Term-Tenant can at the end of his *fourteenth* year claim for a new statutory Term to commence from the end of the fifteenth year (Cl. 7, sub. sec. 11) it follows that a Statutory-Term-Tenant has a renewable or perpetuatory tenure (at a rent the fairness of which will be reviewed and reconsidered every fifteen years) as long as he fulfils the "Statutory Conditions" as to payment of rent, &c.

Every Irish farmer who is now a Tenant-at-Will from-year-to-year of an agricultural holding, may, the day the Act becomes law, secure for himself and his successors this perpetuatory tenure at a fair rent, by application for it to the Court; that is, by getting the Court to constitute him a Statutory-Term-Tenant at a fair rent.

A Tenant-at-Will from year to year who does not thus get the Court to protect him, or who has not a lease to protect him, may be evicted (that is, compelled *to sell out*) by the landlord without any cause assigned, even though he owe no rent.

VII.

"Future-Tenancies."

The foregoing observations relate to the great bulk of Irish Tenants as they now exist—that is to say, Tenants-at-will from year to year (called in this Act "Ordinary-Tenants"); and to their successors entitled fully to stand in their place.

Besides those "Ordinary-Tenants" thus dealt with, the Act deals with what it calls "*Future*-Tenants" whose rights are different from those of Ordinary-Tenants.

A "Future-Tenant" is, one—

1. Who comes in after the continuity of the former tenancy has been severed or put an end to by a sell-out for breach of conditions. (Cl. 44, definition of "Tenancy" read with definition of "Future-Tenancy," and with clause 45.)

Or, 2. Who takes a holding which the landlord himself has been working and in which there is no tenants interest existing. (Cl. 44, definition of "Future-Tenancy.")

Or, 3. Who takes a holding from the Landlord of which the Landlord has in open market or at the Tenant's wish, purchased the previously

existing tenant right. (Cl. 44, definition of "Future-Tenancy," and Cl. 45.)

Or, 4. Who has held or succeeded to a "Judicial Lease" of the holding, but which lease has expired. (Cl. 9, last four lines.)

The rights of a "Future-Tenant," as distinguished from an "Ordinary-Tenant," are these :—

1. At *the "first-beginning"* of his tenancy (except in the case of No. 4 in the above list) he is left to make the best terms he can with his landlord. He cannot (as an "Ordinary-Tenant" can) at once call on the Court if he find his rent is too heavy. The Court cannot interfere or help him in any way unless and until the Landlord proposes to *raise* the rent on him.

2. The moment the Landlord of a Future-Tenant notices him for an increase of rent, that Tenant may (see Cl. 3) by acceding to such increase, constitute himself a Statutory-Term-Tenant, and at the end of the fourteenth of his fifteen years he may apply to the Court for a renewal as in the case of Ordinary-Tenants. (Cl. 7, sub-sec. 11.)

[Although Cl. 3, read with Cl. 7 sub-sec. 11, is susceptible of the interpretation I have here put upon it, there is room for doubt as to whether Cl. 7 sub-sec. 11 is intended to apply to *Future*-Tenants at the end of a Statutory Term.]

3. If a Tenant who has held what is hereinafterwards referred to as a "Judicial-Lease" (see page

27) wishes to remain on at the end of his Lease, he is to be regarded as "the tenant of a future-ordinary-tenancy-from-year-to-year, subject to the conditions of the Lease so far as such conditions are applicable to such tenancy." (Cl. 9, concluding paragraph.)

VIII.

"Judicial Leases."

The Landlord and the Tenant of any (now or subsequently) subsisting tenancy—likewise the Landlord and intending Tenant of a holding in the Landlord's hands—may agree, if both parties freely wish to do so, to substitute for any other term or tenure, a Lease called a "Judicial Lease." *But*—

1. The Court must investigate the terms of that Lease, and all the circumstances, so as to see that the Tenant's interests are fully guarded, and that he is not over-reached in any way. (Cl. 9.)

2. The duration of that Lease shall be thirty-one years. (Cl. 9.)

3. At the end of that Lease the Tenant shall be entitled to continue as a Future-Ordinary-Tenant, with rights as above stated. (Cl. 9.)

IX.

Fixed-Tenancies at Fee-Farm Rents.

The Landlord and Tenant of any "*Present*-Ordinary-Tenancy"—that is to say, of any holding which *at the passing of the Act* is a Tenancy-from-year-to-year—may agree for a fixed or perpetual tenancy at a rent which (according as they may agree) may either be revised by the Court every fifteenth year, or be fixed at the start once and for all. (Cl. 10 and 11.)

A limited Owner shall have power to agree to such a Lease. (Cl. 18.)

If the Tenant in such case agree to fine down the

rent by paying a "fine" to the Landlord, the Court may lend the Tenant *half* the amount of such fine. (Cl. 19, sub-sec. 1 *b.*)

X.

Contracting out of the Protection of the Act.

A Tenant whose holding (or, if he be the Tenant of more than one holding, whether under one or more Landlords, whose several holdings added together) may be valued for Poor Rate at an annual value of not less than £150, may, if he chooses, agree by writing under his hand to relinquish the protection or provisions of this Act. (Cl. 17.)

But no bargain, agreement, assent, or contract of any kind can avail to strip or divest smaller tenants —those rated *under* £150 a year—of the protections and provisions of this Act. If a Landlord were to force any such bargain or stipulation on such a Tenant, it would *not be binding.* (Cl. 17.)

XI.

Landlords' Rights.

The Act contains several stipulations to protect the Landlord from anything contrary to reasonableness and equity.

As the Land Court is to stand between the Tenant and the Landlord in all questions and disputes; and as that Court is especially empowered and charged by the Act *to do equity* in the amplest way between them, (Cl. 8, and elsewhere throughout the Act) all such stipulations must be read as aids to equity in the Landlords' just interest, and not as derogations of equity to the Tenants' injury.

If a Tenant has violated any Statutory Condition whereby the Landlord is injured, the Tenant must pay him compensation (Cl. 1, sub-sec. 6.)

If a Landlord has effected valuable improvements on a farm, a fairly full return of which has not been received by him up to the time at which an occupying Tenant is selling out, the Landlord is to be compensated out of the money which the incoming Tenant pays for the interest of the holding.

If a Tenant upon whom notice has been served of an intention to raise the rent applies to the Court to fix a fair rent for a Statutory-term, a fixed amount

may thereupon be agreed upon between him and the Landlord, (or, if they cannot agree, may be fixed by the Court) as the sum which represents the Tenants whole right and interest in the holding at that date; and if at any time afterwards, before the Statutory fifteen years are expired, the Tenant desires *to sell out*, the Landlord shall be *entitled* to buy the Tenants whole interest at that sum so fixed, paying in addition such further sum as may be fair compensation for improvements made by the Tenant *since* that sum was so fixed. (Cl. 7, sub-sec. 9.)

[This preemption differs little from that accorded to the Landlord by Cl. 1. sub-sec. 3, already hereinbefore referred to at page 13.]

But—

In the case of a "Present Tenancy,"—that is, one existing as a year to year tenancy at the passing of this Act—whenever the Landlord so buys out the Tenant *by right of pre-emption*, and *not* as a bidder in the open market, or with the Tenants wish, if that Landlord any time up to the year 1896, relets that holding, the same shall be subject to all the provisions of this Act which are applicable to "Present Tenancies." (Cl. 45, sub-sec 2.)

[That is to say, during the next fifteen years Landlords shall not "Job" holdings, by buying out the present holders (unless in the open market) with a view to reletting the farms as "*Future* Tenancies."]

Where a Landlord can satisfy the Court that the intended proceeding is *bona fide* for the purpose of

providing Labourers' Cottages, or for other commensurate improvement of the holding itself, or of the estate of which it is part, such Landlord may, on such terms as the Court shall settle as fair and just towards the Tenant, resume possession of the holding, that is, he may compulsorily buy out the Tenant.

But:—Such a proceeding can only be adopted with the holding of a Tenant who is enjoying a Statutory-term-in-consequence-of-an increase of rent. It cannot be adopted with an Ordinary-Tenant who has, of himself, obtained a Statutory-Term. (Cl. 4, last paragraph but one.)

When a Tenant applies to the Court to have the rent of any Present-Tenancy adjusted and the adjusted rent is found to be *higher* than what the Landlord had been charging, the Landlord may either claim it at once yearly, or wait until the Tenant sells, and then claim a recompense out of the purchase money such as the Court shall deem fair. (Cl. 7, sub-sec. 5 & 6.)

XII.

Amendment of the 1870 Land Act.

The Land Act of 1870 is by this Act amended in several particulars, the most important of which are the substitution of a much more liberal scale of compensation for disturbance (Cl. 5); and the sweeping away of certain technicalities which militated against the obtaining of compensation for improvements by Tenants under that Act.

XIII.

Peasant Proprietary.

No Landlords, bad or good, are compulsorily expropriated; but where Landlords are willing to sell to the occupying Tenants, the Land Commission will help the Tenants to purchase in the following way:—

Where the Landlord is to be bought out completely and for ever, the Commission (if the price is not too high, and if the security is fair) may lend the Tenant *three-fourths* of the purchase money. (Cl. 19, sub-sec. 1. a.)

Where the rent is to be fined-down by payment of a lump sum for a Fee-Farm Lease, the Commission may lend the Tenant *half* the fine. But the rent must be fined down at least to three-fourths of a fair rent for the holding. (Cl. 19, sub-sec. 1. b.)

The utmost sum the Commission can lend to a purchasing Tenant, for any *one* purchase by him, will be £3,000 ; except that if there be very peculiar circumstances in the case, they may, if the permission of the Treasury be given, make the whole loan to such Tenant £5,000. (Cl. 28, sub-sec. 3.)

The Commission may themselves buy estates for the purpose of re-selling to the occupying Tenants. In re-selling to the Tenants, the latter will be assisted in the matter of purchase money to the extent above mentioned.

But the Commission will not buy any estate for re-sale to the Tenants unless satisfied that three-fourths in number of the Tenants, paying in all three-fourths of the rental, desire it, and that one-half the whole tenantry will be able to buy their holdings if assisted as above. (Cl. 20, sub-sec. 1, 2 and 3).

The Commission before buying any estate for re-sale to the Tenants must satisfy themselves that such purchase and re-sale can be effected without a loss, and that the purchasing Tenants will be in a position to work their holdings profitably. (Cl. 28, sub-sec. 1.)

The Commission will give guaranteed Titles to the purchasing Tenants. (Cl. 20, sub-sec. 5.)

No separate charge will be put on the purchasing Tenants for Law costs, but a fair and reasonable sum for expenses will be included in the purchase money. (Cl. 20, sub-sec. 5.)

Loans to Tenants for purchasing their holdings wholly or partly as above shall be repayable by them at five per cent. for 35 years, *which extinguishes principal and interest.* (Cl. 22, sub-sec. 1.)

Any Corporation, Company or Body of Trustees owning estates are *empowered* to sell them to the Commission for the purpose of resale to the Tenants. (Cl. 23, sub-sec. 2.)

Any Tenant who has purchased his holding by the aid of loans from the Commission will be subject to the following conditions as long as any part of the loan remains unpaid :—

1. He cannot *sell* the holding without the consent of the Commissioners, until *half* the loan has been repaid. (Cl. 24, sub-sec. 1*a*.)

2. He shall not without consent of the Commissioners *sublet or subdivide* the holding, until the *whole* loan has been repaid. (Cl. 24, sub-sec. 1*b*.)

3. If by his death the holding would be liable to division, or if he become bankrupt, the Commission are entitled to sell the holding, repay themselves, and hand the balance over. (Cl. 24, sub-sec. 1 *d* and *e*.)

XIV.

Reclamation of Waste Lands.

[This portion of the Act is to be worked under *the Board of Works*, and not under the Land Commission.]

The Board may lend *to Companies*, if satisfied with the security, such sums as the Treasury from time to time may think expedient for the reclamation or improvement of *waste* or uncultivated land, or for the drainage of land, or for *any other* works of agricultural improvement. (Cl. 25, sub-sec. 1.)

[The loans are to be only to *Companies*, not to individual bor-

rowers. It is not very clear how much this provision goes beyond the Act of William IV., under which nothing has been done.]

The Board shall not advance to any such Company more than a sum equal to what the Company shall have already expended of their own funds on such reclamation works; except that where the Company obtains a Baronial Guarantee, the Board may lend two-thirds of the amount guaranteed by the Barony. (Cl. 25, sub-sec. 2.)

XV.

Emigration.

The Land Commission may agree with any agent or agents of the Canadian Government, or of any *other* British colony or dependency, for the advance by way of loan of funds to promote emigration from Ireland.

The Commission may lend in like manner, for the

like purpose, to *any* public Company or other public body (whether under the British Crown or not) with whose constitution and security the Commission may be satisfied (Cl. 26).

XVI.

Ulster Tenant-Right.

The Tenant of a holding subject to Ulster Tenant-Right or any similar usage may sell his holding *either* under the customs of such right or usage, *or* he may sell under Clause 1 of this Act; but he cannot sell partly under one and partly under the other. (Cl. 1, sub-sec. 11).

Where the Landlord of a holding subject to Ulster Tenant-Right or any similar usage proposes to increase the rent of such holding, the Tenant may, as he thinks best—

1. Assent to the increase, and so become a Tenant for a Statutory term (Cl. 3, sub sec. 1).

Or, 2. Decline such proposed increase, and *sell out*, in which case he will be entitled to receive from the Landlord, in *addition* to what he receives from the incoming Tenant for his rights subject to the proposed increase of rent, such sum as will recompense him for the depreciation of his interest caused by such increase (Cl. 3, sub-sec. 2).

Or, 3. In place of either accepting or declining such increase, appeal to the Court to constitute him a Statutory Term Tenant at a fair rent (Cl. 3, sub-sec. 4).

On the termination of any now-existing Lease of a holding which if held from year to year would have been subject to Ulster Tenant-Right, the holder thereof may claim under the 1st or 2nd section of the Act of 1870, notwithstanding that the holding had been held under such Lease (Cl. 47). *But*—

If such Lease contained a covenant expressly excluding the Ulster Tenant-Right custom or like usages, then no such claim can be made on the termination of such Lease (Cl. 47).

A Tenant holding under the Ulster Custom, or similar usage, shall always be entitled to the benefits of such custom or usage, even though he may be obliged to sell out (or "determine" his tenancy) by breach of Statutory-Condition (Cl. 45, sub-sec. 3.)

XVII.

The Land Court.

The Court which in this Act is referred to as the "Land *Court*," means the County Chairman sitting for the purposes of hearing Land Cases (Cl. 31, sub.-sec. 1).

The County Chairman, when sitting as a Land Court under this Act, may call in an independent valuer, to give him his opinion on any matter relating to the case; but the Chairman may or may not adopt the valuer's report, according as he thinks fit. (Cl. 31, sub-sec. 4.)

Any Tenant, or any Landlord, who may be dissatisfied, on any ground whatsoever, with the decision of the Land-*Court*—that is, of the County Chairman—may appeal therefrom to the Land *Commission* (Cl. 41); and the Commission will re-hear the whole case, and after they have fully investigated its merits (calling in the aid of a new valuer, if necessary) they may reverse or amend or vary the decision of the Land Court, according as true justice may require; and from this final decision of *the Commission* there can be no *further appeal or litigation* to any Court or tribunal whatsoever. (Cl. 40, sub-secs. 4 and 5.)

[Any one who appeals on frivolous or unjust grounds, is very sure to have the appeal given against him *with costs*.]

The Commission will usually hold their Court for hearing appeals in *Dublin;* but, in order to lessen expenses on the parties appealing, and in order that justice may be more conveniently done, the Commission will hold their sitting in any county or any town or village in Ireland, according as they may judge to be really necessary (Cl. 41).

XVIII

The Land Commission.

This is an entirely new tribunal, which is to be constituted immediately on the passing of the Act. It is to consist of *three* Chief-Commissioners, one of whom is to be a Judge or an ex-Judge of the Irish Superior Courts, Dublin (Cl. 34).

In addition to the three *Chief*-Commissioners there will be several Assistant-Commissioners (Cl. 36).

Out of these Assistant-Commissioners, there will be formed "Sub-Commissions," having charge of particular provinces or districts; that is to say, provincial or local Commissioners' Courts, for the greater

convenience of the people. These local or district Commissions will hold enquiries, hear appeals, or execute such other powers as the Chief-Commission may delegate to them (Clauses 36 and 37).

The Land Commission has the most ample, comprehensive and widely-reaching powers to regulate all disputes or actions between Landlord and Tenant and to see that fair dealing and justice prevail between them.

It also has very ample powers as to the creation of occupant-proprietors, or a "peasant proprietary."

XIX.

Observations and Suggestions.

This is a very complex Bill. To the mind of an ordinary reader it is most bewildering; and in the absence of careful study of all its parts, provisions, and meanings there will be much conflict of erroneous opinions, statements, and criticisms concerning it.

But this complexity is in great part owing to the complexity of the problem which the Bill essays to solve. No man who has really thought out the

subject carefully, and contemplated it with a due sense of responsibility towards the multifarious interests involved, can wonder at the elaborate and apparently confusing enactments, exceptions, reservations and conditions herein arrayed.

Between the short, sharp and decisive proceeding of a compulsory expropriation of Landlords, and a measure for legalising Landlord-and-Tenant partnership, there is no very easy and simple middle course. This Bill puts compulsory expropriation aside as out of the question, and addresses itself to the experiment of giving Irish Landlords and Irish Tenants one more, and *a last*, opportunity of living together harmoniously and cordially under a *regime* of justice, friendship, and fair play.

The attempt to devise a scheme to save Irish Landlordism (in the sense of giving it a last chance) while extending natural justice and expedient equity to Irish Tenants, renders necessary a very complicated and cumbrous piece of legislation. Moreover it is easy to detect in this Bill a war of minds, a conflict of principles. There are in it abundant evidences of a three-months' campaign of differences and controversies, of compromises and adjustments. The measure could be much simplified but for the manifest effort to do certain things yet not seem to do them. In the vain attempt to harmonise (on the "germ" or development theory) sound convictions

formed now in the fullness of knowledge, with rash opinions uttered years ago on scant information, circumlocutory courses are taken in nearly every part of the Bill, much to its detriment.

An unerring instinct—a feeling springing from, alas! the sad and bitter experiences of 1870 and 1880—has caused the Irish people to reflect with gloomy apprehension that this is, after all, only the Bill as *introduced*. They ask themselves—What will it be like after it has passed the fiery ordeal of Committee? What chance has it of escaping destruction in the House of Lords, unless at the price of mutilations that will leave the residuum of little worth, and mark it, like the Bill of 1870, to inevitable and disastrous failure?

Apart from this fear, which is big at the heart of every Irish Farmer, it is plain that even already the sound judgment of the Irish people has discerned great and noble—greatly and nobly just—proposals and principles in the Bill. Whether the machinery provided for the purpose is likely to effectuate the proposals of the Bill, is quite another thing. There seems on all hands a concurrence of sound and sober judgment that it is *not*.

From end to end of Ireland, and from every man capable of forming a good opinion on such a subject, there comes a vehement outcry of objection to the

Irish County Chairmen as "Land Courts" under such a Bill; on the ground that they are men whose lamentable want of grasp, whose narrow legal pedantry, whose want of sympathy with the Act, not to say with the Tenant class, had much to do in killing the Act of 1870.

Yet it is hard to see what other Court of First Instance could be provided, unless by the extreme course of appointing an entirely new set of Officials; and the ten years' experience gained by those Chairmen must count for a great deal.

On the composition of *the Land Commission*, however, most attention is naturally concentrated. It is universally recognised that these three men will have Ireland in their hands, for good or ill. They can fill the island with happiness, or with hate. On *them* rather than on the phraseology of many clauses in the Bill will depend whether this measure is to settle for ever the Irish Land Problem, or is merely to add another to past records of "good intentions" resulting in heartburning, disappointment, discontent, and disaster.

Of the Amendments required in the Bill, two or three of the most obvious may be suggested here:—

1. As to the famine-period arrears [1878-1879] now hanging like a mill-stone around the necks of the Tenantry in the West of Ireland—

If these arrears are not dealt with in some way,

the Bill will be to them only the cruel torture of an offer of life and liberty on terms beyond their reach.

In truth, the consequences of such a blunder might be very lamentable.

2. The "unearned increment" in the value of land should be divided between Landlord and Tenant in proportion to their respective interests.

3. It should be put beyond all doubt (although to my mind it is already plain) that in the settlements of fair rent by the Court at the end of a Statutory Term, the Court is not to let a "fall in times" cut away the *Tenants'* interest unless *proportionately with the Landlords'*; just as during "rising times" both the Landlords' interest and the Tenants' should share the benefit for the next Statutory Term.

4. There is no valid reason why subdividing should be prohibited in farms large enough reasonably to admit of it.

In this latter sense sub-division is greatly *needed* in Ireland.

5. The Land Court should have power to compel Tenants of holdings of over a certain specified acreage to build or provide Labourers' cottages and plots.

Indeed the Government has promised to carry this most useful and necessary reform.

The "Reclamation-of-Waste-Lands" portion of the

Bill may as well be omitted—will, in fact, prove to be a huge delusion—unless seriously amended. The old Dutch law of "Empolder" should be applied to all wastes *really capable of* reclamation. If the Landlord will not himself undertake to bring them to a certain stage or degree of reclamation within a given number of years, any one who will give a substantial guarantee to do so should have them, paying the Landlord only their present yearly value either as annual rent or in a capitalised sum.

7. Although the subject is one of extreme delicacy and difficulty, Leases virtually forced upon Tenants since the Act of 1870, for the purpose of baffling and defeating the equities and protections of that well-intended though inadequate measure, should in some way be brought within the equities and protections of this happier effort of Justice.

It has been remarked that this Bill will give rise (at all events at the outset) to a great deal of litigation. But this is because it interposes an equity tribunal between the weak and the strong. The interposition of such a tribunal between the Irish Tenantry and what Irish Landlords call "Freedom-of-Contract," is, no doubt, the great feature of the Bill. On complaint of injustice on either side, there must be recourse to this equitable tribunal; else it is hard to see how such injustice could be redressed. If, therefore, the Court will, as it is said, "have to settle a thousand-and-one disputes between the

parties," it must be because such thousand-and-one causes of complaint are *now* either *without* redress, or are left to be "settled" by the absolute will of the Landlord, or the violent threats of the Tenant.

If this Bill becomes law, it is to be *hoped* that there will be a "great deal of litigation" in *this* sense—namely, that every Irish Tenant-at-Will will at once have himself constituted a Statutory-Term-Tenant at a Fair Rent. It will urgently behove the Land Commissioners to make such regulations as to procedure, costs, fees, &c.—and as to *the places where the Land Courts will attend* to hear and determine cases—as shall insure that this cardinal object of the Bill shall be brought within the reach of the humblest and the most remote of those Tenants.

Once the bulk of the Tenantry have had their *status* declared in this way, litigation will be exceedingly rare. After a few striking examples of the penalty overtaking rapacity or roguery on either side, both Landlords and Tenants will see that honesty is the best policy, and render the interposition of the Court unnecessary.

A. M. SULLIVAN.

TEMPLE,
London, 18*th April.*

[NOTE:—*This Bill is here printed in pages, lines, and paragraphs, corresponding with those of the Official Parliamentary Text.*—A. M. S.]

A BILL

TO

A.D. 1881.

Further amend the Law relating to the Occupation and Ownership of Land in Ireland, and for other purposes relating thereto.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

PART I.

ORDINARY CONDITIONS OF TENANCIES.

1. The tenant for the time being of every tenancy to which this Act applies may sell his tenancy for the best price that can be got for the same, subject to the following regulations and subject also to the provisions in this Act contained with respect to the sale of a tenancy subject to statutory conditions :

(1.) Except with the consent of the landlord, the sale shall be made to one person only :

(2.) The tenant shall give the prescribed notice to the landlord of his intention to sell his tenancy :

(3.) On receiving such notice the landlord may purchase the tenancy for such sum as may be agreed upon, or in the event of disagreement may be settled by the court to be the value thereof :

(4.) Where the tenancy is sold to some other person than the landlord, the landlord may refuse on reasonable grounds to accept the purchaser as tenant :

(5.) The reasonable grounds on which a landlord may refuse to admit a purchaser as tenant are all or any of the following grounds :

(1.) Insufficiency of means, measured with respect to the liabilities of the tenancy :

(2.) The bad character of the purchaser :

(3.) The failure of the purchaser already as a farmer :

(4.) Any other reasonable and sufficient cause.

In case of dispute the reasonableness of the landlord's refusal shall be decided by the court :

(6.) Where the tenancy is subject to any such conditions As are in this Act declared to be statutory conditions, and the sale is made in consequence of proceedings by the landlor for the purpose of recovering possession of the holding by reason of the breach of any of such conditions, except the condition relating to the payment of rent, the court may grant to the landlord out of the purchase moneys compensation by way of damages for any injury he may have sustained from the tenant by breach of any of such conditions :

(7.) Where improvements have been made on a holding by the landlord or his predecessors, in respect of which an adequate compensation has not, in the opinion of the court, by increasd rent or otherwise been made by the tenant or his predecessors to the landlord or his predecessors, the landlord shall, in the absence of any agreement to the contrary, be entitled on application to the court to have any such improvments valued under the direction of the court, and any moneys found due to the landlord on such valuation (subject to any set-off claimed by the tenant) shall be deemed to be a debt payable to the landlord out of the purchase moneys of the tenancy :

(8.) Where a tenant sells his tenancy to any person other than the landlord, the landlord may at any time within the prescribed period give notice both to the outgoing tenant and to the purchaser of any sums which he may claim from the outgoing tenant for arrears of rent or otherwise. And

(*a.*) If the outgoing tenant does not within the proscribed period give notice to the purchaser that he disputes such claims or any of them, the purchaser shall out of the purchase moneys pay the full amount thereof to the landlord ; and

(*b.*) If the outgoing tenant disputes such claims or any of them, the purchaser shall out of the purchase moneys pay to the landlord so much (if any) of such claims as the outgoing tenant admits and pay the residue of the amount claimed by the landlord into court in the prescribed manner :

Until the purchaser has satisfied the requirements of this sub-section, it shall not be obligatory on the landlord to accept the purchaser as his tenant:

(9.) Where any purchase money has been paid into court it shall be lawful for the landlord and also for the outgoing tenant and for the purchaser to make applications to the court in respect of such purchase money; and the court shall hear and determine such applications, and make such order or orders thereupon as to the court may seem just:

(10.) A tenant who has sold his tenancy on any occasion of quitting the same shall not be entitled on the same occasion to receive compensation for either disturbance or improvements; and a tenant who has received compensation for either disturbance or improvements on any occasion shall not be entitled on the same occasion to sell his tenancy:

(11.) The tenant of a tenancy subject to the Ulster tenant-right custom or to a usage corresponding to the Ulster tenant-right custom may claim to sell his tenancy either in pursuance of that custom or usage, or in pursuance of this section, but he shall not be entitled to sell partly under the custom or usage and partly under the provisions of this section.

2. Where the tenant of a tenancy to which this Act applies has bequeathed his tenancy to one person only, and the personal representatives of the tenant have assented to the bequest, such person shall have the same claim to be accepted as tenant by the landlord as if the tenancy had been sold to him by the testator.

Where the tenant of any such tenancy has bequeathed his tenancy to more than one person or dies intestate, his personal representatives shall, if the landlord requires a sale to be made, within twelve months after the death of the tenant sell the tenancy, and in case of their default the landlord may sell the same.

Where the tenant of a tenancy dies intestate and without next of kin such tenancy shall pass to the landlord.

3. Where the landlord demands an increase of rent from the tenant of a present tenancy (except where he is authorised by the court to increase the same as hereafter in this act mentioned) or demands an increase of rent from the tenant of a future tenancy beyond the amount fixed at the beginning of such tenancy, then,

(1.) Where the tenant accepts such increase, until the expiration of a term of *fifteen years* from the time when such increase was made (in this Act referred to as a statutory term) such tenancy shall (if it so long continues to subsist) be deemed

to be a tenancy subject to statutory conditions, with such incidents during the continuance of the said term as are in this Act in that behalf mentioned :

(2.) Where the tenant does not accept such increase and sells his tenancy, in addition to the price paid for the tenancy he shall be entitled to receive from his landlord ten times the amount of such sum (if any) as the court, on the application of the tenant, may determine to be the excess of the increased rent over a fair rent within the meaning of this Act, or, in the case of a holding subject to the Ulster tenant-right custom, or any usage corresponding to that custom, the amount (if any) by which the court may decide the selling value of his tenancy to have been depreciated below the amount which would have been such selling value if the rent had been a fair rent, whichever of the said sums may be the greater :

(3.) Where the tenant does not accept such increase and is compelled to quit the tenancy, but does not sell the tenancy, he shall be entitled to compensation as in the case of disturbance by the landlord.

(4.) The tenant of a present tenancy may in place of accepting or declining such increase apply to the court in manner hereafter in this Act mentioned to have the rent fixed.

4. A tenant shall not, during the continuance of a statutory term in his tenancy, be compelled to pay a higher rent than the rent payable at the commencement of such term, and shall not be compelled to quit the holding of which he is tenant except in consequence of the breach of some one or more of the conditions following (in this Act referred to as statutory conditions); that is to say,

(1.) The tenant shall pay his rent at the appointed time :

(2.) The tenant shall not commit persistent waste by the dilapidation of buildings or the deterioration of the soil after notice has been given by the landlord to the tenant to desist from such dilapidation or deterioration of soil:

(3.) The tenant shall not persistently refuse to allow the landlord, or any person or persons authorised by him in that behalf (he or they making reasonable amends and satisfaction for any injury to be done or occasioned thereby) to enter upon the holding for any of the purposes following; that is to say,

Mining or taking minerals ;

Quarrying or taking stone, marble, gravel, sand, or slate ;

Cutting or taking timber or turf ;

Opening or making roads, drains, and watercourses ;

Viewing or examining the state of the holding and all buildings or improvements thereon;

Exercising any rights of hunting, shooting, fishing, or taking game or fish which belong to the landlord:

(4.) The tenant shall not, without the consent of his landlord, sub-divide or sub-let his holding:

(5.) The tenant shall not do any act whereby his holding becomes vested in a judgment creditor or assignee in bankruptcy.

Agistment or letting in conacre or for the purpose of temporary depasturage shall not be deemed a sub-letting for the purposes of of this Act.

During the continuance of a statutory term in a tenancy, consequent on an increase of rent by the landlord, the court may, on the application of the landlord, and upon being satisfied that he is desirous of resuming the holding for some purpose having relation to the good of the holding or of the estate, or for the benefit of the labourers in respect of cottages, gardens, or allotments, authorise the resumption thereof by the landlord, and require the tenant to sell his tenancy to the landlord upon such terms as may be approved by the court as being full compensation to the tenant.

Provided that the rent of any tenancy subject to statutory conditions may be increased in respect of capital laid out by the landlord under agreement with the tenant to such amount as may be agreed upon between the landlord and tenant.

Amendment of Law as to Compensation for Disturbance.

5. There shall be repealed so much of section three of the Landlord and Tenant (Ireland) Act, 1870, as provides for the scale of compensation, and so much of the same section as declares that in no case shall the compensation exceed the sum of two hundred and fifty pounds, and so much of the same section as declares that a tenant in a higher class of the scale may at his option claim compensation under a lower class, and so much of the same section as prohibits tenants of holdings valued at such sums as are in the said section mentioned, and making such claims for compensation for disturbance as are in the said section mentioned, from being entitled to make separate or additional claims for improvements other than permanent buildings and reclamation of waste land.

The compensation payable under the said section three in the case of a tenant disturbed in his holding by the act of a landlord after the passing of this Act shall be as follows in the case of holdings—

Where the rent is under thirty pounds, a sum not exceeding *seven years rent.*

Where the rent is under fifty pounds, a sum not exceeding *five years rent :*

Where the rent is under one hundred pounds, a sum not exceeding *four years rent :*

Where the rent is one hundred pounds or upwards, a sum not exceeding *three years rent.*

Amendment of Law as to Compensation for Improvements.

6. A tenant on quitting the holding of which he is tenant shall not be deprived of his right to receive compensation for improvements under the Landlord and Tenant (Ireland) Act, 1870, by reason only of the determination by surrender or otherwise of the tenancy subsisting at the time when such improvements were made by such tenant or his predecessors in title, and the acceptance by him or them of a new tenancy.

Where in tracing a title for the purpose of obtaining compensation for improvements, it appears that an outgoing tenant has surrendered his tenancy in order that some other person may be accepted by the landlord as tenant in his place, and such other person is so accepted as tenant, the outgoing tenant shall not be precluded from being deemed the predecessor in title of the incoming tenant by reason only of such surrender of tenancy by him.

The court, by adjudicating on a claim for compensation for improvements made before any such change of tenancy or of tenants, shall take into consideration all the circumstances under which such change took place, and shall admit, reduce, or disallow altogether such claim as to the court may seem just.

Part II.

Intervention of Court.

7. (1.) The tenant of any present tenancy to which this Act applies, may from time to time during the continuance of such tenancy apply to the court to fix what is the fair rent to be paid.

(2.) Such application may also be made by the landlord and tenant jointly.

(3.) A fair rent means such a rent as in the opinion of the court, after hearing the parties and considering all the circumstances of the case, holding, and district, a solvent tenant would undertake to pay one year with another : Provided that the court, in fixing such

rent, shall have regard to the tenant's interest in the holding, and the tenant's interest shall be estimated with refe rence to the fol lowing considerations ; that is to say,

(*a.*) In the case of any holding subject to the Ulster tenant right custom or to any usage corresponding therewith—with reference to the said custom or usage ;

(*b.*) In cases where there is no evidence of any such custom or usuage—with reference to the scale of compensation for disturbance by this Act provided (except so far as any circumstances of the case shown in evidence may justify a variation therefrom), and to the right (if any) to compensation for improvements effected by the tenant or his predecessors in title.

(4.) If the rent fixed by the court (in this Act referred to as the judicial rent) is equal to or less than the rent payable by the tenant at the date when the application was made, such equal or less rent shall be deemed to be the rent payable by the tenant as from the period commencing at the next succeeding rent day.

(5.) If the judical rent is greater than the rent payable by the tenant at the date when the application was made, such greater rent shall, if the landlord either immediately or at any time within *fifteen years* after the determination of the court serves notice on the tenant to that effect, be deemed to be the rent payable by the tenant as from the period commencing at the rent day next succeeding the day on which such notice is given.

(6.) If the landlord fails to serve such notice altogether or serves the same only after an interval, then, in the event of any sale being made of the tenancy before a further determination has been made of the rent by the court, the landlord shall be entitled, on application to the court, to receiee out of the purchase moneys of the tenancy such amount as the court may think just, regard being had to the fact that the landlord has abstained, either altogether or for an interval, from increasing the rent to the amuunt declared to be a fair rent by the court.

(7.) Where the judicial rent of any present tenancy has been fixed by the court, then, until the expiration of a term of *fifteen years* after thedetermination of the court has been given (in this Act referred to asa statutory term), such present tenancy shall (if it so long continue to subsist) be deemed to be a tenancy subject to statutory conditions, and having the same incidents as a tenancy subject to statutory conditions consequent on an increase of rent by a landlord, with this modification, that, during the statutory term in a present tenancy consequent on the first determination of a judicial rent of that tenancy by the court, application by the landlord to authorise the resumption of the holding by him for some purpose having

relation to the good of the holding or of the estate, or for the benefit of the labourers in respect of cottages, gardens, or allotments, shall not be entertained by the court.

(8.) Where an application is made to the court under this section in respect of any tenancy, the court may, if it think fit, disallow such application where the court is satisfied that the holding in which such tenancy subsists has theretofore been maintained and improved by the landlord.

(9.) On the occasion of any application being made to the court under this section to fix a judicial rent in respect of any holding which is not subject to the Ulster tenant-right custom, or an usage corresponding to the Ulster tenant-right custom, the landlord and tenant may agree to fix, or in the case of dispute the court may fix, on the application of either landlord or tenant, a specified value for the holding ; and, where such value has been fixed, then if at any time during the continuance of the statutory term the tenant gives notice to the landlord of his intention to sell the tenancy, the landlord may resume the holding on payment to the tenant of the amount of the value so fixed, together with the value of any improvements made by the tenant since the time at which such value was fixed.

(10.) A further statutory term shall not commence until the expiration of a preceding statutory term, and an alteration of judicial rent shall not take place at less intervals than *fifteen years*.

(11.) During the currency of a statutory term an application to the court to determine a judicial rent shall not be made except during the last *twelve months* of the current statutory term.

8. Where the court, on the hearing of an application of either landlord or tenant respecting any matter under this Act, is of opinion that the conduct of either landlord or tenant has been unreasonable, or that the one has unreasonably refused any proposal made by the other, the court may do as follows :

It may refuse to accede to the application, or may accede to the same, subject to conditions to be performed by either landlord or tenant, or may impose on either party to the application the payment of the costs or the greater part of the costs of any proceedings, and generally may make such order in the matter as the court thinks most consistent with justice.

The court in considering whether the landlord or tenant has unreasonably refused any proposal made by the other, may take into account any proposal that may have been made of the grant by the landlord to the tenant of such a lease as is hereafter in this Act referred to as a judicial lease ; but the conduct of the tenant in

refusing the grant of any such lease shall not be deemed unreasonable unless the court is satisfied that the interest of the tenant. having regard to the value of his tenancy, would have been sufficiently secured by such lease.

Part III.

Exclusion of Act by Agreement.

Judicial Leases.

9. The landlord and tenant of any ordinary tenancy and the landlord and proposed tenant of any holding to which this Act applies which is not subject to a subsisting tenancy, may agree, the one to grant and the other to accept a lease for the term of *thirty-one* years or upwards (in this Act referred to as a judicial lease), on such conditions and containing such provisions as the parties to such lease mas mutually agree upon, and such lease, if sanctioned by the court, after considering the interest of the tenant and the value of his tenancy, shall be deemed to be substituted for the former tenancy, if any, in the holding; and the tenancy shall during the continuance of such lease be regulated by the provisions of that lease alone, and shall not be deemed to be a tenancy at which this Act applies.

At the expiration of a judicial lease, the lessee shall be deemed to be the tenant of a future ordinary tenancy from year to year at the rent and subject to the conditions of the lease, so far as such conditions are applicable to such tenancy.

Fixed Tenancies.

10. The landlord and tenant of any present ordinary tenancy may agree that such tenancy shall become a fixed tenancy within the meaning of this Act, and such fixed tenancy upon being established shall be substituted for the present tenancy previously existing in the holding, and shall not be deemed to be a tenancy to which this Act applies.

11. A fixed tenancy shall be a tenancy held upon such conditions as may be agreed upon between the landlord and tenant establishing such tenancy, subject to the following restrictions; that is to say,

(1.) The tenant shall pay a fee-farm rent which may or may not be subject to re-valuation by the court at such intervals of not less than *fifteen years* as may be agreed upon between the landlord and tenant; and

(2.) The tenant shall not be compelled to quit his holding except on breach of some one or more of the conditions in this Act declared to be statutory conditions.

Part IV.

Provisions Supplemental to Preceding Parts.

Miscellaneous.

12. Where a tenant sells his tenancy without notice from the landlord that he is about to raise the rent, and the landlord demands a higher rent from the purchaser of the tenancy than he received from the tenant, the purchaser may sell such tenancy forthwith, and if he sells the same forthwith he shall, in addition to any moneys he may receive from the sale of such tenancy, be entitled to receive from the landlord the amount by which the selling value of his tenancy may have been depreciated by the increase of rent.

13. (1.) Where proceedings are taken by the landlord to compel a tenant to quit his holding, the tenant may sell his tenancy at any time before but not after the expiration of *six months* from the execution of a writ or decree for possession in an ejectment for nonpayment of rent and at any time before but not after the execution of such writ or decree in any ejectment other than for nonpayment of rent; and, if any judgment or decree in ejectment has been obtained before the passing of this Act, such tenant may within the same periods respectively apply to the court to fix the judicial rent of the holding.

(2.) Where the sale of any tenancy is delayed by reason of any application being made to the court or for any other reasonable cause, the court may, on the application of the tenant, enlarge the time during which the tenant may exercise his power of sale.

(3.) Where any proceedings for compelling the tenant to quit his holdlng shall have been taken before or after an application to fix a judicial rent and shall be pending before such application is disposed of, the court before which such proceedings are pending shall have power to postpone or suspend such proceedings until the termination of the proceedings on the application for such judicial rent; and the pendency of any such proceedings for compelling the tenant to quit his holding shall not interfere with the power of the court to fix such rent, or with any right of the tenant resulting from the rent being so fixed; and any order made by the court for fixing the rent shall operate in the same manner as if such order had been made on the day of the date of application.

Provided that proceedings shall not be taken by a landlord to compel a tenant to quit his holding for breach of any statutory condition, save as follows :—

(1.) Where the condition broken is a condition relating to payment of rent, then by ejectment subject to the provisions of the statutes relating to ejectment for non-payment of rent ; and

(2.) Where the condition broken is any other statutory condition, then by ejectment founded on notice to quit.

14. The court on being satisfied that the tenant of any holding within the jurisdiction of the court has died, and that the tenancy of such tenant ought to be sold under this Act, and that there is no legal personal representative of such tenant, or no legal personal representative whose services are available for the purpose of selling the tenancy, may appoint any person whom they think fit to be administrator of the deceased tenant, limited to the purposes of such sale, and such limited administrator shall, for the purpose of selling the tenancy, represent the deceased tenant in the same manner as if the tenant had died intestate, and administration had been duly granted to such limited administrator of all the personal estate and effects of the deceased tenant.

Such limited administrator may pay to the landlord, out of the purchase money, any sums due to the landlord by the deceased tenant in respect of his tenancy, and may pay the residue of the purchase money to a general administrator (if any) or into court.

15. If in the case of any holding the immediate landlord for the time being is deprived of his estate by title paramount, effluxion of time, or otherwise, during the continuance of any tenancy, the next superior landlord for the time being shall, for the purposes of this Act, during the continuance of such tenancy stand in relation of immediate landlord to the tenant of the tenancy, and have the rights and be subject to the obligations of an immediate landlord.

16. A tenancy for a year certain shall, for the purpose of this Act, be deemed to be a tenancy from year to year.

A tenant holding under a tenancy less than a yearly tenancy created after the passing of this Act shall have the same rights under this Act as a yearly tenant, except where land is let merely for temporary convenience or to meet a temporary necessity.

Extent of Power to Contract out of Act.

17. A tenant of a holding or holdings, valued under the Acts relating to the valuation of rateable property in Ireland at an annual value of not less than one hundred and fifty pounds, shall

be entitled by writing under his hand to contract himself out of any of the provisions of this Act, but save as aforesaid any provision contained in any lease or contract of tenancy or other contract, which provision is inconsistent with any of the foregoing provisions of this Act, shall be void.

Limited Owner.

18. A landlord being a limited owner, as defined by the twenty-sixth section of the Landlord and Tenant (Ireland) Act, 1870, may exercise under the foregoing provisions of this Act any powers which he might exercise if he were an absolute owner, with this exception, that except in the case of a body corporate, commissioners, or other like body, a limited owner shall not create a fixed tenancy without the sanction of the court. Any fines or principal moneys arising from the exercise of such powers shall be dealt with in manner provided by the Lands Clauses Consolidation Acts hereafter in this Act defined with respect to the purchase money or compensation coming to parties having limited interests.

Part V.

Acquisition of Land by Tenants, Reclamation of Land, and Emigration.

Acquisition of Land by Tenants.

19. (1.) The land commission, out of moneys in their hands, may, if satisfied with the security, advance sums to tenants for the purpose of enabling them to purchase their holding, as follows, that is to say,—

(*a.*) Where a sale of a holding is about to be made by a landlord to a tenant in consideration of the payment of a principal sum,

the land commission may advance to the tenant for the purposes of such purchase, any sum not exceeding *three fourths* of the said principal sum.

(*b.*) Where a sale of a holding is about to be made by a landlord to a tenant in consideration of the tenant paying a fine and engaging to pay to the landlord a fee farm rent,

the land commission may advance to the tenant for the purposes of such purchase, any sum not exceeding *one half* of the fine payable to the landlord.

Provided that no advance shall be made by the land commission under this section on a holding subject to a fee farm rent, where the amount of such fee farm rent exceeds seventy-five per cent. of the rent which, in the opinion of the land commission, a solvent tenant would pay for the holding.

(2.) Sales by landlords to tenants may on the application of either landlord or tenant be negotiated and completed through the medium of the land commission at a fixed price or percentage, according to a scale to be settled from time to time by the land commission with the consent of the Treasury.

(3.) Where an estate is subject to incumbrances, or any doubt arises as to the title, the land commission, if satisfied with the indemnity or terms given by the landlord, may themselves indemnify the tenant against any such incumbrances, or any right title, or interest adverse to or in derogation of the title of the landlord, *and any such indemnity of the land commission shall be a charge upon the Consolidated Fund or the growing produce thereof.*

20. (1.) Any estate may be purchased by the land commission for the purpose of reselling to the tenants of the lands comprised in such estate their respective holdings, if the land commission are satisfied with the expediency of the purchase, and are further satisfied that a competent number of the tenants are able and willing to purchase their holdings from the land commission.

(2.) The sale by the land commission of a holding to the tenant thereof may be made either in consideration of a principal sum being paid as the whole price (whether paid immediately or by means of such advance as in this part of this Act mentioned) or in consideration of a fine and of a fee farm rent, with this qualification, that the amount of the fee farm rent shall not exceed seventy-five per cent. of the rent which in the opinion of the land commission a solvent tenant would pay for the holding.

(3.) For the purposes of this section a competent number of tenants means a body of tenants, who are not less in number than three fourths of the whole number of tenants on the estate, and who pay in rent not less than three fourths of the whole rent of the estate, and of whom a number, comprising not less than one half of the whole number of tenants on the estate are willing to pay the whole price of their holdings, either immediately or by means of such advances as in this part of this Act mentioned.

(4.) The land commission may advance to a tenant proposing to pay the whole price of his holding any sum not exceeding seventy-

five per cent. of the said price, and to a tenant purchasing subject to a fee farm rent a sum not exceeding one half the amount of the fine payable by the tenant.

(5.) In sales by the land commission to tenants in pursuance of this section, a separate charge shall not be made for any expenses relating to the purchase, sale, or conveyance of the property, but such expenses shall be included in the price or fine payable by the purchaser.

The land commission may, if they are satisfied with the indemnity or terms offered or given by the vendor, purchase for the purposes of this section an estate subject to incumbrances, or an estate subject to any right, title, or interest adverse to or in derogation of the title of the vendor, and the land commission may indemnify any person to whom the they may sell any holding under this section against any such incumbrances or the enforcement of any such right, title, or interest, *and such indemnity shall be a charge on the Consolidated Fund or the growing produce thereof.*

21. When the land commission have purchased an estate, they may sell any parcels which they do not sell to the tenants thereof in such manner as they think fit, in consideration either of a principal sum as the whole price, or of a fine and a fee farm rent, or partly in one way and partly in the other.

The land commission may advance to any purchaser of a parcel under this section, on the security of such parcel, one half of the principal sum paid as the whole price or of the fine.

The provisions of this part of this Act with respect to the charges for expenses and to the mode in which sales are to be made and to the indemnity which the land commission may give to the purchaser shall, except so far as the land commission otherwise direct, apply to the sale of a parcel in pursuance of this section in like manner as if the purchaser had been the tenant of the holding at the time of his making the purchase.

22. (1.) Any advance made by the land commission for the purpose of supplying money for the purchase of a holding from a landlord or of a holding or parcel from the land commission, shall be repaid by an annuity in favour of the land commission for *thirty-five years* of *five pounds* for *every hundred pounds* of such advance, and so in proportion for any less sum.

(2.) Every such advance shall be secured to the commission either in such manner as may be agreed on between the com-

mission and the person to whom the advance is made, and as the commission think sufficient, or in manner provided by Part III. of the Landlord and Tenant (Ireland) Act, 1870, as amended by the Landlord and Tenant (Ireland) Act, 1872, in like manner in all respects as if the same were such an advance as is mentioned in those Acts, and as if the land commission were the Board therein mentioned, and as if the person receiving the advance were a tenant or purchaser therein mentioned.

(3.) Any person liable to pay an annuity in this section mentioned may redeem the same, or any part thereof, as provided by section fifty-one of the Landlord and Tenant (Ireland) Act, 1870.

23. (1.) The land commission shall not purchase a leasehold estate under this part of this Act, unless the lease is for lives or years renewable for ever, or is for a term of years of which not less than sixty are unexpired at the time when the sale is made, or unless the land commission have purchased some greater right or interest in the estate in which the leasehold would be merged: Provided that—

(*a.*) This part of this Act shall not empower the owner of a leasehold holding under a lease containing a prohibition against alienation to sell such leasehold unless such prohibition is determined or is waived; and

(*b.*) Nothing in this section shall prevent the purchase of an estate by reason only of a small part thereof being leasehold.

(2.) Any body corporate, public company, trustees for charities, commissioners or trustees for collegiate or other public purposes, or any person having a limited interest in an estate or any right or interest therein, may sell the same to the land commission, and for the purpose of the purchase by the land commission of any estate or any right or interest therein the Lands Clauses Consolidation Acts (except so much as relates to the purchase of land otherwise than by agreement) shall be incorporated with this Act, and in construing those Acts for the purposes of this section the "special Act" shall be construed to mean this Act, and "the promoters of the undertaking" shall be construed to mean the land commission, and "land" shall be construed to include any right or interest in land.

(3) For the purpose of this Act "the Lands Clauses Consolidation Acts" means the Lands Clauses Consolidation Act, 1845, as amended by the Lands Clauses Consolidation Acts Amendment Act, 1860, the Railways Act (Ireland), 1851, the Railways Act

(Ireland), 1860, the Railways Act (Ireland), 1864, and the Railway Traverse Act.

(4.) Any sale of a holding to a tenant by a landlord, also any sale to a tenant of a holding by the land commission in pursuance of this part of this Act, may be made either in pursuance of Part II. of the Landlord and Tenant (Ireland) Act, 1870, or in such manner as the land commission may think expedient; and for the purpose of the application of the said Part II., "price" in section thirty-two of the Landlord and Tenant (Ireland) Act, 1870, shall be deemed to include a fine and a fee farm rent as well as a principal sum, and the enactments relating to the distribution of the price shall apply with the necessary modifications.

24. (1). As between the land commission and the proprietor for the time being of any holding for the purchase of which the land commission have advanced money in pursuance of this part of this Act, the following conditions shall be imposed so long as such holding is subject to any charge in respect of an annuity in favour of the land commission; that is to say,

(*a.*) The holding shall not be sold by such proprietor without the consent of the land commission until one half of the whole charge has been discharged:

(*b.*) The holding shall not be subdivided or sublet by such proprietor without the consent of the land commission until the whole charge due to the land commission has been repaid:

(*c.*) Where the proprietor sells, subdivides, or sublets any holding or part of a holding in contravention of the foregoing provisions of this section, the land commission may cause the holding to be sold:

(*d.*) Where the title to the holding is divested from the proprietor by bankruptcy, or judgment, the land commission may cause the holding to be sold:

(*e.*) Where, on the decease of the proprietor, the holding would by reason of any devise, bequest, intestacy, or otherwise, become sub-divided the land commission may require the holding to be sold within twelve months after the death of the proprietor to some one person, and if default is made in selling the same, the land commission may cause the same to be sold.

(2.) The land commission may cause any holding which under this section they can cause to be sold, or any part of such holding, to be sold by public auction or by private contract, and subject to any conditions of sale they may think expedient, and after such notice of the time, place, terms, and conditions of such sale, as

they think just and expedient; and the land commission may convey such holding to the purchaser in like manner in all respects as if the holding had been vested in the land commission.

(3.) The land commission shall apply the proceeds derived from such sale in payment, in the first instance of all moneys due to them in respect of the holding, and in redemption on the terms specified in section fifty-one of the Landlord and Tenant (Ireland) Act, 1870, of any annuity charged on the said holding, in favour of the commission, or of so much thereof as remains unpaid,and of all expenses incurred by the land commission in relation to such sale or otherwise with respect to the holding, and shall pay the balance to the persons appearing to the land commission to be for the time being entitled to receive the same.

Reclamation of Land and Emigration.

25. (1.) The Treasury may authorise the Board of Works to advance from time to time out of any moneys in their hands to companies, if they are satisfied with the security, such sums as the Treasury think expedient for the purpose of the reclamation or improvement of waste or uncultivated land, drainage of land, or for any other works of agricultural improvement.

(2.) The Board of Works shall not make to any company in pursuance of this section any advances exceeding in the whole the sums which such company may, within such period as may be determined by the Board of Works, have advanced or expended out of their own moneys for some one of the purposes of this section, with this exception, that where a baronial guarantee has been given for the sum to be advanced to the company, such advance may amount to two-thirds of the sum guaranteed.

(3.) Advances made by the Board of Works to a company in pursuance of this section shall be made repayable within such periods and at such rate of interest as are set forth in a minute of the Treasury made on the 16th day of August, one thousand eig ht hundred and seventy-nine,with reference to loans to which section two of the Public Works Loans Act, 1879, applies, or as the Treasury may from time to time fix in pursuance of that section, and save as regards such periods and rate of interest the enactments relating to loans made by the Board of Works for the like purposes to those above in this section mentioned shall, so far as is consistent with this section, apply in like manner as if an advance under this section were a loan made in pursuance of those enactments.

(4.) "A baronial guarantee" means for the purposes of this section a guarantee by a barony in favour of a public company given in pursuance of the Relief of Distress Ireland Amendment Act, 1880, and any Company to which this section applies shall be deemed to be a public company within the meaning of the said Act; and in order that a guarantee may be given in pursuance of this section the power of convening extraordinary meetings of the baronial presentment sessions of any barony vested in the Lord Lieutenant may be exercised by the Lord Lieutenant at any time before the *thirty-first day of December, one thousand eight hundred and eighty-six.*

26. The land commission may from time to time, with the concurrence of the Treasury, enter into agreements with any person or body of persons having authority to contract on behalf of the dominion of Canada, or of any province thereof, or on behalf of any British colony or dependency, or any state or other district in such dominion, province, colony, or dependency, or on behalf of any public company or other public body with whose constitution and security the land commission may be satisfied, for the advance by the commission by way of loan, out of the moneys in their hands, of such sums as the commission may think it desirable to expend in promoting emigration from Ireland. Such agreements shall contain such provisions relative to the mode of the application of the loans and the securing and repayment thereof to the commission, and for other purposes, as the commission with the concurrence of the Treasury approve. Such loans ahall be made repayable within the periods and at the rate of interest within and at which advances by the Board of Works for the purpose of the reclamation or improvement of land are directed by this Act to be made repayable.

Supplemental Provisions.

27. *The Treasury may from time to time, as they think fit, issue the sums required for advances or purchases of estates by the land commission under this part of this Act not exceeding the sums annually granted by Parliament for the purpose; and, sections twelve, thirteen, fourteen, and fifteen of the Public Works Loans (Ireland) Act,* 1877, *shall apply in like manner as if they were herein enacted, with the substitution of "Land Commission" for "the Commissioners of Public Works," and as if the said sums required by the land Commission were the loans in the said sections mentioned.*

28. (1.) The land commission before buying any estate shall satisfy themselves that a resale can be affected without loss, and that the purchasers will be in a position to work their holdings profitably.

(2.) The land commission upon purchasing any estate shall certify to the Treasury that they are satisfied with the matters of which they are by this section, or by any other provision of this part of this Act, required to be satisfied before such purchase, and such certificate shall be conclusive evidence to any purchaser that they were so satisfied and that the purchase was made in accordance with this Act.

(3.) An advance made by the land commission to a purchase of a holding or of any parcel of land, in respect of any one purchase by him under this Act whether from the landlord or from the land commission, shall not exceed *three thousand pounds*, unless the commission report to the Treasury that by reason of special circumstances they deem it expedient to make an advance not exceeding *five thousand pounds*, in which case they may make such advance with the approval of the Treasury.

(4.) The land commission shall, from time to time, by sale by auction, or in such other manner as may be allowed by the Treasury, dispose of all fee farm rents for the time being vested in them.

(5). The land commission shall in purchasing estates, in making advances, in dealing with the funds that come into their possession, and in accounting for the same, and generally in the performance of their duties under this part of this Act, conform to any directions, whether given on special occasions or by general rule or otherwise, which may from time to time be given to them by the Treasury, and shall from time to time report as the Treasury may direct all matters which may be transacted by the land commission.

(6.) All sums received by the commission as repayments of any advance, and all sums received by the commission for fees, percentages, rents, or otherwise shall, except so far as they may be applied under directions from the Treasury in payment of expenses, be paid into the Exchequer.

29. All powers exerciseable by the Board of Works under the Landlord and Tenant (Ireland) Act, 1870, and the Landlord and Tenant (Ireland) Act. 1872, in relation to the purchase by tenants of their holdings shall, after *the passing of this Act* be transferred to and may be exercised by the land commission, and the said Act and any enactments amending the same so far as the relate to the

matter aforesaid shall be construed as if the land commission were substituted for the board: Provided that this section shall not affect or interfere with any of the powers of the Board of Works in relation to any transactions which are completed before the passing of this Act or which the Board declare are being carried into effect at the passing of this Act.

30. In fixing the purchase meneys, fines, rents fees, per-centages, and other sums to be charged or made payable to the land commission in respect of transactions under this part of this Act care shall be taken to fix the same in such manner as to make the amount resulting therefrom, as nearly as can be estimated, not less than the amount required to defray the expenses.

Part VI.

Court and Land Commission.

Description of Court and Proceedings.

31. (1.) The expression "The Court" as used in this Act shall mean the civil bill court of the county where the matter requiring the cognizance of the court arises.

(2.) Where a matter requiring the cognizance of the court arises in respect of a holding situate within the jurisdiction of more than one civil bill court, any civil bill court within the jurisdiction of which any part of the holding is situate may take cognizance of the matter.

(3.) The court shall have jurisdiction in respect of all disputes between landlords and tenants arising under this Act.

(4.) In determining any question relating to a holding, the court may direct an independent valuer to report to the court his opinion on any matter the court may desire to refer to such valuer, such report to be accompanied with a statement, if so directed, of all such facts and circumstances as may be required for the purpose of enabling the court to form a judgment as to the subject-matter of such report. The court may or may not, as it thinks fit, to adopt the report to such valuer, and it may make such order with respect to the costs incurred in respect of such report as it thinks just.

32. There shall be incorporated with this Act the following provisions of the Landlord and Tenant (Ireland) Act, 1870; that is to say,

(1.) Section twenty-three, relating to the powers of the judge of the civil bill court; and section twenty-five, relating to the court of arbitration.

(2.) Section forty, relating to the apportionment of rents, and in that section rents shall include any rent payable to the Crown;
(3.) Section fifty-nine, relating to administration on death of tenant;
(4.) Section sixty, containing provisions as to married women;
(5.) Section sixty-one, containing provisions as to other persons under disability;
(6.) Section sixty-two, relating to additional sittings of civil bill court;
(7.) Section sixty-four, relating to power to appoint a substitute in civil bill court if judge cannot attend.

Arbitration.

33. Any matter capable of being determined by the court under this Act, may, if the parties so agree, be decided by arbitration, and an arbitration shall be conducted by the court of arbitration in manner provided by the Landlord and Tenant (Ireland) Act, 1870, and where the amount of rent is decided by arbitration, such rent shall for the purposes of this Act be deemed to be the judicial rent.

Appointment and Proceedings of Land Commission.

34. The following persons, that is to say, *A. B.*, of , *C. D.*, one of the judges of the Supreme Court of Judicature in Ireland, and *E. F.*, of , shall be constituted commissioners under this Act. They shall hold office during Her Majesty's pleasure, and if any vacancy occurs in the office of any commissioner by death, resignation, incapacity, or otherwise, Her Majesty may, by warrant under the Royal Sign Manual, appoint some other fit person to fill the vacancy, with this qualification, that one member of the commission shall always be a person who is or has been a judge in the Supreme Court of Judicature in Ireland.

35. The commissioners under this Act shall be a body corporate, with a common seal, and a capacity to acquire and hold land for the purposes of this Act, and shall be styled "The Irish Land Commission."

Judicial notice shall be taken by all courts of justice of the corporate seal of the land commission, and any order or other instrument purporting to be sealed with it shall be received as evidence without further proof.

36. The Lord Lieutenant may from time to time, with the consent of the Treasury as to number, appoint and remove assistant commissioners.

The central office of the land commission shall be in Dublin, but the land commission may form sub-commissions in any province, particular district or districts of Ireland, and such sub-commissions shall consist of such number of the said assistant-commissioners as the land commission may think fit, and the land commission may delegate to any sub-commission such powers as they think expedient, and may from time to time revoke, alter, or modify any powers so delegated to a sub-commission.

37. Any power or act by this Act vested in or authorised to be done by the land commission may be exercised or done by any one member of the land commission, or buch assistant commissioner or number of assistant commissioners as the land commission may from time to time determine with the assent of the Lord Lieutenant.

38. The land commission may from time to time, with the consent of the Lord Lieutenant and the Treasury, appoint and remove a secretary, and appoint and remove such number of officers, agents, clerks, and messengers as they deem necessary for the purposes of this Act.

They may also, with the consent of the Treasury employ such number of actuaries, surveyors, or other persons as they may think fit for the purpose of enabling the land commission to carry into effect any of the provisions of this Act

39. There shall be paid to each of the commissioners a salary not exceeding *two thousand pounds* a year, and to the assistant commissioners, secretary, officers, and other persons above mentioned such salaries or remuneration as the Lord Lieutenant may, with the consent of the Treasury, determine.

The salaries of the commissioners and assistant commissioners and of all persons employed by the commissioners and all expenses incurred by the land commission in carrying into effect this Act, not otherwise provided for, shall be paid out of moneys provided by Parliament

40. (1.) For the purposes of this Act, the land commission may refer any matter to the land judges of the Chancery Division of the High Court.

(2.) The land commission shall have full power to decide all questions whatsoever, whether of law or fact, which it may be necessary to decide for the purposes of this Act, and they shall not be subject to be restrained in the execution of their powers under this Act by the order of any court, nor shall any proceedings before them be removed by certiorari into any court.

(3.) The land commission with respect to the following matters; that is to say,

(*a.*) Enforcing the attendance of witnesses, (after a tender of their expenses,) the examination of witnesses orally or by affidavit, and the production of deeds, books, papers, and documents; and

(*b.*) Issuing any commission for the examination of witnesses; and

(*c.*) Punishing persons refusing to give evidence or to produce documents, or guilty of contempt in the presence of the land commission or any of them sitting in open court; and

(*d.*) Making or enforcing any order whatever made by them for the purpose of carrying into effect the objects of this Act;

shall have all such powers, rights, and privileges as are vested in the Chancery Division of the High Court of Justice in Ireland for such or the like purposes, and all proceedings before the land commission shall in law be deemed to be judicial proceedings before a court of record.

(4.) In determining any question relating to a holding the commission may direct an independent valuer to report to it his opinion on any matter the commission may desire to refer to such valuer, such report to be accompanied with a statement, if so directed, of all such facts and circumstances as may be required for the purpose of enabling the commission to form a judgment as to the subject matter of such report. The commission may or may not, as it thinks fit, adopt the report of such valuer, and it may make such order with respect to the costs incurred in respect of such report as it thinks just,

(5) The land commission may review and rescind or vary any order or decision previously made by them, or any of them; but save as aforesaid, every order or decision of the said commission shall be final.

Nothing in this section shall authorise the land commission to determine any question or to exercise any power of a judge in relation to any purchase of an estate by them, or to the purchase of a holding through the medium of the land commission.

41. Any person aggrieved by the decision of any civil bill court with respect to the determination of any matter under this Act may appeal to the land commission, and such commission may confirm, modify, or reverse the decision of the civil bill court.

The land commission may determine any appeal in Dublin or may proceed to any place or places in Ireland for the purpose of from time to time determining the same.

42. (1.) The land commission shall circulate forms of application and directions as to the mode in which applications are to be made under this Act, and may from time to time make, and when

made may rescind, amend, or add to, rules with respect to such circulation and to the following matters, or any of them:

(*a.*) The proceedings on the occasion of sales under this Act:

(*b.*) The proceedings in the civil bill court under this Act:

(*c.*) The security (if any) to be given by applicants to, or persons dealing with, the commission:

(*d.*) The proceedings in appeals under this Act:

(*e.*) The forms to be used for the purposes of this Act:

(*f.*) The scale of costs and fees to be charged in carrying this Act into execution, and the taxation of such costs and fees, and the persons by or from whom and the manner in which such costs and charges are to be paid or deducted, subject nevertheless to the sanction of the Treasury as to the amount of fees to be charged:

(*g.*) The mode of service of civil bill processes in ejectment and for the recovery of rent:

(*h.*) The service of notices on persons interested, and any other matter by this Act, or any part of any Act incorporated herewith, directed to be prescribed:

(*i.*) The mode in which consents on the part of any landlord, tenant, or other person may be signified under this Act:

(*j.*) As to any other matter or thing, whether similar or not to those above mentioned, in respect of which it may seem to the land commission expedient to make rules for the purpose of carrying this Act into effect.

(2.) Any rules made in pursuance of this section shall be judicially noticed in all courts of Her Majesty's dominions.

(3.) Any rules made in pursuance of this section shall be laid before Parliament within three weeks after they are made if Parliament be then sitting, and if Parliament be not then sitting, within three weeks after the beginning of the then next session of Parliament.

43. No person being a member of or employed by the land commission shall by reason of such membership or employment acquire any right to compensation, superanuation, or other allowance on abolition of office or otherwise.

Part VII.

Definitions, Application of Act, and Savings.

44. In the construction of this Act the following words and expressions shall have the meaning hereby assigned to them, unless there be something in the context repugnant thereto; that is to say,

"Lord Lieutenant" includes the Lords Justices or any other Chief Governor or Governors of Ireland for the time being:

"Treasury" means the Commissioners of Her Majesty's Treasury:

"Board of Works" means the Commissioners of Public Works in Ireland:

"Contract of tenancy" means a letting of land for a term of years or for lives, or for lives and years, or from year to year:

"Tenant" means a person occupying land under a contract of tenancy, and includes the successors in title to a tenant:

"Landlord" means the immediate landlord or the person for the time being entitled to receive the rents and profits or take possession of the land held by his tenant, and includes the successors in title to a landlord:

"Holding" during the continuance of a tenancy means a parcel of land held by a tenant of a landlord for the same term and under the same contract of tenancy, and, upon the determination of such tenancy, means the same parcel of land discharged from the tenancy:

"Tenancy" means the interest in a holding of a tenant and his successors in title during the continuance of a tenancy; and "rent of a tenancy" means the rent for the time being payable by such tenant or some one or more of his successors:

"Present tenancy" means a tenancy subsisting at the time of the passing of this Act:

"Future tenancy" means a tenancy beginning after the passing of this Act:

"Ordinary tenancy" means a tenancy to which this Act applies, and which is not a tenancy subject to statutory conditions, or a judicial lease, or a fixed tenancy:

"Sale," "sell," and cognate words, include alienation, and alienate, with or without valuable consideration:

"Ejectment" includes action for recovery of land:

"An estate" means any lands which in the opinion of the land commission may de deemed for the purposes of this Act to constitute an estate:

"Prescribed" means prescribed by rules made in pursurnce of this Act.

Any words or expressions in this Act which are not hereby defined, and are defined in the Landlord and Tenant (Ireland) Act, 1870, shall, unless there is something in the context of this Act repugnant thereto, have the same meaning as in the last-mentioned Act.

45. A tenancy to which this Act applies shall be deemed to have determined whenever it is sold in consequence of a breach by the tenant of a statutory condition, or, in the case of a tenancy not subject to statutory conditions, of an act or default on the part of a tenant which would, in a tenancy subject to such conditions, have constituted a breach thereof, or whenever the landlord has resumed possession of the holding either on the occasion of a purchase by him of the tenancy, or of default of the tenant in selling, or by operation of law, or reverter, or otherwise. Provided that :

(1.) The surrender to the landlord of a tenancy for the purpose of the acceptance or admission of a tenant or otherwise by way of transfer to a tenant shall not be deemed to be a determination of the tenancy;

(2.) Where a present tenancy in a holding is purchased by the landlord from the tenant in exercise of his right of pre-emption under this Act, and not on the application or by the wish of the tenant, or as a bidder in the open market, then if the landlord within fifteen years from the passing of this Act re-lets the same holding to another tenant, the same shall be subject from and after the time when it has been so re-let, to all the provisions of this Act which are applicable to present tenancies ;

(3.) A tenant holding under the Ulster tenant-right custom, or a usage corresponding to the Ulster tenant-right custom, shall be entitled to the benefit of such custom, notwithstanding any determination of his tenancy by breach of a statutory condition, or of an act or default of the same character as the breach of a statutory condition.

46. This Act, with the exception of so much thereof as amends the Landlord and Tenant (Ireland) Act, 1870, in respect of compensation for improvements, and with the exception of Part Five of this Act, shall not apply to tenancies in—

(1.) Any holding which is not agricultural or pastoral in its character, or partly agricultural and partly pastoral ; or

(2.) Any demesne land, or any holding ordinarily termed " town-parks" adjoining or near to any city or town which bears an increased value as accommodation land over and above the ordinaay letting value of land occupied as a farm, and is in the occupation of a person living in such city or town, or the suburbs thereof ; or

(3.) Any holding let to be used wholly or mainly for the purpose of pasture, and valued under the Acts relating to the valuation of property at an annual value of not less than fifty pounds ; or

(4.) Any holding let to be used wholly or mainly for the purposes

of pasture, the tenant of which does not actually reside on the same, unless such holding adjoins or is ordinarily used with the holding on which such tenant actually resides ; or

(5) Any holding which the tenant holds by reason of his being a hired labourer or hired servant ; or

(6.) Any letting in conacre or for the purposes of agistment or for temporary depasturage ; or

(7.) Any holding let and expressed in the document by which it is let to be so let for the temporary convenience or to meet a temporary necessity either of the landlord or tenant.

(8.) Any cottage allotment not exceeding a quarter of an acre.

47. Any leases or tenancies existing at the date of the passing of this Act, except yearly tenancies and tenancies less than yearly tenancies, which existing leases and tenancies (except as aforesaid) are in this Act referred to as existing leases, shall remain in force to the same extent as if this Act had not passed, and holdings subject to existing leases shall be regulated by the provisions contained in the said leases, and not by the provisions relating to tenancies in that behalf contained in this Act : Provided that on the termination of any existing lease in any holding which if it had been held from year to year would have been subject to the Ulster tenant-right custom, or any usage corresponding therewith, the person who would have been entitled to make a claim under the first or second section of the Landlord and Tenant (Ireland) Act, 1870, in respect of the same holding shall be entitled to do so notwithstanding that the holding was held under any such lease, but this proviso shall not apply to leases in which there is contained a provision expressly excluding the Ulster tenant-right custom or a usage corresponding therewith.

48. Any application which a tenant is authorised by this Act to make to the court shall, if made to the court on the first occasion on which it sits after the passing of this Act, have the same operation as if it had been made on the day on which this Act comes into force : and any order made upon such application shall be of the same effect as if it had been made on the day on which this Act comes into force, unless the court otherwise directs ; and the person by whom such application is made shall, if the court thinks just, be in the same position and have the same rights in respect of his tenancy as he would have been in and would have had if the application had been made on the day on which this Act comes into force.

49. This Act shall not apply to England or Scotland.

50. This Act may be cited for all purposes as the Land Law (Ireland) Act, 1881.

A SHORT STATEMENT

CONCERNING THE

CONFISCATION OF IMPROVEMENTS IN IRELAND.

"CREDE EXPERTO.'

A SHORT STATEMENT

CONCERNING

THE CONFISCATION OF IMPROVEMENTS IN IRELAND.

ADDRESSED TO

THE RIGHT HON. W. E. FORSTER, M.P.,

Chief Secretary to the Lord Lieutenant of Ireland.

BY

A WORKING LANDOWNER.

DUBLIN:

HODGES, FIGGIS, AND CO., 104 GRAFTON STREET.

LONDON: WILLIAM RIDGWAY, PICCADILLY.

1880.

PREFACE.

It has been thought desirable by persons capable of forming an opinion on the matter contained in it, that publication should be given to this Pamphlet, which was at first only intended for private circulation.

The egotism of the following pages is so patent and so inevitable that it would be affectation to offer an apology for it. This much of explanation, however, is needed. The writer has not come forward because his action is unique, or because he is prominent among those whose cause he pleads. But someone should speak, if the men to whom Ireland owes almost all that is to be found of agricultural progress in its Southern province, are still silent.

The country is suffering from the results of the violation, through many centuries, of the only principles that can lead to national prosperity. All had their share in this sad responsibility, from the supreme government to the wayside beggar. One class is at

present singled out to be held accountable for every ill that afflicts the community. No evidence, indeed, supports this grievous indictment; but numerical weakness has invited attack. When Socrates, falsely accused, and adjudged guilty by a large majority in a popular assembly, was permitted to award his own sentence, he gave his opinion that he ought to be entertained honourably during the rest of his life at the public expense. The Government of the day, however, came to the conclusion that he should drink hemlock. Not long afterwards they discovered that they had killed the wrong man.

There are people recklessly impeached, every day, before popular assemblies in Ireland, who, if not as wise as Socrates, would certainly, before a fair tribunal, be found as innocent of the crimes of which they are accused. If, being fewer in number than their assailants, they are condemned to extinction, either immediate or gradual, the result to the community will not be the survival of the fittest.

The cause which is defended and illustrated in the following pages is not the cause of oppression or injustice. It is an appeal on behalf of citizens who, in most civilized countries, would be thought worthy of State encouragement; even under weak and

ignorant governments they would scarcely be made objects of State persecution.

The British Constitution, at no time a success in Ireland, has well-nigh died out in the southern provinces. The only class capable of self-government is ruled absolutely, if the fact of having neither voice nor vote in making the laws under which you live constitutes absolute government. The gentlemen who are sent to Parliament have, with the rarest exceptions, no stake, agricultural or commercial, many of them no residence, in the country. They represent a part of the population which has never arrived at independence of opinion.

These legislators are at present occupied in endeavouring to destroy the laws which already exist. Their oratorical progress through the land may be traced always by outrage, often by blood.

The issue before the intelligence of Great Britain is not one of political party in Ireland. It is a question of political existence. This country has made very great progress in the last quarter of a century. Liberty for action and enterprise has been availed of by those who know the uses of true liberty. The measures now proposed by ignorant agitators are retrograde, and calculated to lead to

obscure and wide-spread oppression. English statesmen and the English public should study carefully the present varied circumstances of Ireland, as well as her past records, before they proceed to permanent legislation.

It is with this view, and in the hope that others may follow with better right, that a very small page of her present diary is presented in the following autograph.

A SHORT STATEMENT CONCERNING CONFISCATION.

HOS EGO CAMPICULOS FECI; METET ALTER ARISTAS?

To the Right Hon. W. E. FORSTER, M.P., &c.

SIR,

I do not think that you would willingly wrong even an Irish landowner. In this conviction I appeal against the confiscation of a life's outlay on my estate, on the assumption that the tenant has been the sole, the principal, or even the partial agent of improvement.

There is a general impression abroad that the Government contemplates introducing a measure embodying, in some form, the principle of tenant-right in the south of Ireland. This principle means the conveyance by Act of Parliament to the occupier of a part of the fee-simple of the property inherited or purchased by the owner.

This transfer is based, so far as I know, on one or both of two propositions. First, that the tenant

has himself purchased his interest from his predecessor. Secondly, that he has created it by the investment of capital or labour in permanent improvements.

I am prepared to prove that neither of these reasons for such a transfer has the smallest existence in my case.

Unrepresented in Parliament, and belonging to a proscribed class, I have no alternative but to approach you, sir, directly with an appeal for justice.

Three hundred years ago my lineal ancestor forfeited life and possessions in defence of what he believed to be the cause of his country. But though he was guilty of adhering to the unsuccessful side, and dying in arms for it, his estates were not confiscated till a Royal Inquisition had been held, and the charges which had been brought against him were established. I claim no less justice at the hands of a Government which professes to represent the Liberal spirit of the day, and to be able and willing to redress wrong. I do not ask for the consideration, the allowance, the indulgence which I have never withheld from those in whose supposed interests this expected measure would sacrifice my labour and outlay. I ask but for the sternest justice.

If the principle be assumed that outlay by an occupier should confer on him a title to the fee-simple of the soil, surely outlay by an owner should secure to him that which he has purchased or inherited already.

In the year 1851 I came into possession of my estate. Old rentals in my possession show that for many years previous to that date, there had been allowances made to tenants at the rate of about £1,000 per annum. Yet when I took up the estate there was not one drain made by a tenant, not one slated house, not a perch of road, not a yard of sub-soiled land: I then adopted the system of making all improvements myself, charging interest of the outlay upon the occupier, according to the circumstances and increased value of the farm. The result has been that in some five-and-twenty years, I have built about eighty houses and offices, slated or tiled, made twenty-eight miles of road, built nine bridges, made twenty-three miles of fences, thorough drained about five hundred acres, planted one hundred and fifty acres of waste land, and proportionately improved the condition and circumstances of the people.

In support of these assertions I venture to cite witnesses of unquestionable weight and impartiality. From the *Manchester Guardian* of February 11, 1880 :—

"While in the Kenmare District I had full opportunity during my stay of seeing the wonders that could be effected by an improving landlord. . . . . All over the estate I found the people decently and comfortably housed, and there was not a genuine Irish cabin on the place. Mr. Mahony has done a great deal of reclamation in the course of the last few years. Field after field was pointed out to me now green with luxuriant herbage, or broken up for potatoes or green crops, which had only recently been won from the state of nature in which it had previously lain. . . . . The process of reclamation is very much accelerated and done on a much larger scale when such improvements are the work of a landlord who has the necessary capital,

power of organisation, and practical knowledge of agriculture to carry out a large scheme of improvement over a whole estate. . . . . There can be no doubt of the utility to the country of such landlords as Mr. Mahony."

From the *Daily Telegraph*, January 31, 1880 :—

"An estate on the bay of Kenmare showed most conclusively what can be done, even under existing laws, when there is a disposition to do the best. The owner of this property borrowed money some years ago for the development of its resources,* and the result is visible in a series of as pretty rural pictures as eye can wish. I say nothing of the castle and its surrounding demesne, because handsome residences in Ireland are not incompatible with a good deal of neighbouring squalor. But I do insist upon the well-drained fields and neatly-kept fences, the pretty white cottages and farm-houses, stone-built and slate-tiled, the tidiness of the people, and the absence around their dwellings of the offensive accumulations that elsewhere are a stranger's wonder and despair. After what I had seen, driving through this estate was like a ramble in a garden at the close of a desert journey."

I intrude these quotations on your notice, with a sense of humiliation, for the advertisement of one's own efforts does violence to good taste. I would be thankful to see no cause for emerging from the obscurity of many years' endeavour to benefit those around me. Others, whom I might name, could show a far larger expenditure, and more effective results. But I am compelled to speak, though preferring silence, lest judgment should go by default, where accusations are loud, indiscriminate, and unscrupulous, and the assailed class is ostracized from the privilege of reply in the council of the nation.

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* I had not the advantage of meeting this gentleman, or I could have informed him that most of the improvements which he saw were not made by loan, but by money saved from private income by strict personal economy.

I do not seek credit for having done my utmost to discharge my duty; but I protest against the injustice and the impolicy of inflicting a destructive penalty, where impartial testimony not only acquits, but eulogizes.

It was intimated in the debates of last session that Government considered "that the Land Act of 1870 gave Irish tenants some kind of interest in their holdings." I would venture to ask whether that interest is exclusive and independent of either purchase or outlay by the tenant? I respectfully submit that an Act of Parliament may authorise, but cannot justify, the forcible transfer of one person's property to another.

The principles that define right and wrong are broader and deeper than Acts of Parliament, and their violation will displace the foundations of the community.

The Act of 1870 justly protected the tenant's interest in his improvements. That, out of Ulster, it was intended to convey no further proprietorship is manifest from the clear enunciation of Mr. Gladstone himself, that he only proposed to place the ignorant and weaker of two contracting parties on a more even footing with the stronger. And this declaration was affirmed by the provision of the Act itself, which determined the limit of this interposition, for if the conveyance of unpurchased interest was contemplated, why should holdings exceeding £50 valuation be excluded from the benefit of the Act?

Mr. Gladstone stated, in bringing forward that measure, "that he hoped the time might come when its provisions might be no longer necessary in Ireland," that he had no intention of introducing into the rest of Ireland a "spurious Ulster Custom." "That he himself was not prepared, nor were his colleagues, to admit that the just protection of the Irish occupier afforded either an apology or a reason for endowing him with a joint property in the soil."

Mr. Low stated, on the same occasion, "We have not altered the tenure of land; we have studiously avoided doing so; but we have said, where a wrong can be proved we will give, within moderate and fair limits, a summary remedy." Again, "I hope it will be admitted on all sides that we have not been indistinct in the declaration of our intention to offer a firm resistance to all attempts to introduce principles into the Bill which would go to make the power of the landlord on his property, or the receipts he derived from it, subject to the indefinite claims of a separate and rival interest."

These statements are as important in defining the intention of the measure as if they formed a part of the preamble of the Bill itself. But if men of consular dignity can lightly ignore their own public deliberate utterances, then indeed the history of popular Government in England must record the close of the age of responsible statesmanship. Many of us who had been trying to do our best in Ireland, paused in anxious suspense during the passage

through Parliament of the Land Act of 1870. We deplored the erroneous principle of the occupancy clause, but we accepted the good intentions of the authors of the measure, when they so distinctly and accurately limited its object to the protection of an ignorant man from the possible consequences of his own incapacity to make a profitable contract. Hence, we resumed our work with confidence in the character and stability of British statesmanship. Many who bear no good-will to the British Empire will laugh at our credulity, but shame does not come chiefly on those who suffer wrong.

If Great Britain and Ireland is to remain a united kingdom, then surely a property in Kerry managed on similar principles to a property in Gloucestershire or Devonshire should be subject to the same legislation. But if the property in Kerry be placed under a different law solely because it is on the other side of the Channel, the principle of Home Rule is logically established. I would willingly accept the broadest programme put forward by any Farmers' Alliance in England or Scotland, and yet I can show that I have made sacrifices and assumed responsibilities which are never expected from any English or Scotch landowner. These gentlemen in bad seasons bear their share of the depression, by abating a considerable percentage of their rents. But they do not know the anxiety of being obliged to consider for a population which, by reason of circumstances, ignorance of agriculture, and want of foresight, is living

always on the margin of disaster. I happen to be the owner (up to the present) of a townland on the south-western coast. Its size is 700 acres ; its population near 300. It is forty miles away from the rest of my estate. For the last five years I have been obliged to provide that population, on the approach of each successive winter, with a cargo of meal and flour. I have given my personal guarantee to the merchant who has supplied them, thus enabling them to lay in their stock of provisions at the cheapest time. They are fine, honest fellows, and always clear off their liabilities during the following season. By this means, I have got them out of debt to money-lenders or traders, and am myself their only creditor. During the winter of 1879, they required less help than in previous seasons ; and though they were in a scheduled Union, and in the district of a Relief Committee, not one farthing of relief money was received by a single tenant of that little community. In the spring of 1880 I supplied them with seed potatoes from Scotland at half price, so that they are not indebted to the Union under the Seeds Act. If Government think it just and wise to make me an incumbrancer on this little estate, instead of leaving me the owner of it, I trust they will see the necessity of undertaking to provide for the people also, as any such measure will entirely relieve me of that responsibility.

Owners who make all improvements on their estates in England, would be surprised if the occu-

piers of their farms proposed to provide for their eldest sons, by getting them married and settled down on a part of their father's holding. Yet such is here the general, I may almost say universal, practice. A man gets his son married as soon as he can, and establishes him either in his own house or in one of his farm offices, and gives him half the farm. The consequence is that new offices are required for both father and son. My experience is that, within a few years, father and son invariably quarrel, and the father does his utmost to get his second son married and settled with him in his own house. It is exceedingly difficult to prevent this second subdivision at present. How will it be prevented if a Tenant-Right Act still farther ties up the hands of the owner? It may be said, "There will be severe penalties for subletting," but the subletting cannot be proved till after the father's death, and by that time there is probably a large family who were nominally guests till then. The law may give power to evict them, but the fear of this penalty will not prevent the evil: for the people are absolutely without foresight, and willingly risk any eventual calamity for a little present convenience.

Again, landowners in England and Scotland are not accustomed to see the practice and even the very principles of agriculture perpetually violated on the farms which they have let. Yet such is the general custom here. It is not to be wondered at, that the occupiers should break down in anything like an unfavourable season. The wonder is that they survive

at all, on the system of treating the land which they pursue. They starve five cows on the land that could fairly feed three. Consequently, the meadows are never put up till May, and often till an advanced date in May. They are often not mown till September and October. Weeds almost obliterate every crop and exhaust the soil. Cattle, sheep, and pigs, even poultry, are all bred in-and-in till their degeneracy is notoriously apparent. In fact, the least results are produced at the greatest cost to the soil.

Some years since, I bought up the interest in a leasehold from a tenant. His father and he had held it for many years, and had exhausted all the naturally available land on it by successive corn crops without manure. When in their hands it starved fifteen head of cattle. I have had it in my own occupation some fourteen years, and it now carries fifty-three, in good condition. Is it to be supposed that the magic of tenant-right would have transformed these people into good agriculturists? The season of 1879 is recorded in the history of British agriculture as unusually disastrous. In that year, the gross produce of each cow on this (dairy) farm amounted to £9 9s. for butter, sold in London, and £3 per cow for calves reared.* The average letting of land to agricultural tenants on my estate is £1 10s. per cow.† A tenant-right measure,

* This season the return per cow will gross £17, or more than 40 per cent over last year.

† The rent of dairy farms is fixed, not by their acreage, but by the number of milch cattle they can carry. Thus, a farm able to feed five cows would pay £7 10s. per annum.

allowing the occupier to sell the interest of his farm, will take from me and transfer to him the difference between £8 and £1 10s. if £4 be deducted as cost of labour attendant on each cow—an extravagant allowance. Or to consider the question as a matter of rent. My estate has more than doubled in worth since 1848, when Griffith's valuation was made, owing to the care and capital expended on it. But my rents are about 40 to 45 per cent over Griffith's valuation.* A tenant-right measure will convey to the occupier this 60 per cent, or more than half the value of the land—a value created not by his industry, but by my outlay. The waste lands of Ireland can only be brought into cultivation by heavy outlay and labour, and with a full assurance of security for such investment. But it will not encourage the others to see those who have cast capital and energy into such a work deprived, by Act of Parliament, of the fruit of their labours. It would be a sad corollary for me to draw, that I had better have employed every farthing I could muster, in paying off mortgages, or in investment in other countries, and have left the district, which I have to some extent civilized, the desert which I found it. If tenant-right had been established on this estate in

* I use this comparison because Griffith's valuation is in common acceptation as a basis of calculation ; but it is very faulty and unreliable. I happen to own land in two baronies, and between them there is a difference in Griffith's valuation of more than 30 per cent.

It should be remembered that this valuation was made in Kerry in 1848, on the basis of then existing prices, which were 50 per cent. below those of the present day. It was then farther reduced by the deduction of the poor-rate, which in this district brought it down by another 30 per cent. The sum that remained is Griffith's valuation.

1851 (when it came into my hands), and its natural consequences left to work themselves out, it would now be far on the way to rival some of those neglected and over-populated districts in Donegal, so graphically described by Mr. Tuke. Any one who supposes that to divert the care and outlay of the owner to other objects, and to substitute for it the free action and part ownership of the occupiers, would improve the condition of the country, knows nothing of the tendencies of a people whose agricultural status was at the time I refer to but little beyond that of a nomadic tribe. You might as well adopt the theory of utilizing an untrained horse, by harnessing him and flinging the reins on his neck, and leaving him to his own resources.

If a law is passed on the assumption that the tenant is the only improver, it is manifest that the so-called owner is thereby relieved of all responsibility to make improvements himself, that he is not expected to do so, and that it would be a very unwise investment on his part; for, most certainly, a man who has seen a great part of the labour and outlay of his life taken from him will place no more of his time, energy, and means in further jeopardy. If he neglects such a warning, he will deserve to lose, in the next political emergency, the remaining portion which he holds by no more just or legal title. Let the result, then, be considered of such a measure upon a district which hitherto has been steadily developed by the owner's capital, enterprise, and attention; where such outlay was calculated on and

looked for by the tenant, and where both have fitted themselves into the discharge of their mutual relationship.

Whence will come the impetus and capital for the new experiment? In a country still in a state of early transition, systematic and extensive operation will long be necessary. Who will superintend the individual efforts of those occupiers who are inclined to apply themselves to develop the soil? Who will lead and persuade them to supply, by combination of many, the unity of action and the impartial distribution of advantage secured by one, thinking and acting for all? Beyond all doubt, the improvers will be a small percentage on any possible calculation. Who will bring up the mass of those who lag behind, so as to neutralize their obstructive influence on the community? Will the private jealousies, the unreasonable oppositions, and the inert ignorance, now overruled with difficulty under the control of a central power, disappear before the magic of an independence, that lays the public good at the mercy of private option?

Some of the proprietors of this district had, last season, seen the necessity of providing seed potatoes for the tenants on their estates long before the Government had made any move in the matter. I imported fifty tons for distribution, at little more than half-price among my own people, before the measure had been proposed in the House of Commons. Who will undertake this responsibility in the next period of depression? For I must reiterate, even at the

risk of tediousness, that the proprietor who has been made by Act of Parliament a mere rent-charger or annuitant on his estate, will turn to other and more secure investment for his labour and capital. Absenteeism has been often brought as a charge against landowners in Ireland. It is complained that the income of such men is diverted from expenditure in their own country. I can conceive nothing which will justify absenteeism and penalise residence so much as an Act of Parliament confiscating the outlay of resident working proprietors.

The experience of many years constrains me to assert, that in the south-west of Ireland if the waste lands are to be reclaimed, and if the fertility of the cultivable lands is to be preserved, in fact, if any advance is to be made or continued towards agricultural prosperity, it must be done under the leading and the control of some authority.

If Government directly or indirectly make it distasteful or unprofitable for the landowner to carry out this administration, then Government must supply some other superintendence, unless they are satisfied to see these districts drift into the hopeless condition of the coasts of Galway, Mayo, and Donegal. I give a typical case illustrative of my assertion. Within the last year, a man finding himself overwhelmed with debts, and utterly unable to meet his rent, which was heavily in arrear, surrendered his farm, accepting a labourer's house which was built on it for him, with a small plot of garden. He was em-

ployed, and showed so much intelligence and energy under the control of another, that he was soon promoted to be steward over estate works, and is able to carry them out with every satisfaction to his employer and himself, and is far better off than he was before.

The native material is second to none in the three kingdoms. But its capacities lie unused and unawakened, and need for their development a steady hand and methodical discipline. I have brought in no stranger to carry out any of the improvements effected on my estate. And they are of varied character. For three successive years I won the gold medal for the best blocks of labourers' cottages in Munster, all the work in them being carried out by artizans born and trained on the estate.

I know estates where no systematic improvement has been carried on by the owner, where supervision has been very slight, where rents are low, and on which the tenants have been allowed to sell the interest in their farms. The most casual observer will see that they are a hundred years behind those districts which are administered on the system which I advocate.

I know that many who must be heard with respect hold a different opinion on this subject. And instances have been quoted in which, even out of Ulster, prosperity has followed tenant-right, and the right of sale of the tenant's interest. Notably, Lord Portsmouth's case has been brought forward, in

which it was stated by Lord Granville, that the rents had doubled in the course of fifty years without any outlay on the part of the proprietor. I should not take the doubling of the rental to be a sufficient proof of prosperity. Rents will certainly rise wherever the introduction of tenant-right conveys a part of the owner's property to the occupier, for the competitive system immediately follows, both as regards the sale of the tenant's interest, and the owner's right of selecting the successor. But the land suffers from this double drain of the source which should supply outlay upon it. Such an estate is somewhat in the condition of a company which pays a large dividend, but pays it out of capital. The prosperity of a district is to be measured rather by the amount manifestly invested in it than by that which is taken out of it. There can be no question of its value being increased by permanent and reproductive outlay. I do not deny that this may be found where tenant-right and competitive sale exist, but it is not the natural accompaniment of such a system, and the cases in which this system exists in the South are, as far as my observation goes, characterised by a total absence of outlay on the part of the tenant.

The prosperity of Ulster has been much urged in evidence of the advantages of tenant-right. It seems to be admitted that in Ulster the tenant has been the original and principal improver, and his claim is therefore just, and the wisdom of establishing it by law undeniable.

I would ask, in passing, if in another part of the country this history be reversed, and the proprietor be found to be the original and principal, and sometimes the only improver, is he to be outlawed from the same justice, because he has the misfortune, or perhaps in these days I ought to say, is guilty of the crime, of being an owner instead of an occupier?

But is it a fact that Ulster is so prosperous, and that whatever prosperity it may possess as compared with the rest of Ireland is due to the existence of tenant-right. With regard to the first query, I quote from a journal written entirely in the interest of tenant-right :—

"Ulster being a province which has enjoyed for centuries the advantage of tenant-right, and which possesses, besides, a certain amount of manufactures, its farmers may be considered as peculiarly favoured. And yet the condition of the agricultural classes in that province is, in many large districts, very unsatisfactory. In Donegal, distress of the acutest character is prevalent; in parts of Tyrone and Derry, farmers are very much reduced; Monaghan and Cavan are anything but prosperous; and poor land everywhere tells this season with a crushing effect on its cultivators. Now if a body of farmers are really prosperous, three or four bad seasons ought not to be able to reduce them to so low a condition. The Ulster farmers are frugal, very industrious, shrewd and skilful; they have a greater variety of crops than are grown in most parts of the island; they have tenant-right, and yet, with all this, many are bankrupt, and great numbers are emigrating."

And the article arrives at the conclusion that—

"The Prussian system of peasant proprietors should be adapted to the circumstances of the province, so as to encourage the establishment of respectable yeoman farmers."—*Irish Farmer*, May 20, 1880.

Here is a distinct confession that tenant-right as it exists in Ulster (the proposed panacea for all Ire-

land) has failed to meet the strain of bad seasons, and ought to be superseded by a system of peasant proprietorship.

But if Ulster be superior in its agricultural condition to the rest of Ireland, it is far inferior in this respect to England or Scotland—countries where tenant-right does not prevail. Surely, if a measure is to be brought in by Government for universal application—a measure intended to start the country on the best road to wealth, peace, and prosperity, the highest and most successful precedent should be sought, and the land tenure and customs of England and Scotland should be introduced, rather than those of Ulster. Moreover, there is no evidence to show that the amount of superiority which Ulster may claim over the South of Ireland is due to tenant-right. The number of ejectments for non-payment of rent in 1879 was larger in Ulster than in either of the other provinces. The distress in Donegal was as great as in Connaught. The population of Ulster is more akin to that of Scotland than to that of the rest of Ireland. Why then should Scotland surpass Ulster so much in agriculture, unless because its system of land tenure is superior? The system in Scotland is, briefly, that the owner should supply all the fixed capital, and the occupier all the working capital. If this system has been adopted in a wild district of the South of Ireland, and carried out not without success, is it wise to overthrow the promising enterprise, and to substitute for it a system

which has neither produced prosperity nor arrested distress in another wild district in the North of Ireland?

The principles of political economy and of sound agriculture inculcate the investment of all available capital in the soil. But this mode of tenure tends to divorce the capital from the soil; for the landowner will not place money in it, and in nineteen cases out of twenty, the tenant cannot, having already expended all his capital, and perhaps borrowed more, to enable him to purchase the goodwill.* A system which violates political economy may be popular, but it is a poor expediency to adopt it on that account.

Some thirty years since it was found necessary to pass an Act of Parliament for the sale of incumbered estates in Ireland. It is proposed now to pass an Act to cover the South of Ireland with infinitesimal estates subject to perpetual incumbrances. For the tenant must always sell his interest subject to the so-called owner's rent-charge. It would be far better to buy out the owners, and establish universal peasant pro-

* The system of leases has prevailed in those districts of Scotland which present the greatest triumphs of agricultural enterprise the world has seen. But a lease is the converse of tenant-right. It is a contract voluntarily entered into between two parties whose interests are consistent and consenting. The lessor and the lessee unite to invest their capital in the soil, and to develop its capacity to the utmost, for their mutual advantage. It is the end towards which all enlightened estate management should lead. But tenant-right as advocated for the South of Ireland will permanently preclude all possibility of arriving at such an end.

prietorship, for then there would be some prospect of the incumbrances eventually merging in the estate. If tenant-right be extended universally to the South of Ireland, the result will be, that increased disturbance and suffering of the body-politic, which always in one form or other follows any serious violation of the laws of political economy.

A dilemma almost equally injurious in its alternatives awaits the Government that introduces it; for, in the first place, as I have endeavoured to show already, rents will be raised. They will be raised because property will have been transferred from the owner to the occupier. The interest of the latter in his holding will be proportionately increased. But that increase will not be available to him, for it will not give him more income, though it will give him a considerable sum in hand, if he breaks down and sells his tenant-right. Then it is manifest that he or his successor will resist the demand for increased rent. They will be sustained by every ingenious and well-considered plan of agitation and illegal combination. Thus Government will have on their hands a war of classes more defined and more bitter than at present, for both sides will be smarting under a real grievance.

But if, on the other hand, the Government meet this difficulty, by fixing and stereotyping all rents, they will convert all the landowners in the South of Ireland into mere drones as regards their part in developing the soil. They will be in the position of

those who now derive their income from chief rents or mortgages, and who never have any interest in, or even knowledge of, the lands chargeable to them. But let it be remembered that every acre of land will then have its mortgagee, and that it will be incumbered up to its letting value according to a Government estimate. How, and at what cost, will Government meet the universal outcry from the occupiers of Ireland to deliver them from the dead weight of these rent-chargers upon the industry of the country? And if I may venture to follow the problem still farther along the path of deepening difficulty, I would ask what means will Government find for preserving the 600,000 emancipated occupiers from lapsing into the crime of landlordism?

But again, if the introduction of Ulster tenant-right is to place the South of Ireland above the dangers arising from recurrent periods of agricultural depression, we should have expected to find a strong line of demarcation between Ulster and the rest of Ireland in the year 1879. But, in point of fact, that line was not drawn from *east to west*, but from *north to south*, for the Relief Bill scheduled the western half of the island, admitting the comparative prosperity of Leinster and part of Munster without tenant-right, and illustrating the inability of that measure to prevent distress in the western part of Ulster. The real cause of the distinction is apparent, and in no way to be traced to any difference in the land tenure. The eastern half of the island is nearer

Great Britain, nearer European civilization. The intercourse with England and Scotland is direct; the influence of their fairs and markets immediate. Capital is widely distributed through the population. Enterprise is varied, investments secured by intelligence in outlay. In fact, the complex interests of a modern community have grown up. As you travel westward, you gradually trace society back almost to its original simple elements. Pastoral agriculture becomes the only pursuit, but it is agriculture in its earliest stage. More is taken out of the ground than is put into it. Dairy farmers have complained to me that their land feeds less stock now than it did twenty years ago. Yet I find it very hard to make them understand that if you always draw on your capital without renewing it, your income must decrease. Their ancestors met the difficulty by moving on to new pastures, leaving those which they had exhausted to the gradually restoring influence of sun and rain. But population increased without any corresponding advance in knowledge of the right means of maintaining it. One fatal crop alone was but too well studied as to its capacity to support life, and its adaptability to every circumstance of soil and climate. Thus the superstructure became far broader than its foundation. Periodical failures, culminating in the overwhelming calamity of '47, have produced scarcely more warning effect than the earthquakes and eruptions of Vesuvius have had on the population round its base. The

survivors and their descendants build on the very ruins.

This difference of condition between east and west through the whole length of the island, was clearly recognized in the Relief Bill. I merely suggest the causes ; and if tenant-right has not removed them in Ulster, it is manifest that it will not do so in the South. There can be no doubt that the landowners have not forgotten the lesson that taught these causes. One of the principal charges brought against them is that they have set themselves against the increase of population, or, in other words, the multiplication of tenancies. Whether any of them have carried out this policy with harshness has not been shown. But I write on behalf of those whose effort has been to develop the country up to the requirements and comforts of the people, rather than to diminish the population to the uncultivated capacities of the land. I claim for these silent workers that they have done far more to root the people in the soil than have the gentlemen who clamour for political changes. I know and have observed the results produced by many of those of whom I speak. I could point out large expenditure on substantial and comfortable dwellings, which can repay the owner in nothing but the satisfaction of having raised the condition and increased the civilization of the small holders who inhabit them. Is it just to make these houses the property of these holders ? Those who have the care and expense of maintaining them know that if they

are thus transferred, it will only be a question of time as to their degeneracy to the level of the wigwams which they superseded; and the squalor of decay will be more grim and hopeless than the picturesque misery of barbarism.

There is another grievous injustice which will be inflicted by tenant-right on those who have hitherto kept it out of their estates at considerable cost. It is the custom where this tenant-right exists that, if an occupier become bankrupt, and his interest be sold, the arrears of rent due are paid up as a first charge out of the purchase-money. It has been my custom, in case of a tenant becoming bankrupt, never to demand the arrears from his successor, though there would be no difficulty in obtaining them if the farm were let by competition. I have followed this usage with the view of preserving a solvent tenantry, which I have considered to be a permanent gain, though at the cost of material present loss. The money thus sunk, and the object aimed at, will both be sacrificed, if Ulster tenant-right should be imposed upon me.

Mr. M'Carthy, the late representative of Mallow, urged the planting of the waste lands of Ireland, in an able letter to the public journals, at the beginning of last season; and I think he distinctly implied that landowners were guilty of neglect of duty in this respect. I happen to have a great deal of such land, fit for nothing but planting. It would yield a crop exactly suited for the climate; for your harvest of

timber may be cut and gathered in, independently of all vicissitudes of weather. Its eventual return would bring many hundreds per cent on the original outlay ; while in the interim, even as a shelter for game, it would amply repay the investment. But the difficulty is, that it is all occupied. By an old Act, the tenant might plant it himself, and register the trees, so that they would be his own property. But this he never thinks of doing ; and, though paying a mere nominal rent for such land, he would consider it a very great hardship to be deprived of any portion of it, as it adds a little to the range of his light mountain cattle. Thus, very large tracts of land are unprofitably employed, which might be made a source of wealth to the country. But the charge of this neglect cannot be consistently brought against landowners by gentlemen who would be among the first to accuse them of oppression if they endeavoured to act upon the advice so freely tendered. There are thousands of acres of land in this Union fit only for planting, which, (if they were rented at their present agricultural value, and planted and administered by the Board of Guardians), would, in a very few years, bring in far more than their rent as game preserves ; and, eventually, if properly managed, when the timber became of value, they would relieve the whole district of the burden of poor's-rate. If the Government contemplate introducing universal tenant-right, it would be well to make such reservations before doing so, for it

will be a difficult and most expensive matter afterwards.

Under a system of universal tenant-right in the South, the class of persons who seek small accommodation lots, such as labourers, artizans, small tradesmen, will be subjected to rack rents beyond any existing level, and in most cases will be altogether excluded by the terms demanded. Every one will bear me out in this opinion who has had experience of the difficulties of providing such applicants, even under the present system. The tenant always demands compensation at the rate of three or four times the rent he pays himself. Then, even in cases where sites can be obtained, the houses built will be of a very inferior description ; for labourers and artizans cannot afford to put up good slated houses, neither will the tenant be able or willing to undertake such an investment, all his available capital being required upon his farm.

It has been stated publicly, in Parliament and elsewhere, that rents have been raised in cases where the occupiers have increased the value of their holdings by their own outlay and industry. No such case has ever come within my observation, neither have I seen any specific authenticated instance of it brought forward as occurring in the South of Ireland ; but if such acts of injustice have taken place, I do not think any language used by gentlemen of the Land League, or their representatives in Parliament, can be too strong to stigmatize the wrong. The agricultural prosper-

ity of our country depends very much upon the increase of such men amongst us. Wherever they are found, they cannot be too highly valued. I have a very few of them, really industrious, intelligent farmers, and I prize them greatly, and would make great sacrifices rather than see them discouraged; but they do not number anything like five per cent of the occupiers. The truth is, that the mass of the people have no taste for agriculture. Mechanics, mathematicians, writers for the press, soldiers, traders, orators; these they would be by nature and choice, while uniformity of circumstance and absence of opportunity keep them clinging to the soil on which they were born.

When set free by emigration from the monotonous necessity which presents to them but one vocation in life at home, they abundantly prove the truth of this assertion; for, under fairer skies, with a far more fertile soil, the charm of absolute ownership attracts but a small portion of them to agricultural enterprise. I have before me a letter written to his brother, by a man whom I helped to emigrate to the United States many years ago. He says:—

"We have in this country unoccupied lands greater in extent than Great Britain and Ireland and France, all free to its citizens, or at a price of five shillings an acre, and strange to say, the Irish, as a class, prefer public works, and living in cities, with their baneful influence on their children and themselves, to going on the land, while the Germans and other nationalities take up farms."

This is valuable evidence, as being the observation of the son of an Irish farmer, a shrewd and practical

man, who drew his own inferences from what he saw before him. I have been able to do some little towards helping a good many young men, sons of farmers, to other callings in life, and wherever I have been able to follow their histories, I find that they have succeeded most admirably. As native agriculturists, growing up on their paternal farms, more than ninety per cent. of the rural population are failures. He must be an enthusiast indeed, who thinks that an Act of Parliament will, like a fairy wand waved over them, transform these failures into successes. Yet it is of the greatest importance to the country that those occupiers who show taste for agriculture and enterprise in developing the resources of the soil should be, by every possible means, protected and encouraged. I do not write to deprecate any measure which may be proposed in their favour ; on the contrary, I think that a discriminating legislature should remove every obstacle from the way of those who are, in whatever sphere and measure, serving their country. My object is to urge that no class disabilities should be imposed upon any, but that full confidence should be implanted in the minds of all who are upon the path of progress. This I am certain of, that the development of the agricultural resources of the country is to be effected only by patient, continuous effort. The idea of prosperity made easy by legislation is but the quackery of political agitation. Gentlemen, more distinguished for luxuriance of rhetoric than for

accuracy of observation, have painted a very bright future for the whole land, when the present system shall have been superseded by universal tenant-right, or universal peasant-proprietorship.

If such sweeping changes be accomplished, Ireland will not become a prosperous Arcadia, till after a process of natural selection, and an experience of realities more severe and pitiful than the present generation can well imagine, for the laws of political economy will inevitably and inexorably disestablish the weaker members of the community. The small percentage of good agriculturists to be found now among the occupiers would no doubt make successful peasant proprietors. And the advantage of such a class to the community will not, I imagine, be questioned by anyone. But if all the land in Ireland were held in this way, this prosperous minority would soon begin to obtain mortgages on, or otherwise buy up, the farms of their less enterprising neighbours. In France they are accustomed to rent them. Would that be permitted here under the new regime? If not, there would soon be excellent materials for a new agitation. The axiom now in favour, that the man who tills the soil must own it, should be reversible and compulsory if it has any meaning. It involves the axiom, *that the man who owns the soil must till it.* He must not employ others to do it for him. What will become of the present class of labourers? They will have neither land nor hire. The Utopia must be inaugurated by the

expulsion of such loose members of society. And if any proprietor is found guilty of inducing his neighbour to work for hire, or of hiring land from him, both criminals should be banished, for it will not be possible otherwise to stamp out the disease.

All this is puerile. I fully admit that it is so. But so is the maxim from which I have logically derived it. The sad part of it is, that such maxims represent the measure of political economy at present attained by the great majority of the agricultural population of the South and West of Ireland. These are the doctrines of the journals which they read, and of the leaders to whom they listen. And surely it must be evident, that the districts where these shallow fallacies are most loudly proclaimed, and most sincerely received, are the most incapable of discharging the responsibilities which they propose to accept so lightly.

The extension of the Ulster custom to the South of Ireland has been represented as advisable, because that whereas Donegal and many parts of Connaught are alike unhappily circumstanced as to poverty and over-population, yet violence is rare in Donegal and common in Connaught. I do not think this statement has been sufficiently supported. But whatever be the merits of the comparison between Connaught and Donegal, Munster certainly does not justify the argument.

Such a proposition, however, must be tried on its merits, before it can be accepted as worthy of the

civilization of the age, or of the Constitution of Great Britain.

It distinctly places a premium on crime, for it advocates concession where deeds of violence have been most notorious.

And surely it is not a wise expediency for any Government to cease to be a terror to evil-doers. Moreover, the injustice is too apparent. In the debates in Parliament of last Session it was stated many times by gentlemen on the Liberal side of the House, that the great majority of Irish landowners were most fair and considerate, and that cases of injustice or oppression were very few indeed, but even these few were not cited. Let any such charges be proved, and those in whose interest I write will heartily approve of any right measure which may punish the evil-doers, and provide against the recurrence of the offence. But a Bill which imposes indiscriminate disability, and confounds the innocent with the guilty, will displace the course of justice, and overwhelm the lesser wrong in the greater that is intended to redress it.

Parliament has not disfranchised the British Islands because of some cases of bribery or intimidation. It has not transferred three-fourths of the property of husbands to wives all over England because a certain number of the former have been found guilty of cruelty and violence.

Is Ireland to become the subject of an experiment in governing which would be considered clumsy even by an African Potentate ?

But again, the argument in favour of extending Ulster tenant-right to other parts of Ireland, because there is violence in Connaught and none in Donegal, does not apply to Munster. In a debate on the Constabulary Estimates last session, it was urged that the employment of the police in enforcing the recovery of rents was an evidence of the injustice of the demand. Inadequate as the reasoning is, I am for my part willing to be tried by this test. In the year 1852, I applied for the removal of the force which occupied a police barrack on my estate, as I wanted the building for a farm-house. They were taken away, and I have never since applied for their assistance in any way. I have never been in the Land Court. The sheriff has never been on my estate. With many small tenancies, there could not but be instances of bankruptcy and falling in of farms in one way or other, and such has been the case. I have consolidated a good many holdings, and very much to the benefit of the community, but I have never considered non-payment of rent alone a sufficient reason for proceeding against a man. If he were ill-conditioned towards his neighbours, drunken, and more thriftless in his habits than common, I should not endeavour to avert his fate, which would generally overtake him at other hands than mine. But I have had men in sore difficulties whom I believed to be reduced by no fault of their own. I have nursed many such men through their financial troubles, lending them money and other-

wise helping them, and some of them are now the most well-to-do farmers in the district. Would tenant-right meet such a strain as this? I will prove that it could not. Last spring I had three evictions, the only ones in eight-and-twenty years. No display of force whatever was required. They went out on possession being demanded by my bailiff. I will give the cases as briefly as possible.

The first was one in which the tenant, with his wife and family, fled to America to escape his creditors, owing me two years' rent. He left his mother on the farm with one of her children, but without a penny or a four-footed beast. They surrendered the land, being utterly unable to do anything with it, and I sent them to America.

The second case was that of a man who owed two years' rent, and money (lent to try and pull him through his difficulties) to the amount of nearly two years' rent besides. In addition to this, he owed over seven times his yearly rent to other creditors. His entire liabilities amounted to near £300, on a farm paying £16 per annum rent. The man ran away to America to escape his creditors, and died, leaving his wife and family behind. I took up possession from them, but put them back again for six months, to give them the chance of recovering, and have finally re-established the son in the farm on his repaying the loan and two pounds more.

The third case was that of a man who owed three years' rent, and a loan amounting to more than a

half-year's rent. He surrendered possession, and his farm is re-let to him for grazing for six months, on his paying the rent in advance for that time, but he has cleared off none of his past liabilities.

I do not think that anyone who understands the effect of tenant-right will affirm that, under that system, these people could have been kept on their farms.

I am acquainted with an estate in the South of Ireland where tenants are allowed to sell their interest. Last year, some of them came to the proprietor in their difficulties, and when he told them to help themselves by disposing of the good-will of their farms, they said, "That is of no use. We cannot get anything for them these times." Yet three years ago, I heard a man offer fifteen years' rental for an average farm on that estate. But I will cite another important witness. In a letter, published in the *Cork Examiner*, of Sept. 19, 1879, Mr. M'Elroy, Secretary of the Antrim Tenant-Right Central Association, writes as follows:—

"Speaking from an Ulster stand-point, I am sorry to admit that the tenant-right custom has not stood the test of hard times. It is vanishing at the first touch of adversity. The value of tenant-right has been reduced thirty per cent. at least, and, in many instances, farms cannot be sold at all. A tenure which is so easily affected by temporary circumstances is unsatisfactory, and hence students of the land question here are looking toward the extension of peasant proprietorship as the only adequate remedy for all agricultural ills."

If this gentleman believes that a community of small fee-simple estates will be superior to all agri-

cultural ills, I will not dispute the theory with him, but his experience as to the powerlessness of tenant-right in Ulster to maintain any advantage in times of depression, ought to have much weight with legislators who will have to consider the proposition of extending that measure as a panacea for all ills that may afflict the South of Ireland. *De minimis non curat lex.* Yet I claim for the small sphere in which I have administered another system, that that system has proved itself capable of meeting a time of depression. Under this system, the owner has no financial benefit to gain by evicting a tenant, for he does not recover his arrears from the capital of the incoming man. It is, therefore, manifestly to his advantage to make common cause with the man in distress, who, in better times, will repay his consideration. A consolidation of interests thus grows up, which, I can testify, has not only withstood the test of hard times, but also up to the present moment, dangerous as the boast may be, the influence of reckless agitation.

There is evidence, then, clearly to prove that a man who purchases tenant-right loses his investment at the very time when he most requires its aid—viz., in bad seasons, when land is depreciated in value. Depreciation is common, however, to other interests besides land ; but there is this vice inherent in the purchase of tenant-right, which is not common to other investments—viz., that it is unproductive in good seasons.

I have before me the case of a tenant of Mr. Price, of Saintfield, Co. Down. Rent is £7 16s. 9d. The purchase-money of the tenant-right, £315, or forty times the rental. Thus, besides his rent, this man pays £15 15s. per annum to his banker or some money-lender. Or if the money was paid out of his own pocket, he loses the interest, which amounts to the same thing. Thus he has to pay nearly three rents for his land, instead of one. If no tenant-right existed, his capital might be fructifying in railway shares or other such investments, and he would have his farm rent-free, and as much more to go toward his income. It will be contended, I know, that the security of tenure which he purchases in his tenant-right compensates for all loss of income ; but this is a pure fallacy, for his security means that, if he is evicted, he can recover his purchase-money. But if his money be invested in railway shares, he has the same sum to fall back on in case of eviction, with this advantage, that it has been paying him a dividend all the time. If it be represented, however, that his rent is far below the value of the land, and that there is a margin of profit equal to double the rent, and that therefore his investment is financially sound, then I say that an argument cannot be founded on such a case for application to the South of Ireland, for if the rents be high there (as is proclaimed by those who agitate for a change of tenure) then manifestly such a margin cannot exist.

It must also be remembered that, in a great part

of Ulster, there are other investments open to the man who has sold his tenant-right, so that his capital may still remain in the country. In the South, he would either become a retail trader (a most struggling and uncertain business), or he would, in nine cases out of ten, emigrate. Thus, he would take the purchase-money out of the district altogether, thereby depriving an undeveloped country of so much capital, and leaving the farm under a perpetual rack-rent.

In the interest of occupier, then, as much as in that of owner, I appeal against the legal imposition of this custom upon communities from which it has been intelligently, carefully, and at considerable cost to the proprietor, excluded up to the present time.

I am sure that I do no more than justice to her Majesty's Government, when I express my belief that it is actuated by a sincere desire to promote the welfare of Ireland, and give full consideration to the equitable rights of all classes in the island. I am persuaded that there are eminent men in the Cabinet, who hold, with the Duke of Argyle, that, "if it were really to be the case, that every time the Liberal party is out office, and comes back again into power, some great reconstruction of the Irish Land Act is to be expected, there would be little hope of the condition of Ireland."—Speech of August 3rd, 1880. If such statesmanship prevails in council, it will be easy to blow aside the froth of agitation, and to arrive at the residue of real difficulty.

This arises from the weakness of one of the classes unhappily and unnaturally set at issue, rather than from the power of the other.

In England, a fair field and no favour are the terms of the battle of life. In Ireland, one of the combatants ties up his own limbs, and enters the lists crying out vehemently to the bystanders to handicap his rival in like manner.

Let the causes of this inequality be fully admitted. Absence of all openings for occupation at home, except agriculture, sentimental attachment to the soil on which he was born, ignorance of the resources of the world, want of capital to take advantage of them: all these may explain the reasons of the moral weakness of the occupier in Ireland. Yet it is easier to account for it than to relieve it by legislation. The real remedy is in his own hands. Whenever he determines to avail himself of it, the problem is solved. As soon as he makes up his mind to invest his natural intelligence, his energy, and his labour in the rich and wide fields which invite him in more favoured continents, he will cease to be the slave of circumstances at home. Till then he will continue to rig the market against himself by competition. Till then there will be a plethora of material in the body-politic (excellent material if it had only room for development), for which those whose advice is most in vogue know no treatment but blisters and blood-letting. Let the present race of landowners

be mulcted, banished, or exterminated, and the evil will be in no whit diminished. Its sphere will be changed only, for competition will still be king.

So far as the landowner is concerned, however, his power to take advantage of this position is reduced by the Land Act to a single point. He may increase the rent with or without pretext. Against this the tenant has no direct remedy. He has only an alternative. He may refuse to pay the demand which he considers exorbitant; and if he is thereupon evicted, he can be awarded considerable compensation. The ignorance to which I have alluded, may actuate him to submit to the injustice and retain his holding, rather than accept the alternative which would provide him with capital to start in another country. If he can be protected from this possibility of extortion, I see no other contingency left uncovered by the Land Act.

The framers of that Act seem to have left this point unprovided for, because they did not see how they could touch it, without putting the contracting parties altogether into leading strings. In truth, the path beyond present legislation bristles with difficulties. Even Judge Longfield's bold and ingenious design is by no means free from them. If I venture to dispute so high an authority, it is because he has courteously invited discussion, and because he seems to admit no exceptions to the application of the measure he recommends. In an article in the *Fort-*

nightly Review (August, 1880) on Land Tenure in Ireland, he lays down the situation as follows :—

"The position of the Irish landlords is now very precarious. They have property without political power to defend it; and that property is an object of envy to the electors, who, in case of spoliation, will know exactly what share of the spoils will fall to themselves. The ruin of the landed proprietors is certain if they fall into the common mistake of yielding nothing to justice and everything to clamour."

I venture to suggest that the first of these propositions is unsound, the second is unproved. If there were no law in the land or no government capable of enforcing it, then the position of people "with property" of any kind, "yet without political power to defend it," would be very precarious indeed. If an intention was manifested on the part of the majority to take this property from them, it would be a judicious course for them to yield voluntarily a portion to their spoilers, even with the slight hope of securing the rest. Still I should scarcely expect one who had exercised legitimate authority, while law and order existed, to give such advice ; much less could I conceive a policeman, in a well-governed country, finding a man surrounded by a number of persons determined to rob him of all he possessed, and observing to him, "You are in a precarious position. Do not you perceive that you are in a hopeless minority ? I should advise you to distribute the contents of your purse among these honest people. Very likely they will then let you keep your watch."

But with regard to the second proposition of Judge Longfield, that "the ruin of the landed proprietors

is certain if they fall into the common mistake of yielding nothing to justice and everything to clamour," I would go farther, and say, that their ruin would be not only certain, but deserved. But I humbly submit that the charge of injustice has not been proved against them. It is customary in civilized countries to try a man before you hang him, and a charge unproved remains a calumny. Until the landowners of Ireland, as a body, be found guilty of some more grievous crime than that of being in a minority, it is surely unconstitutional, as well as unjust, to inflict on them the forfeiture of a third of their property.

It may be, however, that Judge Longfield intends that the tenant shall obtain the interest in his farm by honest purchase.* If this is his meaning, as I have heard some say is the case, it in no wise appears in the article to which I refer. But granting it to be so, I would venture to point out what seem to be serious objections to his measure, especially in the South of Ireland.

The starting of the lease would then involve the purchase by the tenant of an interest worth seven years' rental of his farm. Is this to be compulsory, universal, and at present rates? Then the owner who has let his land lowest will suffer in proportion to his moderation, and the man who receives a rack-rent will be rewarded in proportion to his rapacity.

Is Government to revise all rentals previous to

* See Appendix.

fixing the rate? Then you are landed in a re-valuation of Ireland, a process already proved to be relatively most unequal and misleading.

But when these preliminaries have been arranged, where is the tenant to find the capital? If, as a rule, he has seven years' rent in his pocket, why were Bills of Relief passed? Why did he need abatements, and why is he in arrear?

I suppose it is not necessary to discuss the question of his borrowing the money.

But if, on the other hand, the lease is intended to be only a matter for private arrangement, where both parties happen to agree as to terms, then the whole measure may be consigned to the dead-letter office of all permissive legislation.

Again, suppose the case of an estate on which the Longfield Lease is universally established. Will not the transfer of so much of the ownership of the land seriously affect the security of family portions, charges, mortgages, &c., &c.?

But does this measure give the tenant more protection against increase of rent than the present Land Act gives him? I think not. For when the time of revision comes, he must pay the increased rent, or accept the alternative. Let us consider the case of two tenants, whose valuation alike is £8, and their rent £10. One remains under the Land Act: the other accepts a Longfield Lease. The latter buys a partnership in the land, by which his rent is reduced to £7. When the time of revision arrives,

the landlord demands a rent of £10. The tenant refuses to pay, and is bought out at seven times the amount of increase demanded, viz., $3 \times 7 = £21$. (Of course he receives his original deposit also, a matter which does not touch the case.)

The tenant who remained under the Land Act is likewise called on to pay £3 in addition to his rent of £10 = £13. He refuses to pay, is ejected, and claims compensation. If his claim has any fairness, he will receive £70 or £91, as the sum may be calculated on the original rent or the increased rent.

If I were a tenant I should prefer to remain under the Land Act. As a landowner, desiring to continue my improvements, and to preserve those already made, I should prefer to sell a portion of the farm outright rather than enter into a promiscuous partnership in the whole.

When the question of advancing beyond the present Land Act comes to be beaten out and sifted in Parliament, the difficulties of further legislation will be manifest.

In certain manufactures there are departments in which the niceties of manipulation cannot be supplied by machinery, and therefore, the intelligent versatility of the human hand is still retained for the service.

Somewhat similar are those needs in the Irish social system which the machinery of legislation will always fail to supply. I believe these requirements can only be met by the establishment of land-courts

wherein carefully chosen commissioners should sit, vested with large discretionary powers. It is nothing to the disparagement of the gentlemen who preside in the present land courts, to say that they are not experts in agriculture. However high their other qualifications, they are obliged to form their judgments on this point from the very contradictory opinions which come before them in evidence. Thus the most extravagant claims are put forward in the hope that their very boldness may carry some conviction, and public demoralization is the inevitable result.

Men of education, thoroughly acquainted with the principles and practice of agriculture, of honourable minds, and gifted with common sense, could not fail to come to a true conclusion as to the just rent of a farm, upon the evidence of a personal inspection. I do not think that any one who seeks only for justice would object to leave such a matter to their decision. This would be a very different thing from fixing the rental of all Ireland by a general valuation. On the contrary, I believe it would be a practical test of the needlessness of such a measure; for, after a few decisions, no cases would come into court that had not some substantial foundation; and the present fermentation would be reduced to the residue of real wrong. Districts where peace has hitherto prevailed would be allowed to continue their course of quiet development. And the circumstances and customs which distinguish provinces, districts, and minor

subdivisions, might be treated with an appreciation beyond the scope of an Imperial Act.

The importance of these questions to society in Ireland forbids them to be relegated as an appendix to the ordinary business of a County Court. They demand separate and special qualifications. And to meet these requirements, there should be a Court of Commissioners for every province, who should be entrusted with the administration of the present Land Act. If owner and occupier desired to submit any question to arbitration by mutual agreement, they would thus have an authority fully qualified to decide any issue brought before them. Such decision should then be obligatory, with right of appeal to a quorum of the provincial Commissioners, who should sit for this purpose at a certain period of the year.

I think there might be a farther power also given to these Courts, in cases where an occupier claimed that he was the sole improver, and that his rent had been increased as a consequence of his own outlay. If he could prove upon investigation that he had been paying a full rent for the land before he began to improve, and that his further claim was established, the Court might be empowered to order the sale of the land to the tenant under an extension of the Bright Clauses of the Land Act. The number of years' purchase should be fixed by Act of Parliament, so that there might be no inducement to beat down the market price by agitation. For instance,

twenty-five years' purchase might be the established price; but the permanent improvements of the tenant should be deducted from the purchase-money to be paid by him. These improvements, however, should be measured by a very different criterion from that which passes current in the present Land Courts. Nothing should be accepted as an improvement which did not come up to the standard at present required by the Board of Works, in the inspection of loans granted by them. Of course, though in this suggestion the number of years' purchase might be fixed and invariable, the rent on which that purchase should be based would be a matter for the decision of the Court. The Commissioners might have power to call in a professional public valuator to assist their own opinion, and there could be little doubt as to their arriving, in such cases, at a just estimate.

In cases where the present owner had bought the property, and had not himself increased the rent on account of the occupier's improvements, the State should bear the loss consequent on the deduction for those improvements, because the purchase had been made on the security of the State. I do not attempt to indicate the source from whence the capital should be derived to assist the tenant in his purchase. This is too wide a question for the scope of this paper; but I think it will be evident that the antecedents of the tenant, his industry, and his enterprise, will afford full security to the State for his ability to

repay the loan. A peasant proprietary so derived would be manifestly taken from the best of the present occupiers, and would lead the experiment with every prospect of success.

On the other hand, these Courts should have power to deal with equal authority with misdemeanours on the part of the occupier. If misuse of the land, injury or waste, destruction or neglect of the owner's improvements could be proved against him, he should understand that he also will be held accountable for such misconduct. Once the principle of free contract is set aside, all parties alike must be made to do their duty. If my proposal is not in character with the spirit of the British Constitution, still less so are the circumstances for which it is intended to provide. If such a jurisdiction were established, no real wrong need be left without redress. Cheap and effective litigation would be within reach of contentious spirits; and a region of calm would be prepared for the reception of that conflict which seems now on the way to its ultimate issue at the muzzles of the blunderbuss and the revolver.

I am aware that objections can be raised to this plan by both the sides who are now at issue. Owners will be unwilling to place so much power in the hands of a Commission. But it would be better for them to run the risk of an occasional wrong decision, than to have a part of their whole estates taken from them by some sweeping legislative measure. It will also be said that the appointment

of such Commissioners would be a matter of party patronage. Such, indeed, is one of the unhappy privileges of the British Constitution. Yet every branch of the administrative department in the country is already characterised by a high sense of responsibility, and a general absence of party bias. The qualifications of such men as I indicate would be high, and if there is a difficulty in finding them, that fact itself would be a safeguard against inconsiderate appointments. I fully admit this difficulty; and it is a serious one. But the three kingdoms should be open to candidature; and within such a limit there is no lack of suitable men, if the salaries were sufficiently high to bring them forward, and if the selection be exercised with a sense of the importance attached to the office.

Some such measure, if it were passed, would carry on its work without prejudice to any concurrent legislation which may tend to the creation of a peasant proprietary, or of small fee-simple estates, nor would it hinder the introduction of any Act for converting life tenants into absolute owners, or for simplifying the transfer of title.

Thus those districts which have hitherto been advancing in the path of peaceful development would be left to pursue their course; and that confidence so necessary for the prosperity of all classes, and at present so sorely shaken, might be restored on a firmer footing than before.

I am not so sanguine as to imagine that this pro-

position will meet in any degree the demands of the present agitation; but it will take away, not only the actualities, but almost the possibilities of injustice. Every step beyond this limit is in the direction of tyranny. All who wish only for justice and liberty should separate themselves from the party of outrage. The object of the latter is unqualified spoliation. They seek expropriation of one class, and exclusive appropriation by its successor.

It is strange that the Liberal Party in England do not perceive that this movement in Ireland is anti-Liberal. It looks for no enlargement of the framework of society, in favour of the whole population. It does not find fault with the fact of property in land being vested in individuals. It merely seeks to transfer that ownership and make it more absolute. It desires to establish possession in the hands of the most conservative of races, and the most conservative of classes. If this were accomplished, the next agitation would be for protective duties on the importation of any article which formed a staple commodity of Ireland. Would English Liberalism approve such a course? Doctrines naturally hostile cannot long be marshalled under one banner. Surely the modern history of France and Belgium should teach this well-proved lesson. In France there is a terror which can overawe even the red spectre. Let the hecatombs of Pere La Chaise, let the long fusillades of Satory bear record to the ruthless panic in which a landed democracy can trample down its natural foes.

Whatever may lie hidden in the troubled future, any concession possible in the present Parliament must fall far short of satisfying the leaders of present agitation. But it may be sufficient to discourage, beyond recall, men who have hitherto thrown their energies and the means at their disposal into the cause of their country's progress. Those who are acquainted, even superficially, with the South of Ireland know that the question which an investigator learns to ask, on a tour through the country, is not as to the mode of tenure in any district, but as to the character of the owner. I have not written these few pages to maintain that all owners do their duty in this respect; but I do maintain that where they do not do it, no other substitutionary agency is to be seen at work. And I further maintain, that the districts which present the most hopeless appearance, and the most miserable population, are those where power has long gone out of the owners' hands, and has been exercised by lessees, holding for long terms at low rents.

Irish proprietors have been advised by some who profess friendship for them to yield with grace that which otherwise may be taken from them by force. Such counsels generally imply that they should ask for the universal imposition, by law, of tenant-right with all its accompaniments, upon those parts of the country hitherto free from this custom.

It may be that many may be found willing to accept cheerfully the proposal, nor is there any rea-

son why they should wait for legislation to avail themselves of it.

Others of us, however, feel that we are thereby called to surrender that which we or our predecessors have purchased, and honestly paid for, on the security of the British Constitution, and on which we have since laid out, in developing that purchase, a further amount, in many cases equal to the original price.

But beyond this, we feel that we are invited to sacrifice to a reckless experiment the convictions and experience of our whole lives. We are bidden to overturn a system which stands, unequalled, on its own merits ; a system which derives its origin, not from past barbarism and neglect of duty (the true first causes of tenant-right), but from the most advanced, the most enlightened, and the most successful examples of agricultural economy which the nineteenth century can afford.

It may be that all this will avail nothing. It may be that votes will be given in Parliament as lightly as accusations have been brought outside it.

But the integrity of our cause does not rest on the evidence of inventive oratory. It stands silent, but undeniable, in those districts where the face of nature has been changed by our labours, and its features will be traced by their solidity through generations of decay. The difficulties of the path on which we have patiently travelled are not now apparent. It was no slight matter often to overcome even the material obstacles. But, beyond these,

we have contended against ignorance, against prejudice, against misrepresentation—some of us against violence. These foes have been in front. But when the Government of the country takes us in rear, the cause is lost.

Yet, a garrison that has honourably defended itself is allowed to march out with the honours of war.

Give us the same privilege of an alternative as is conceded to the occupier when terms which he considers impossible are demanded of him. Let us have compensation for our improvements, and compensation for capricious disturbance of possession. Let the Government honestly buy us out.

On very moderate terms of purchase we should be able to pay off our mortgages, and retain an income far beyond that which is now lessened by self-imposed obligations and unacknowledged sacrifices. But I for one would humbly stipulate that it should be paid in ready capital or in Government securities. It has been suggested that we should be paid off by instalments, levied during a period of years, from the future owners. But I must respectfully confess that I have no desire to be condemned to angle for the wrecks of an annuity in the deluge of the new regime.

I should be sorry to sever relations that have subsisted for many generations with a people for whom I have the sincerest affection—a people whose virtues far exceed their weaknesses, and whose very weaknesses claim consideration.

But rather than see the gradual ruin, through ignorant legislation, of a life's systematic labour, I would prefer, together with the staff of assistants that, in different capacities, have worked so long and faithfully with me, to colonize a district in some free land, where enterprise is not discouraged, and where life and capital are secure.

I have the honour to be,

Right Honourable Sir,

Your faithful servant,

R. J. MAHONY.

Dromore, Kenmare.

APPENDIX.

The following is Judge Longfield's proposal, referred to in the text, quoted from *Fortnightly Review*, August 1st, 1880 :—

"With this view I venture to propose a system by which it shall be lawful for any tenant who pleases, in any part of Ireland, to acquire a 'Parliamentary tenant-right' in his holding, either by agreement with his landlord or by obtaining a declaration from the court that his holding shall be subject to this right. This I suggested several years ago in an essay published by the Cobden Club. The essence of this system is that the tenant-right becomes certain, and that its value is determined by the parties themselves without litigation or dispute. It also provides for the case of a fall as well as a rise in the value of land, and while it gives security to the tenant it does not divorce the landlord from the land.

"The system I propose is this, that the Parliamentary tenant-right shall be worth seven years' purchase of the rent, and that the rent shall be adjusted by the parties themselves, at the expiration of every period of ten years, in the following manner. If neither party proposes a change, which will most usually happen, the rent will remain unaltered for another period of ten years, and so on from time to time. I am justified in thinking that this will be the most usual case by the fact that a tenancy from year to year often lasts a considerable time without any change being made in the rent.

"If, however, either landlord or tenant desires a readjustment of rent it may be effected in the following manner:— Suppose the rent is £60, which the landlord thinks ought to be increased to £80. When the time for readjustment arrives, he serves notice on the tenant that he will require this increase of rent. If the tenant consents the rent is forthwith increased to £80; but if the tenant dissents he must give up

the land, receiving as compensation £560, that is to say, seven years' purchase, not of the rent which the tenant formerly paid, but of the increased rent which the landlord has demanded. This appears fair to both parties. The landlord cannot complain that the seven years' purchase is calculated on too high a rent, as it is the rent which he himself demanded. The tenant cannot complain that the compensation is too small, since it is calculated on a rent which he refuses to pay. A similar privilege is given to the tenant if an alteration of prices or other circumstances should make him consider the rent too high. When the time for readjustment arrives the tenant serves notice on his landlord that he requires the rent to be reduced to £50. If the landlord agrees, the rent is reduced to £50; but if he dissents he must get possession of the land, and pay as compensation to the tenant the sum of £350, that is, seven years' purchase of the rent which the tenant claims to be sufficient after allowance made for the value of the tenant-right. This mode of calculating the compensation makes it the interest of both parties to be reasonable. The landlord, by demanding too much, increases the compensation which he must pay. The tenant, by offering too little, reduces the price which he must accept for his tenant-right.

"I shall give an account in numbers. The exact figures are immaterial, but I give them to make the principle more easily understood. Suppose the rate of interest to be five per cent., the tenant holding a farm at £60 rent, and, having acquired a Parliamentary tenant-right worth seven times sixty, that is £420, has a farm for which £81 would be a fair rent, being the rent which would leave him a fair return for his labour and skill and capital. If the tenant is not satisfied with this position, and seeks to reduce the rent to £50, he puts it in the landlord's power to make him sell for £350 a tenant-right which is worth £420. On the other hand, if the landlord demands a rent of £70, he must pay £490 for a tenant-right which is worth only £420. Under those circumstances, it is not probable that any change will be made in the rent, unless an alteration in the value of the land should make a readjustment reasonable."

Printed by Porteous and Gibbs, Dublin.

THE IRISH LAND BILL.

ANALYSIS & REMARKS.

PART I.

ORDINARY CONDITIONS OF TENANCIES.

I.—The tenant *of every tenancy to which the Bill applies* may sell his tenancy after notice to the landlord (subject to a right of pre-emption in the latter at the price fixed by the court), to one person only, or with the landlord's consent to one or more persons.

[*On reading the bill through it appears that there is no definition given of "a tenancy to which the bill applies." By inference, however, we may assume that a yearly tenancy is referred to.*]

The landlord may refuse to accept the purchaser as tenant on reasonable grounds, viz. :—

1.—Insufficiency of means.

2.—Bad character.

3.—His previous failure as farmer.

4.—Any other reasonable cause.

The reasonableness of the refusal to be decided by the court (*i.e.*, Civil Bill Court—County Court).

[*This section means that the tenant may sell an interest in his landlord's property, which the landlord may purchase if he likes, on the valuation of a County Court judge. If he do not purchase himself, he may object to the purchaser on the specified grounds, the validity of which are to be determined by the County Court judge. What would be the probable fate of an Irish County Court judge presuming to decide against the tenant ?*]

The landlord may, on any such sale, give notice to the outgoing tenant and purchaser that he claims—

1.—Arrears of rent.

2.—Damages for injury sustained by breach of certain conditions called "Statutory Conditions" (described below).

3.—Compensation for improvements.

The outgoing tenant may give notice that he disputes these claims wholly or in part, in which case the purchaser pays the whole or part, as the case may be, of the purchase money into court, and the court decides on the validity of the claims on application by the parties. If the outgoing tenant does not give such notice as last aforesaid, the purchaser pays the landlord his claims out of the purchase money. A tenant who has sold his tenancy cannot at the same time claim compensation for disturbance or improvements under the Act of 1870. A tenant under the Ulster or any other custom, may sell under this Act or under the custom, whichever he pleases, but he must choose between them.

[*If the landlord is foolish enough to imagine that he has any claims on the grounds specified as against the tenant, he may make them, and at the end of a law suit, when the whole amount in dispute has been swallowed up in costs, he may, perhaps, get them satisfied.*]

II.—A tenant may bequeath a tenancy to which this Act applies, to one person, and the legatee is to stand, subject to the assent of the testator's personal representative, in the same position as a purchaser under the last preceding section. If he bequeaths it to more than one person, or dies intestate, the landlord may compel a sale.

[*The legatee may be a criminal, but the landlord cannot object to him.*]

If he dies intestate and leaves no next of kin, the tenancy passes to the landlord.

[*Imagine an Irishman without any next of kin!*]

III.—Should any landlord endeavour to increase his rent after the passing of this Bill he is to be subject as follows:—

1.—The tenant may accept the increase, in which case his tenancy immediately becomes enlarged to a term of fifteen years certain, subject to certain statutory conditions, upon breach of which only can he be evicted.

2.—He may refuse and sell his tenancy, and in that case is to receive ten times such sum as the court, on the application of the tenant, may deem to be the excess of the increased rent over a "fair" rent. Or, if he hold under Ulster tenant right, such sum as the court may deem the selling value to have been decreased by the action of the landlord.

3.—He may quit and receive compensation for disturbance.

4.—He may apply to the court to have the rent fixed.

IV.—The statutory conditions of disturbance are—

1.—Non-payment of rent.

2.—*Waste.

3.—Refusal of entry to landlord to dig for mines and minerals, inspect improvements, or for sporting purposes.

4.—Sub-letting or sub-dividing the tenancy, save for agistment.

5.—Bankruptcy, or allowing his goods to be taken in execution. The court may authorize the landlord to resume the tenancy on buying out the tenant for the purpose of improving the estate. The parties may agree to increase the rent in respect of capital advanced by the landlord.

[*This is a confiscation pure and simple, and needs no comment. The Act says:—"If you, the landlord, dare to increase your rent, be prepared to*

* *i.e.* pulling down buildings, cutting timber, opening mines, &c.

be at once punished heavily. (1.) By being compelled to grant a lease for fifteen years. (2.) By the expenses of a law suit. To suppose that after the recent agitation people as litigious as the Irish will agree to an increase of rent without going to law in almost every instance is absurd.]

V. AND VI.--AMENDMENT OF ACT OF 1870.

Scale for compensation for disturbance under Act of 1870.	Ditto under Bill of 1881.
Rent under £10, 7 yrs.' rent.	Rent under £30, 7 yrs.' rent.
Rent under £30, 5 yrs.' rent.	Rent under £50, 5 yrs.' rent.
Rent under £50, 3 yrs.' rent.	Rent under £100, 4 yrs.' rent.
Rent under £100, 2 yrs.' rent.	Rent above £100, 3 yrs.' rent.
Rent above £100, 1 yrs.' rent.	
In no case to exceed £250.	Amount now unlimited.

[*This, it will be observed, is the thin end of the wedge becoming thicker.*]

[Certain tenants are precluded from obtaining compensation for improvements as well as for disturbance, except for permanent buildings or reclamation of waste lands.]

[This is swept away, and tenants, instead of being confined to claiming compensations for improvements to the existing tenancy, may claim for improvements effected during any previous tenancy by themselves or preceding tenants.]

[*This opens the door for unlimited attempts to obtain money by false pretences.*]

PART II.

INTERVENTION OF COURT.

The Court of First Instance is to be the Civil Bill Court.

[*The constitution of these Courts is explained in Part VI., but it is more convenient to introduce it here.*]

The Court of Appeal is to be the Land Commission, to consist of a judge and two others, to be appointed by the Act [and their successors by her Majesty].

[*This is one of the most amusing parts of the bill. Fancy a body constituted like the Ecclesiastical, Tithe or Charity Commissioners forming a Court of Appeal from a Law Court. How wise will be their decisions, and how easy it will be to get a decision from them without circumlocution! Let those who have had dealings, say, with the English Charity Commissioners, supply the answer. Presumably the two lay Commissioners can outvote the Judge.*]

Secs. VII and VIII.—Any tenant may apply to the Court to have his rent fixed, or the landlord and tenant may jointly apply. The Court is to fix a "fair" rent. This is called the "judicial" rent, and is to be the future rent of the tenancy for 15 years, unless it happens to be greater than the old rent! If "greater," the landlord is not to have the benefit unless he give notice that he claims it any time within 15 years after it has been fixed, or, if he omits to do this, and the tenant sells, the landlord may claim compensation out of the purchase-money. When the Court has fixed the judicial rent, a statutory term of 15 years is created, similar to those provided for by Secs. 3 and 4. If the tenant of a statutory term under this section sells his tenancy, the landlord is to have a right of pre-emption. At the expiration of the first term of 15 years a new one may be created on application during the last 12 months of the preceding term. The Court has a discretion of imposing other conditions in cases where the statutory conditions would not seem to meet the case.

[*These sections sound all very well for the tenant (bar the law expenses), but fancy a landlord with 400, or even 40, tenants all applying to have their rents reduced. Who is to pay his costs? Observe, that if no application is made for a new term at the expiration of 15 years, the bill is silent as to what happens.*]

PART III.

EXCLUSION OF ACT BY AGREEMENT.

Judicial Leases.

IX—If the landlord likes to exclude the Act by granting a 31 years' lease, he can do so, upon the acceptance of the tenant, but the Court is to fix the terms and conditions of the lease.

[*Evidently a "happy thought." If you do not like the Act, make the tenant a present of your property; but do not expect to be compensated.*]

At the expiration of the lease the tenant is to hold over in perpetuity on the terms of the lease.

[*It is not to be supposed that the landlord dare give him notice to quit.*]

Fixed Tenancies.

X.—The landlord may again, if he likes, make over his land to his tenant, on condition of his paying a fee farm rent, and being for ever fixed in his tenure, unless he breaks the statutory conditions. This fee farm rent is not to be revised by the court every fifteen years, unless the parties agree that this shall be a condition of the tenancy.

[*If a landlord prefers to be the mere owner of a rent charge, he can, but not on his own terms.*]

PART IV.

MISCELLANEOUS.

XII. to XVI. and XVIII.—This part merely provides for certain contingencies by which the Act might be evaded, nullified, or obstructed by delay, and contains regulations as to legal proceedings, and defines the powers of limited owners.

Also the following proviso :—

XVII.—"A tenant of a holding valued under the Valuation of Property Acts at £150 and upwards, may contract himself out of the Act."

[*Imagine a landlord begging his tenants to contract themselves out of the Act, and the latter graciously assenting.*]

PART V.

ACQUISITION OF LAND.

XIX. to XXX.—The Land Commission may lend tenants desirous of purchasing their holdings three-fourths of the purchase-money, or half the fine to be paid, on their engaging to pay the landlord a fee farm rent of not more than 75 per cent. of a fair rent. Sales may be negotiated through the Commissioners, who may guarantee the title, and they may buy up estates and resell to the tenants upon certain terms, provided three-fourths of the tenants in value agree to purchase. This part of the Act contains very elaborate provisions for effecting this object, but will not repay perusal.

* [*There is danger that this provision will have the effect of depreciating the market value of the landlord's property to far below a fair selling price.*]

RECLAMATION AND EMIGRATION.

The Treasury may authorise the Board of Works to advance sums by way of loan to companies for reclamation works upon certain conditions. The Land Commission may contract with the authorities of British Colonies, or companies established for the purpose, to advance moneys by way of loan to be expended in promoting emigration.

[*This is the only portion of the Act which shows any sign of statesmanship; but as regards emigration it does not go far enough. Compulsory emigration by Ballot is the only remedy for the pauperism now prevalent in Ireland, while for the rest, Ireland must for the present be ruled like India,—by the strong arm. Authority must be thoroughly re-established; Agitators, especially M.P. agitators, must be suppressed, and if in no other way, by the disfranchisement of their constituencies. The crime of High Treason must be rigourously suppressed and an adequate punishment enforced. No doubt this sounds harsh, but then, one does not shrink from using the Surgeon's knife when necessary.*]

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* This parenthesis by the Editor of the *Globe*.

PART VI.

COURT AND LAND COMMISSION.

XXXI. to XLIII.—The constitution of these bodies (already touched upon) is provided for by this section, and any matter capable of being determined by the Court may be decided by arbitration if the parties agree, in the manner provided by the Act of 1870.

[*A sop thrown out to people who are possessed of such obsolete notions as that "freedom of contract" ought not to be interfered with. The parties may not agree on terms, they may only agree to arbitrate; but those who have had to pay for arbitration will not think much of the boon.*]

PART VII.

DEFINITIONS, APPLICATION OF ACT, AND SAVINGS.

XLIV. to L.—The first portion of this section consists of definitions.

Section XLIV. and XLVI. should be perused, and comprise the following exceptions from the application of the Act:—Holdings not agricultural or pastoral, or partly so; demesne lands; accommodation land near a town; pasture holdings of £50 in value and upwards, or on which the tenant does not reside; holdings held by a labourer; land let in conacre or for agistment; holdings expressed to be let for temporary convenience; cottage allotments less than a quarter of an acre.

Section XLVII. enacts that existing leases and tenancies, not yearly tenancies, are to remain in force, and not to be affected by the Act.

[*Existing leases are to remain in force, but how about future leases? The Act, in a rather disingenuous manner, leaves people to infer what they please as to these.*]

WILMSHURST, PRINTER, CHICHESTER.

HOW TO BUY YOUR FARM.

WHY IRISH LANDLORDS SHOULD SELL

AND

IRISH TENANTS SHOULD PURCHASE,

AND

HOW THEY CAN DO IT UNDER THE LAND ACT.

THE following originally appeared in the columns of the *Freeman's Journal*. The articles attracted so much attention and gave in so clear a manner the necessary information as to how an Irish farmer may become his own landlord, that they are now reprinted in a more permanent form, in compliance with a very general demand:—

Nov., 1881.

I.

AMID all the uncertainties of the present crisis in Ireland, amid the turmoil arising from the fierce struggle between landlord and tenant, which has now entered on its most angry phase, it would be well for such of the combatants as have not, in the fury of the fight lost all their judgment, to pause and ask themselves whether it is still possible to find an issue, honourable and profitable to both sides, instead of looking each other in a death embrace, from which one of the antagonists may, perhaps, escape victorious, but only at the cost of grievous wounds. The question about which the fight now rages fiercely is that of rent—one host proclaiming that no rent whatever shall be paid, the other declaring that rent to the very last shilling shall be exacted; while hovering between the two opposing forces stand those who ask not that all rent shall be repudiated, but only that existing rents shall be moderated through the intervention of the Land Commission. We would earnestly ask all the contending parties, the two irreconcilable extremes as well as the moderate centre, to reflect for a moment that the Irish Land Commission has another duty entrusted to it besides that of fixing rents, a duty the successful performance of which will lead to more important benefits to this country than could spring from the mere settlement of existing rents, no matter how radical the change involved in that settlement may be. To the Irish Land Commission has been confided the task of bringing about peacefully in Ireland that which was won by revolution in France, that which was established by Conservative statesmen in Prussia—an occupying or peasant proprietary. Let Irishmen of every degree, landlord and tenant, peer and peasant, ask themselves this question—is it not to their interest that such a proprietary should be created? and if the answer be in the affirmative, will they not, as wise and patriotic men, join in an effort to bring it about? Does the Irish tenant doubt that it would be for his advantage that he should be enabled to purchase the fee-simple of his holding, and thus become the absolute proprietor instead of the mere hirer of the land which he tills and of the home with which all the recollections of his life are associated? If he doubts it, then he doubts the doctrine which Davitt unfolded at Irishtown, and for the teaching of which

that far-seeing man founded the Irish National Land League—the most widespread, the most powerful, and in its effects, we believe, the most enduring organisation of our time; if he doubts it, then have Parnell and Dillon and Davitt laboured and suffered in vain. But in truth there is not, we believe, in Ireland a single tenant who doubts it. Strangers, whom the agitation of the last couple of years has attracted to Ireland to study the Land Question on the spot, have been amazed at the keen intelligence which the Irish peasant has shown in following the discussions both in and out of Parliament upon the question; and it is impossible to suppose that men to whom the arguments of the Land League Leaders are familiar as household words should have failed to grasp the principle which the Land League was founded to teach—the principle, namely, that Irish tenants should strive and strive until they were put in a position to purchase out and out their holdings, so that they should be owners and free men instead of being tenants and slaves. The desirability of the change will be cordially admitted by every Irish tenant, the desirability not alone from the point of view of his own comfort and prosperity and freedom, but also because in effecting the change he will give proof of his loyalty to the principles of the organisation by which the means of bringing about the change have been won. The only doubt upon the mind of the Irish tenant is whether the means of accomplishing the change have yet been placed within his reach. We believe, if the Irish landlords really know their own interests, and follow them, instead of blindly seeking revenge, that they can, with the aid of the Land Commission, place within the reach of almost every tenant the means of becoming proprietor of his holding, and by doing so they will benefit not alone the tenant, but likewise themselves. Let the Irish landlords reflect upon the present position, and they will see we speak no wild or unconsidered words in making this statement. Who among landlords of this country have during the discussions of the past year stood forth most prominently as the champions of their order, who have most distinguished themselves by the ability which they have shown in the defence of their privileges? Probably if Irish landlords were polled to-morrow on this point, there are no two men who would be more likely to be selected as the spokesmen of their class than Lord Dufferin and The O'Conor Don, both men who have won for themselves a high reputation as statesmen and economists. Let the landlords of Ireland read the paper which Lord Dufferin forwarded to the Bessborough Commission as his contribution to the literature of the Land question, and as they read it we would ask them to remember that its author is a man of whom Ireland, and especially the North of Ireland, would naturally be proud as one of her most distinguished sons, and yet whose nqme is as a fact received at any tenants' meeting in Ulster with groans and hisses on account of the high-handedness which he has always shown in the assertion of what he considered his rights as a landlord.

We say without fear of contradiction that this paper written by Lord Dufferin, and written, it is not too much to presume, in the interest of, and not in antagonism to the class to which he belongs and of whose right and privileges he has shown himself so staunch a supporter, is from beginning to end an argument in favour of establishing an occupying proprietary—an argument so ably put, so clearly reasoned out, that it must bring conviction to anyone who reads it. Lord Dufferin has had ample experience as a landlord in Ulster, and the result of his experience is, that he strenuously advocates the formation of an occupying proprietary. No man has had a better opportunity of acquiring an intimate knowledge of the relations between landlord and tenant in Connaught than The O'Conor Don, and yet we venture to assert that not even Mr. Parnell himself has ever so conclusively shown the desirability of transforming tenants into proprietors, as the Connaught Chieftain has done in his Report on the Bessborough Commission. But if landlords still doubt that it is for their own interest to aid in the establishment of a peasant proprietary; if they distrust the arguments of The O'Conor Don and of Lord Dufferin, and fancy that these gentlemen have been swayed by zeal for the

tenants' interests, and not by a desire to find the solution most advantageous for their own class, we would direct their attention to the evidence of another witness who will surely be considered safe from the imputation of partiality to the tenants' cause—we refer to Mr. Samuel M. Hussey, himself a large landed proprietor, and whose land agencies are about the most extensive in the province of Munster; a gentleman whose zeal for the interests of the landlords, his employers, never lukewarm, has occasionally even outrun the bounds of discretion; a gentleman, in short, who may be described as a typical landlord's man. No need to say that in studying the land question Mr. Hussey did not approach it with much prepossession in favour of a peasant proprietary. His dealings with the Harenc Estate are conclusive on this point. But Mr. Hussey is a man of vigorous intelligence, and he has been unable to shut his eyes to the logic of facts. To-day, as may be seen by referring to the evidence given by him before the Bessborough Commission, Mr. Samuel M. Hussey is as keen an advocate for an occupying proprietary as either Lord Dufferin or The O'Conor Don. Again, we entreat both landlords and tenants to pause and ponder over this remarkable fact, that while upon almost every other conceivable point in relation to the land question there has been the widest diversity of opinion between their respective champions, there is agreement on this one point, that it is desirable to create an occupying proprietary. Parnell, Davitt, and Dillon stand on the same platform as Dufferin, O'Conor Don, and Hussey. We have said this much to recall to the minds of landlord and tenant that in the formation of a peasant proprietary lies an issue from the present quarrel desirable and honourable for both sides alike. On a future occasion we shall endeavour to point out the means by which we believe such a proprietary may now be rapidly brought into existence.

II.

We have already endeavoured to rivet the attention of landlords and tenants on the benefits which would accrue to both from the establishment of an occupying proprietary, and we now propose to consider the means by which Irish tenants may be enabled to purchase the fee simple of their holdings, and thus create such a proprietary. Our readers are doubtless aware that by the Land Act of 1881, no compulsory powers of purchase are given. On no estate, whether the landlord be a free unincumbered owner, or plunged in debt and mortgaged to the full value of his rent roll, whether the proprietor be an individual, or a company, or a corporation, can the tenants insist upon their holdings being sold to them. The sale must be a voluntary one; the price offered by the tenant must be such as will induce the landlord to sell. There is no tribunal endowed with authority to fix the selling price as the Land Commission can fix rents. All that the Commission can do is to aid in negotiating the terms of the sale between landlord and tenant, and this they have by their rules arranged to do on application of the parties for a small percentage. As to the price at which it would be profitable for the tenants to purchase it is, of course, quite impossible to lay down any general rule. Each case must be judged on its own merits. There are holdings in Ireland of which the tenants would probably be gainers were they to buy at twenty-five years' purchase of their present rents or even at a still higher figure, while on the other hand there are many holdings which are not fairly worth ten years' purchase of the rents hitherto paid or supposed to have been paid for them. But, making every allowance for the great diversity in the value of different tenancies, there ought not to be, and we believe that in practice it will be found that there really will not be, any great difficulty in individual landlords and tenants arriving at the fair selling price of the holdings. If the parties will calmly and without passion consider their true interests, they will soon see that it would pay the landlord to accept something less than what would be

perhaps the full selling price, and it would pay the tenant to give something more than that price, so that in almost every case there will be a margin for the exercise of the "higgle of the market," and the price to be agreed on ought rarely fail to gravitate towards the fair selling value of the holding. The landlord who is wise will remember that he has now no probable purchasers but his tenants; no outsiders who for the prestige of owning a large tract of land will pay him a fancy price for his estate. The purchasing public will for each estate be practically limited to the tenants upon it; the landlord must sell to them or not at all. He will likewise remember that by selling he will free himself from all the expense of agents and bailiffs and other management; all the allowances and drawbacks and subscriptions and claims of one kind or another, which as landlord he has to accede to, or which he in his heart feels he ought to accede to while he occupies that relation. He will have the value of his property in his own hand to invest in stocks or shares or whatever other form of security may be most remunerative, most speculative, or most uniform and convertible, according as he pleases. All these considerations will weigh as inducements, even to an unincumbered owner, to sell to his tenants for a fair sum. Still more will they be appreciated by those landlords who own large estates on which they do not live; outlying estates, of which they are nominal owners, but in reference to which it would be more correct to call them mere agents for mortgagees. There are few such owners now who, if they are wise, will not be honestly anxious to sell to their tenants on fair terms. No condition could be more anxious, more worrying, more wasteful, more unprofitable in every respect of the case, than that of a heavily incumbered owner of an outlying estate in Ireland in the hands of tenants. There is the maximum of discomfort and the minimum of enjoyment attached to it. The prestige connected with the nominal ownership of a large estate steeped in debt, as the Bog of Allen is steeped in water, is, fortunately for all parties, a thing of the past. The owner of such an estate is no longer an object of envy and admiration but of pity. We have become somewhat too earnest in Ireland latterly for such a man not to feel that his pretension, while costing him dearly, is gaining for him only ridicule. A prince in apparent possession, a bankrupt in real revenue. The incongruity and unreality of his position, known to himself, must have been at all times humiliating to a high-spirited man; known now to all the world, it has become well-nigh intolerable even to a vain and foolish man. Wide possessions with enormous debts have become a luxury too dear in the anxiety which they involve, and many a man who a few years ago was eager to buy distant estates with borrowed money would be now glad to sell them, pay off the mortgages, and live quietly for the future on his own demesne, surrounded by the tenants to whom he has been known from his youth, and with whom he has still bonds of sympathy. For all these reasons, we say that it would pay landlords to sell to their tenants at a price even somewhat lower than the fair value. On the other hand, the reasons why it would pay tenants to purchase at a price even somewhat over the fair value are well worthy of consideration. In the first place, such of the tenants as have money get at present either a wretchedly low rate of interest for it on deposit in the banks, or else lend it out on most risky security among needy neighbours. The investment of this money partly in contributing to the purchase of the holding and partly in improving the holding after purchase would yield a return so very much in excess of that which the tenant now gets from it that he would be a very decided gainer by making his purchase now instead of deferring it. For the tenant who has little or no money put by, the gain to be derived from immediate purchase would be even still more important. The money which will be advanced by the Government through the Land Commission is lent at 3½ per cent. interest, or, in other words, the tenant by paying 5 per cent. each year for thirty-five years will have completely discharged the loan, both principal and interest, and with the money so lent to him the tenant would know that every year he was extinguishing his rent, so that after a certain number of years he would have no

more rent to pay. Let the poor tenant look into the figures and see what rate of interest he has to pay when he wanted to borrow a few pounds from the banks to crop his little holding or to make any improvement on it, and he will then soon see what a gainer he would be by getting money at 3½ per cent. from the Land Commission. Moreover, although there is a possibility that certain circumstances—American competition, &c.—may tend to diminish the value of land, there are many circumstances which may tend in the opposite direction, and if the tenant defers his purchase he may find that he has missed his market, and that he will have to pay a larger price for his holding than what he could now buy it for. In fine, we repeat that the more both parties calmly consider the matter, the more clearly will they see that it is for their mutual advantage that the landlord should now agree to sell and the tenant to buy at a fair price. We must postpone to another article the consideration of the course to be pursued, assuming the first preliminary—viz., the price—to have been settled.

III.

WE now proceed to discuss the steps to be taken towards carrying out purchases from landlord to tenant after the parties have agreed upon the price. The purchase-money agreed on may be arranged in one of three ways—

Firstly—It may be all paid down by the tenant to the landlord.
Secondly—It may be contributed partly by the tenant and partly by the Land Commission.
Thirdly—It may be partly contributed by the Land Commission, and the balance secured to the landlord by the tenant, by mortgage of the holding or otherwise.

The first of these plans needs no comment, not alone because of its simplicity, but also because we believe it can be but rarely resorted to. The tenants in Ireland who have the entire purchase-money of their holdings available from their own resources are unfortunately very few; and those few, instead of employing so much of their own money in the purchase, will find it more profitable to borrow portion of the purchase-money from the Land Commission at the low rate provided by the Land Act, viz., £3 10s. per cent. interest, and thereby leave themselves ample capital to work their farm to the best advantage. The farmer who has the absolute and complete security in his holding, which he would acquire so soon as he had arranged for the purchase of that holding, knows well that he can employ his spare capital on the farm in a dozen ways which would yield him a profit, not of £3 10s. per cent., but of double or quadruple that rate. It is, we believe, universally admitted that the profits of farming in Ireland could be greatly increased, not alone absolutely but relatively, by the employment of a much larger capital in the cultivation of the ground than is at present used for that purpose. It is not only unlikely, but also undesirable, that the tenants should sink all their own capital in purchasing their holdings, instead of borrowing portion of the purchase-money from the Land Commission on the advantageous terms which that body is by the Act of Parliament enabled to offer to occupiers to assist them in becoming proprietors. In discussing the stages of the sales from landlord to tenant we shall, therefore, assume that recourse will be had to the Land Commission for a portion of the purchase-money. The Land Commission is empowered to lend money to a "tenant" to aid him in purchasing from his "landlord." Let us see who come under these terms "tenant" and "landlord." A "tenant" is by the 57th section of the Land Act, 1881, defined to be "a person occupying land under a contract of tenancy;" but the section adds, "Where the tenant sublets part of his holding with the consent of his landlord, he shall, notwithstanding such sub-letting, be deemed

for the purposes of this Act to be still in occupation of the holding." This saving clause is very elastic. The words "part of his holding" might mean almost any quantity, but there can be no doubt that the object intended to be accomplished by the Bright Clauses of the Act was the establishment of an occupying proprietary and not the establishment of a new set of landlords. We take it for granted that the Land Commission will not advance money to a tenant for the purchase of his holding unless the whole, or substantially the whole, of the land is in his own actual occupation. By the same section "landlord" is defined to be "the immediate landlord or the person for the time being entitled to receive the rents and profits or take possession of the land held by his tenant;" but it will be seen by reference to the 24th section of the Act of 1881 and the 26th section of the Act of 1870 that the Irish Land Commission cannot advance any money to the tenant purchasing unless the landlord comes under some one of the following classes. He must be an owner either

(a) In fee simple.
(b) In fee, subject to a rent.
(c) Entitled to a lease for lives or for years renewable for ever.
(d) Entitled to a lease for a term of years of which at least 60 are unexpired, or
(e) As tenant for life of any of the above estates.
(f) A corporation or trustees for charities entitled to any of the above estates or entitled to land under a lease of which not less than 31 years are unexpired can also make title to sell.

An owner coming under any of these heads can sell, whether he be incumbered or not. Our readers will observe that the interest with which the Land Commission can aid the tenant in purchasing must be that of his "immediate" landlord; so that where there are middlemen intervening between the head landlord and the occupier, the Commission cannot assist the latter in purchasing out the head landlord, unless he first buys out the middleman; but there seems to be no reason why the Commission should not make an advance to the occupier towards the purchase of each successive middleman's interest, and, finally, towards the purchase of the head landlord's interest, and probably, although each such purchase would be treated as a separate transaction, they could all be carried out simultaneously. The purchases must be upwards from the occupier towards the head landlord, not downwards from the head landlord towards the occupier. We would direct the special attention of our readers to the fact that "tenants for life" are empowered to sell the land to their tenants out-and-out, for this is a most important matter. There is a very considerable proportion of the land of Ireland tied up in "strict settlement," as it is called. By the settlement executed on the occasion of the owner's marriage, or by the will of his predecessor, or by some other similar legal arrangement, the person who is now the landlord is entitled to the land, not as an absolute owner, but only for his own life. Such a landlord is called a "tenant for life;" and formerly, neither for purpose of sale to his tenants, nor for the purpose of sale to any one else, could he dispose of the lands for more than the term of his own life. The Land Act of 1870 gave him power to sell the land out-and-out to his tenants, but only in a very cumbrous and roundabout way. The landlord had first to enter into an agreement with his tenant to sell the lands to him at a certain price, and then, upon such an agreement being made, they might jointly, or either of them might separately, with the consent of the other, apply to the Landed Estates Court for the sale to the tenant of his holding. This mode of procedure was entirely too cumbrous, and in practice it was found not to work. It lay a complete dead letter. By the Act of 1881 a "tenant for life" is, as regards facility of sale by him to his tenant, placed in the same position as if he was the absolute owner of the land; but, of course, the proceeds of the sale will remain subject to the trusts of the settlement under which the tenant lor life derives. The 25th section of the Act empowers him to "sell

and convey the holding;" and not alone does it enable him to do so, in a case where the entire of the purchase-money is made up in cash by the tenant and the Land Commission, but it likewise enacts that he "may exercise to the same extent as if he were an absolute owner the power of permitting any sum not exceeding one-fourth in amount of the price which the tenant may pay as purchase-money, to remain as a charge upon such holding secured by a mortgage," which mortgage will be subject to the amount advanced by the Land Commission towards the purchase-money—*i. e.*, the amount due to the Land Commission will be the first charge, and the amount due to the landlord will be a second charge on the land. The first charge will every year be becoming smaller and smaller; for every annual instalment of five per cent., paid by the tenant to the Land Commission, not alone pays interest on the loan, but also shaves off part of the principal, so that every year the security for the landlord's fourth, which he may agree to leave out on mortgage, will become better and better. We regard this provision of the Act, enabling tenants for life not alone to sell and convey direct, but also to leave the fourth of the purchase-money outstanding on mortgage, as of the utmost importance. It will enable thousands of sales to be carried out which but for it would have been impossible. In fact, it must be now the landlord's own fault if he does not sell to his tenants, for we believe there are very few tenants in Ireland who would not willingly agree to purchase their holdings at a fair price, if the landlord expressed his willingness to accept in cash the three-fourths of the purchase-money which the Land Commission is empowered to advance, and to leave the remaining fourth outstanding on a second mortgage at a fair rate of interest. By such an arrangement the tenant would, in a few years, without paying each year anything beyond the amount of his rent, become the absolute owner of his holding, subject only to the landlord's charge for the one-fourth; and when we remember how dearly the tenants purchased their holdings under the Disestablished Church, and how many of them borrowed portion of the purchase-money from money-lenders, and how regularly, notwithstanding the late disastrous seasons, the money so borrowed has been repaid, we have very little doubt that, in a few years, the tenant purchasers would be in a position to redeem, without difficulty, both the charge to the landlord and the instalments to the Land Commission. So far we have dealt with the stages of the negotiations between the landlord and the tenant; in our next article we shall point out how the aid of the Land Commission is to be invoked to assist in carrying out the purchase by the tenant of his holding.

IV.

HAVING already pointed out the important reasons which tell in favour of Irish landlords selling, and of the tenants purchasing, their holdings, and having shown that the Land Act of 1881 gives to the landlords facilities for selling which they did not previously possess, we shall now shortly notice the facilities which the Act gives to tenants for purchasing their holdings, and how these facilities are to be availed of. What the Act has done for the landlord is—it has, to a great extent, brushed away the legal cobwebs which settlements and entails had woven around his title, and it has enabled him to sell the land with comparative ease. What the Act has done for the tenant is—it has, to a great extent, placed within his reach the purchase money with which he can buy the land. What the Land League put before the country as its ultimate object was that every occupier of land in Ireland should be put in the way of becoming the absolute owner of his holding; the means by which it proposed that this object should be attained were that the Government should provide the entire purchase money by giving to the landlord cash or debentures or Government Stock for it, and that the Government should accept from the occupier, in repayment of such purchase money, the rent which otherwise

he would have paid to his landlord, but with this important distinction, that while the rent to the landlord would have had to be paid till the Day of Judgment, the rent to the Government would cease at the end of 35 years, and the occupier would then be the absolute owner of the land which he tilled. The Purchase Clauses of the Act of 1881 have not carried out in its entirety the scheme propounded by the Land League, but they have gone most of the way. The Government will not provide all the purchase money, but it will give 15s. out of every pound of it, and the landlord who refuses to leave the remaining 5s. outstanding as a mortgage on the holding is not a wise man. The body to whom the duty of making the Government advances to tenant purchasers has been entrusted is the Irish Land Commission, a public department endowed with youth, and therefore likely to show vigour in exercising its powers. These powers, so far as they relate to advances to tenants for the purchase of their holdings, will be found in Sections 24, 26, and 35 of the Land Act of 1881. We are disposed to think that of these sections the 24th and the 35th are the most likely to be extensively availed of. Where a landlord has agreed to sell a holding to a tenant, or to sell their respective holding to several tenants, he can apply to the Land Commission, under Section 24, stating that he has so agreed, and thereupon the Commission can advance to each tenant three-quarters of the price which he has agreed to pay to the landlord for his holding. The form which the landlord has to fill up when making the application is as simple as simple can be. It is known as No. 50 among the forms published by the Land Commission, and copies of it will be supplied gratis by the Land Commission to anyone who applies for them. As soon as the advance has been sanctioned the Solicitor of the Commission investigates the landlord's title, and carries out the whole matter, not with a tedious, roundabout Court procedure, but as a simple sale from one man to another. Proceeding under Section 24, there is no complication whatever. The sale may be to one tenant, or to twenty, or a hundred; it may be in each case a sale for a principal sum, or else for a fine and a fee-farm rent, but the Commission cannot advance more than one-half the amount of the fine. The course of procedure under Section 26 is not such plain sailing. This section contemplates the purchase of a whole estate by the Land Commission, with a view to reselling it among the tenants; and from the very nature of this transaction it is necessarily a more complicated affair than a sale direct from landlord to tenant. The complication is increased by the terms of the section itself. Where the landlord agrees to sell to the tenant direct, he can deal with any one tenant on an entire townland, without regard to the other tenants; and all the Commission has to do is to see that he has a good title to sell, and see that the holding is good security for the amount of the advance applied for.

But it is quite another matter where the Commission is asked to purchase an entire estate. In this case it must be satisfied that not less than three-fourths of the whole *number* of tenants on the estate are able and willing to purchase, and that such three-fourths in number pay *in amount* not less than two-thirds of the entire rental, and, furthermore, that of the tenants so able and willing to purchase at least one-half will make their purchase for principal sums as distinguished from a purchase made by means of a fine and of a fee-farm rent. And having satisfied itself of all these facts, the Commission has still to investigate how the residue of the estate can be disposed of, so that there may be no loss incurred by the Commission in carrying out the transaction. All this involves friction, which is likely to prevent the machinery under Section 26 running as smoothly as that under the 24th Section will probably work. However, there is this to be said, that the word "estate" does not necessarily mean a vast tract of land with a tenantry so numerous as to render it improbable that anything like unanimity among them could be secured in the matter of a purchase. From a memorandum published by the Land Commission (and which will be found in our columns), we learn that "an estate" means any lands which the Commission declares fit to be purchased as a separate estate. An estate might, therefore, mean a townland, or even a smaller area,

and possibly in dealing with small estates there will not be much practical difficulty in proceeding under Section 26. Under the 26th Section, the Land Commission has power to entertain the application for advances not only in cases where it is proposed that the land shall be conveyed to the Commission direct from the landlord, but also where the lands have been put into the Landed Estates Court for sale. Unfortunately the 24th Section gives the Commission no power to make advances save in the case of a sale "by a landlord to a tenant," and it seems questionable whether a sale in the Landed Estates Court could be called a sale from "a landlord to a tenant." So that as far as these two sections are concerned, it would appear that if a single tenant desired to purchase his holding in the Landed Estates Court, and to borrow portion of the purchase-money from the Commission, he would have to go through a very roundabout process. First, the Commission would have to bid for the lot in the Landed Estates Court, then take a conveyance of it from that Court, then execute a conveyance of it from the Commission to the tenant, and finally take a mortgage from the tenant for the amount of the advance. Luckily a way out of the difficulty is, to a certain extent, provided by the 35th Section, which transfers to the Irish Land Commission all powers previously exerciseable by the Board of Works in relation to advances to tenant purchasers under the Land Act of 1870 and its Amending Act of 1872. By this transfer, there is conferred on the Irish Land Commission the power to advance to a tenant purchasing his holding in the Landed Estates Court two-thirds of the *value* of the holding as assessed by the Commission; and, as Judge Flanagan pointed out in his evidence before the Shaw-Lefevre Committee, the *value* so assessed would include the interest of the tenants as well as of the landlord in the holding, and therefore in the majority of cases the two-thirds of the assessed *value* of the holding would probably represent three-fourths of the *price* at which the tenant would purchase the landlord's interest in such holding. Of course if the rent to which the tenant is liable be an exorbitant rent, he would have no interest in the holding, and in this case he could not obtain from the Commission an advance of more than two-thirds of the purchase-money, but we presume that where an estate is about to be sold in the Landed Estates Court, the tenants, if their rents be really exorbitant, will, before the sale, apply to the Land Commission to have a fair rent fixed. We publish in another column a short summary which the Irish Land Commission has issued, showing the several cases in which they can make advances. We now conclude, as we have begun, by asking landlords and tenants to think calmly, and without passion, on the advantages which will accrue to both of them, and not alone to them, but to every class in the country from the conversion of a large proportion of men who are now Irish tenants into being owners of the land they till, and we entreat of both landlords and tenants to avail themselves of the facilities which the purchase clauses of the Land Act afford for bringing this conversion about. Until it is brought about, it is idle to expect permanent peace, stability, and respect for the rights of property in Ireland.

THE LAND ACT—ADVANCES.

THE following is a summary of the several cases in which advances can be made by the Land Commission in relation to sales from landlords to tenants, to which we refer:—

Firstly, under Section 24.

A—The landlord may agree to sell a holding to a tenant for a principal sum through the medium of the Land Commission, in which case the Form No. 50 will be used, and the contract in the fold will be signed. In this case the Commission investigates the title and prepares all the deeds, and for so doing a charge of £2 per cent. on the amount of the purchase-money will be made. The Commission can advance three-fourths of the price agreed on.

B—In a case similar to A the Commission will, if the parties so desire it, "negotiate" the terms of the sale, and will for so doing charge 10s. per cent. on the amount of the purchase-money. See Form 52.

If the negotiations fall through, the Commission will charge only the actual outlay incurred.

C—The landlord may agree to sell the holding to a tenant for a principal sum, but not through the medium of the Commission. In this case Form 50 will be used, but the contract in the fold will not be signed.

The title will be investigated by the Commission, who will prepare the mortgage for their advance, but the conveyance will be prepared by the tenant's solicitor. The Commission can advance three-fourths of the purchase-money.

The Commission in this case will charge to the landlord only outlay, including travelling and hotel expenses of their valuer, fees to counsel, &c., and to the tenant only outlay in connection with his mortgage stamp duty, &c.

D—The landlord may agree to sell a holding for a fine and a fee-farm rent through the medium of the Commission. The fee-farm rent must not exceed seventy-five per cent. of a fair rent. The Commission will prepare all the deeds and charge £2 per cent. on the amount of the fine. The Commission can advance one-half of the fine. Form 51 will be used, and the contract in the fold will be signed.

E—The same as D, save that the sale will not be through the medium of the Commission. In this case the Commission will prepare the mortgage for the advance, but the fee-farm grant will be prepared by the tenant's solicitor, in the form approved of by the Commission.

The Commission will charge merely outlay, as in case C.

Secondly, under Section 26.

F—The landlord may apply to the Commission to purchase an estate from him with a view to re-sale to the tenants. Form No. 53 will be used. The Commission, on receiving the application, will negotiate with the tenants with a view of ascertaining whether they will purchase, and on what terms.

Assuming the terms to have been arranged, the Commission will investigate the title and prepare all the deeds, including the conveyance and the fee-farm grants to the tenants. The Commission will charge 10s. per cent. on the amount of the purchase money for expenses, up to and includieg notice by them to the landlord of their being willing to purchase, together with subsequent actual outlay, counsel's fees, &c.

The Commission will estimate the expense of carrying out the sale (over and above the 10s. per cent., and the outlay for which the landlord is liable), and will include such expenses in the price of the tenants' lots.

The Commission can advance three-fourths of the principal sum to be paid by the tenants and one-half of the fine.

G.—The estate may be for sale in the landed Estates Court, and the tenants may apply to the Commission to purchase the estate or lot with a view to re-sale to the tenants. Form 56 will be used. The Commission on receipt of the application will take steps to satisfy themselves of the expediency of the purchase, and of the Commission being indemnified from loss. These steps would be to get their valuer to examine the land, or make such inquiries respecting it as shall be deemed advisable—then arrange the purchase money to be bid for each lot on the rental, including estimated cost of conveyancing —then get the several tenants to deposit their due proportion, bid for estate, lodge purchase money, take out conveyance, and then convey to the several tenants.

The Commission can advance three-fourths of the principal sum, and one-half of the fine.

Thirdly, under Section 35.

H.—the estate may be for sale in the Landed Estates Court, and the tenant or tenants of a lot may apply to the Commission for an advance to enable him

or them to purchase his or their holdings, Form No. 58 will be used. The Commission will get their valuer to examine the land, or make such inquiries as will enable him to assess the value of the holding or holdings.

The Commission can advance two-thirds of the entire value of the holding as so assessed, which value may include both landlord's and tenant's interests in the holding. The Commission will call on the tenant, when he has been declared purchaser, to produce the certificate of his having lodged in Court such portion of the purchase money as the Commission will not advance, and will require the tenant's solicitor to obtain from the Landed Estates Court a charging order in favour of the Commission for the amount which the Commission agrees to advance. The Commission will lodge the amount which they have agreed to advance, and the tenant's solicitor will prepare the conveyance from the Judge of the Landed Estates Court, which conveyance will grant the land to the tenant, subject to the annuity for thirty-five years in favour of the Commission, in repayment of their advance.

The Commission will, to cover their expenses of assessing the value, charge a sum not exceeding 10s. per cent. on the amount of the purchase money.

The following are the terms upon which advances may be obtained from the Land Commission:—

A tenant may agree to buy his holding from his landlord:

(1) By paying the full price, or, as the Act calls it, a "principal sum."

(2) By paying a fine and having the rent of his holding reduced till it is not more than three-fourths of a fair rent, and obtaining a fee-farm grant, that is, a lease for ever.

The Land Commission may, if satisfied with the terms of the purchase, lend the tenant three-fourths of the "principal sum," or half the fine paid. The amount advanced must be an even sum, without shillings and pence.

The loan must be repaid by half-yearly payments calculated at the rate of 5 per cent. per annum, for thirty-five years, or one shilling for every pound lent.

The days on which the halr-yearly payments must be made are 1st May and 1st November, with an apportionment in respect of the first and last payments if necessary.

On the occasion of a purchase it is not necessary that the landlord should receive a cash payment from the tenant; he may, if he chooses, leave such portion of the price as is not advanced by the Commission outstanding with the tenant as a loan upon such terms as the parties may agree upon; but the loan made by the Land Commission must be the first charge on the holding.

Before making any advance the Land Commission must approve of the terms of the sale.

Examples—(1) If the price agreed on for the purchase of the holding be £440, £110, at least, must be paid in cash, unless left out on loan by the landlord. The balance, £330, may be advanced by the Land Commission, and will be repaid by annual payments for thirty-five years of £16 10s.

(2) If a holding of which the fair rent is £20 be bought subject to a rent for ever of £15, and £110 be agreed on as a fine, the tenant must pay the landlord £55, and the Commission may advance £55.

In this case the tenant's annual payment would be—

The fee-farm rent	£15 0 0
Annuity to Land Commission for thirty-five years . .	2 15 0
Total annual payment	£17 15 0

The rules of the Land Commissioners prescribe the fees payable under this part of the Act as follows:—

For negotiation between landlord and tenant up to and including signing contract .	£0 10 0	per £100 of the purchase-money
For subsequent expenses . . .	2 0 0	,,

Including (if contract be completed) conveyance from landlord to tenant, mortgage to Commissioners, registration, and stamp duty.

These fees are payable by the landlord.

The Land Commission may buy estates to resell to the tenants, making advances in the same way as above explained, to enable tenants to buy their holdings.

"An estate" means any lands which the Commission declares fit to be purchased as a separate estate.

Before buying an estate the Commission must be satisfied that three-fourths of the tenants, paying not less than two-thirds the whole rental, are able and willing to buy their holdings, and that half the tenants purchasing will be buyers for "principal sums," by means of advances from the Commission.

Example—On an estate with rental of £90, paid by eight tenants, the Commission must be satisfied that six tenants, whose rents amount to not less than £60, will buy their holdings. Of these two might take leases for ever, paying fines and getting half the fine from the Commission. Four must buy for principal sums.

Residues of estates not sold to the tenants may be sold to the public in like manner, except that the advance from the Commission may only be for half the purchase-money or fine.

The following scale of fees has been laid down to be paid by the landlord if he offers his estate to the Land Commission and it entertains his offer:—

	£ s. d.	£
For the expenses up to and including notice by the Commission to the landlord of their being satisfied to purchase	0 10 0	per 100
Together with the subsequent expenses, that is to say, the actual outlay by the Commission in completing the sale.		

The price to be paid for each holding by the tenant is to include the expense of purchase by him and conveyance to him, and no separate charges will be made for these transactions.

If a tenant who has undertaken to repay an advance by an annuity for thirty-five years of 5 per cent. on the amount lent by the Land Commission wishes to prepay any instalments, the Land Commission will facilitate his doing so.

If he wishes to redeem his annuity, *i.e.*, to pay off the entire loan, he can do so at any time.

Where an estate is for sale in the High Court of Justice (Land Court), and a competent number of tenants on any lot are able and willing to buy their holdings, any one tenant may apply to the Land Commission on behalf of the other tenants for forms of application for advances, and for any information required.

When a tenant wishes to purchase his holding himself in the High Court of Justice (Land Court), he may apply to the Land Commission for an advance before or after he is declared a purchaser.

In such cases the advance from the Land Commission must not exceed two-thirds of the value of the holding as assessed by the Land Commission, and in no case will the amount advanced exceed three-fourths of the price of the holding.

In assessing the value, the tenant's interest, if any, may be taken into account.

A tenant purchasing in the Land Judges' Court will have to obtain the conveyance and charging order at his own expense.

It is requested that all communications to the Land Commissioners shall be in writing, addressed to

The Secretary,
Irish Land Commission,
24 Upper Merrion Street, Dublin.

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THE SECRET POLICY OF THE LAND ACT.

COMPENSATION TO LANDLORDS

THE

COROLLARY TO THE LAND ACT.

BY

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BARRISTER-AT-LAW ;

SENIOR MODERATOR AND GOLD MEDALIST IN HISTORY, POLITICAL ECONOMY, AND LAW, UNIV. DUBL.

"There is something stronger than a nation, and that something is justice. It is our desire to be just, but to be just we must be just to ALL."

MR. GLADSTONE *on Land Bill of* 1870.—*Hansard* 199, *col.* 1857.

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J. S. Mill—The Irish Land Question.

Cant-Wall—Ireland under the Land Act.

Amory—Transfer of Erin.

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Sir Erskine May—Village Commentaries.

Do. Early History of Institutions.

Broom—Constitutional Law.

Etc., etc.

THE SECRET POLICY OF THE LAND ACT.

COMPENSATION TO LANDLORDS

THE

COROLLARY TO THE LAND ACT.

PART I.

Necessity for Compensation—Results of Land Act—Original pledges and actual facts—Loss of rent and reversion—Burden cast on a solitary interest—Purchasers in Encumbered Estates Court and Landed Estates Court—Landlords deriving through Crown grants—Reasons for Land Act discussed—"Want of alternative employments"—"Historical circumstances" necessitating Act—Analogy from Compensation to slave owners—Lord Beaconsfield on Compensation for diminution of rent—Mr. Gladstone on Compensation for loss of reversion—J. S. Mill on Compensation.

Incomplete justice of the Land Act.

THE Land Act has now been in operation seven months. The rental of Ireland is being reduced consistently 25 per cent. The demands of the tenants have been satisfied, and the results obtained by them would appear to have justified the agitation on their behalf. England has gone far for the sake of peace with Ireland. She has thrown political economy to the winds, restrained freedom of contract in land, and denied the landlord's right to do as he pleased with his own.* When the new rental of Ireland is fixed, £2,500,000 or (according to Mr. Chamberlain) £4,000,000 will have been handed over to the tenants—out of the pockets of the landlords.

* "I entertain a prejudice, adopted by Adam Smith, that a man is at liberty to do what he likes with his own, and that, having land, it is not unreasonable he should be free to let his land to a person on any terms upon which they shall mutually agree."—ROBERT LOWE. Hansard, 199, col. 1725.

By this generous act England considers that justice has been done, and hopes to hear no more of the Irish land question. Such hopes are futile. Justice to the tenants begat injustice to the landlords; the success of one agitation is the signal for inaugurating another. The landlords' case is listed for a hearing, and the conscience and the common sense of England is appealed to—not as to the rectitude or desirability of a measure* which has deprived her best friends in Ireland of a quarter of their income, and has brought ruin and misery to many a helpless home, but to declare that a large class having been seriously injured by exceptional legislation, compensation is their right. Englishmen are proverbially fond of fair play; to Englishmen, therefore, we appeal, not for sympathy, generosity, or alms, but for reparation and justice.

The present position of the landlords is, that they have been mulcted to compensate another class for injuries of which they are innocent, for wrongs they did not inflict. To remedy one evil a greater has been wrought. The money has been taken from the wrong persons. Every equitable consideration demands reparation for the loss they have sustained. They have refrained as a body from asking compensation until the full working of the Act which defrauded them should appear. There is no longer reason for delay. The time has now arrived to require compensation, and this pamphlet is designed to state clearly and succinctly the reasons for which compensation must not be deferred. A discovery, too, has been made by the author of this pamphlet which, if well sustained, materially supports their claim, and which in the interests of justice should not be kept secret, placing as it does in a new light the motives which underlie the Land Acts of 1870 and 1881.

* The most powerful argument against the principles of the Bill of 1881 is Mr. Gladstone's speech on the second reading of the Bill of 1870 (Hansard, 199, col. 1843), which should be read by all who are desirous of forming a true judgment on our case.

Mr. Froude on compensation.

The necessity for immediate action is pointed out in no vague terms by Mr. Froude in his recent letter to the *St. James' Gazette.* Almost desiring the success of the Land League, "for England would then be forced to compensate the landlords," he points out that otherwise "their certain fate from the English parliamentary Liberals will be to have their property cut from them slice by slice; and, as it will be done by instalments, compensation will at each step be evaded." Unless, therefore, Irish landlords are content to let the golden opportunity slip for ever from their grasp, to lie inactive and heedless of their rights—never, if not now, to be enforced—they must bestir themselves, proclaim their wrongs to the English people, and demand, with no faltering voice, justice and the compensation that is their only redress.

The subject-matter of compensation is twofold—1st, reduction of rent; 2nd, loss of reversion.

Practical results of Act.

To ascertain the amount of the former, we can turn to the official reports published in her Majesty's Printing Office, and entitled a "Return of Official Rents fixed by the Sub-Commissioners up to and including the 28th January, 1882." According to the summary contained in the above, the reductions for the four provinces of Ireland up to date was £8,855, according to the following total:—

Number of Acres dealt with.	Tenement Valuation.	Former Rent.	Judicial Rent.
42,802	£25,849	£37,441	£28,586

making an all-round reduction of a quarter of the rentals then adjudicated upon. Out of the 1,313 cases in which a judicial rent was fixed, there were 39 cases in which no alteration was made, and but 7 in which the rent was raised—the total increase of the former rent of these, which was in the aggregate £299 16s. 10d., being £33 2s. 6d. Granting then that the rest of Ireland will be valued on the same principle—*i.e.*, an addition of about 10 per cent. over Griffith's valuation,

the rental of Irish landlords will be diminished by one-fourth; in a large number of cases indeed, and more especially those of poor and hampered landlords, whose rents were necessarily higher than those of the wealthy, it will be found to be reduced by one-third.

Pledges when introducing Bill.

It will be recollected that the Land Act of 1881 was passed on the pledge that the rental of Ireland would be imperceptibly altered. Mr. Gladstone, when introducing the Bill, admitted that the landlords of Ireland were innocent of the charges brought against them:—"The landlords of Ireland have stood their trial, and they have, as a rule, been acquitted." It was not against them the Act was to be passed. "The Report of the Bessborough Commission, which certainly is not deficient in its popular sympathies, in its 10th paragraph declares that the greatest credit is due to the Irish landlords for not exacting all that they by law are entitled to exact. . . . Again I find in the 9th paragraph a remarkable statement, which runs as follows:—It was unusual to exact what in England would have been considered a full or fair commercial rent. Such a rent over many of the larger estates, the owners of which were resident, and took an interest in the welfare of the tenants, it has never been the custom to demand. The example has been largely followed, and is, to the present day, rather the rule than the exception in Ireland." The rents of the landlords would not receive much alteration—in some cases the rent might even be raised. "I am only assuming that this effect may be to cut down, for in some cases the effect may be to raise it." Indeed Mr. Gladstone was extremely anxious to show that the making this Bill law "need not entail injustice upon anyone," while the schemes of Mr. Parnell to reduce the landlords' rents by a substantial amount were declared to have passed the Minister's "ability to distinguish them from schemes of public plunder."* It will thus be seen that the practical effect of the Act is totally

* Hansard. Vol. 260, 904 *passim.*

different from the pledges upon the faith of which Parliament was induced to sanction the measure without providing compensation.

Compensation for loss of reversion has not been hitherto touched upon, yet reversion was a valuable right of the landlords, which has been extinguished by the Act, and for the loss of which they are as well entitled to claim compensation as for loss of rent. As the meaning of value of a reversion is not generally understood, it may be as well to explain what is meant by the term.

Compensation for loss of reversion.

If an owner in fee-simple grants to another person a lease for a term of years, or for a life or lives, he does not dispose of the whole of his interest in the estate. On the expiration of the years or the lives, the remaining interest reverts to himself, and he becomes owner in fee-simple in possession, and during the continuance of such particular estate the interest of the tenant in fee-simple (*i.e.*, the landlord), which still remains undisposed of—that is, his present estate, in virtue of which he is again to have the possession at some future time—is called his reversion.* "The relation of landlord and tenant depended formerly on the existence of two estates—one in the tenant called a lease, and the other in the landlord termed a reversion. Thus, if an owner in fee-simple leased his estate for lives renewable for ever, or for 10,000 years, he was held to retain a reversion, and to be in law a landlord." †

The landlord's reversion has practically been swept away by the Land Act, and along with it has been abolished the theory of "unearned increments," and the very notion of property. "Where the freehold now is," says Mr. Brougham Leech, "in point of law, it might be hard to say, but that practically it is in the tenant there can be no doubt whatever." The landlord has for ever lost the right to re-enter upon his land at the expiration

Value of reversion is represented by the official value of the tenancy.

* Co. Litt. 226, 142b.

† De Moleyns's Landowner's Guide, p. 14.

of a lease. He can no longer put up the land to the highest bidder—free trade is denied him. The land may, apart from the labour expended upon it by the tenant, have risen in value a hundredfold on account either of access of railway, rise of a town, a market, a factory, or any of the causes which tend to increase the value of land, yet the landlord can take no advantage of it, and the accidental increment, which political economists have agreed to be the perquisite of the landlord, the Legislature has transferred to the tenant. In fine, there are no longer landlords in Ireland. The individuals who formed that class have been converted into rent-chargers, entitled to receive a diminished income. They have no power to acquire possession of their lands from the tenants, and even if a tenant be voluntarily quitting his holding, his landlord cannot get possession without paying the tenant the sum fixed by the Sub-Commissioners as the specified value of the tenancy. Upon what principle the value is ascertained it is not easy to comprehend. Up to the present no rule or scale has been uniformly adopted for fixing the value of the tenancy, and it has varied, in different sub-commissions, from one to twenty-four years' purchase of the rent. These amounts fixed may include the value of improvements, but there is no means of ascertaining how much in each case has been allowed for improvements, as the Sub-Commissioners do not distinguish the items when fixing the amount. We append a few samples.

County	Tenant	Official rent			Value of Tenancy	Years Purchase
		£	*s.*	*d.*	£	
Kildare	Ed. O'Brien	39	15	10	40	1
Carlow	Hugh Cullen	350	0	0	1,000	3
Queen's Co.	Ed. Fennelly	27	0	0	140	5
Leitrim	Rog. Parke	20	0	0	140	7
Mayo	J. & T. Judge	4	15	0	38	9
Wexford	A. Neville	6	10	0	75	11
Roscommon	M. Shanley	7	0	0	105	17
Do.	M. & N. Neary	1	5	0	30	24

Thus it will be seen that the landlord, in order to get back possession of his own property from a tenant voluntarily giving up the same, will be obliged to pay a purchase-money, varying from one to twenty-four years' purchase. And this to tenants who may have paid nothing for the holding in the way of purchase-money, and may have spent nothing upon improvements.

Burden cast upon one interest in the land alone.

But this is not all. By the provisions of the Act the burden is cast on one interest in the land alone. The landlord has to sustain the entire loss occasioned by reduction in the rent, which must affect him, and may, but not necessarily, injure the other interests—thus, jointresses—owners of portions—owners of rent-charges—mortgagees—all these must be paid their 20s. in the £ by the landlord, while he, by the operation of the Act as before shown, is receiving only 15s. in the £ of what he was formerly entitled to get. In reason and justice it is inequitable that he should be singled out from these various interests and bear the burden alone.*

Rules of commerce cast aside along with political economy.

The ordinary rules of commerce, moreover, have been subverted by the Land Act. Not alone by them, but likewise by the rules of Equity it is the purchaser who must bear the loss entailed by a fall in the market. "The purchaser takes the accidental benefits, and bears the accidental losses."†. He enters into the contract with his eyes open, and knows the maxim—"*Caveat emptor.*" If the prices rise he gains, if they fall he is a loser. It is, indeed, urged that in the case of the Irish tenants exceptional legislation was required in consequence of the depreciation of the value of land from foreign competition and bad harvests. Admitting, for the purposes of discussion, that a fall had taken place from such or similar causes, we yet maintain that when the State concludes that it is for the public good that the rules of commerce and equity should be altered, it is absurd to

* For one of the hardest of such cases made public, see "Ireland under the Land Act." Cant-Wall, p. 260. London, 1882.

† Dart. "Vend. & Purch." Vol. I., p. 248.

contend that the loss should fall on the seller, whose position is, by analogy, held by the landlord. It cannot be too often repeated that "one class of persons ought not to be benefited at the sole expense of any other class." But if the exigencies of the case require that such a shifting of burden should take place, the landlords are not the class upon whom the load should solely fall, for they are in no way responsible for the state of facts which rendered such interference by the State necessary, and this we shall presently show.

Grounds upon which compensation is sought.

For the purpose of considering the grounds upon which compensation is claimed it must be borne in mind that in Ireland there are two classes of landlords—those who have purchased estates with a Government title in the Encumbered Estates Court and its successor, the present Landed Estates Court; and, secondly, those who derive their title under original grants from the Crown, or otherwise. The case of the former requires no argument.* They invested their purchase-money on the faith of the rental issued by the Court, showing the income of the estate and the tenancies to which it was subject—the accuracy of which was guaranteed. By the conveyance from the Court the title of the purchaser was indefeasible, but by the operation of the Land Act not alone is the present income of such purchasers reduced by one-fourth, but the yearly tenancies existing in the estate at the time of the purchase are enlarged practically into perpetuities, thus depriving the purchasers of one-fourth of the interest of their purchase-money, and largely depreciating the value of the estate for the purpose of sale, both on account of the reduction of the rental and the enlargement of the terms of the tenancies.

* "I defy anybody to produce an argument in favour of the claims (for compensation) of the purchasers under the Landed Estates Court Act, which will not end in the extension of the conclusion and the adoption of a measure of compensation all round."—MR. GLADSTONE. Hansard, 199, col. 1834.

As an example of the serious injury resulting as above, we may mention the case of a purchase made in the year 1878 in the Landed Estates Court of a valuable profit rent, arising out of lands in the Queen's County, for which the sum of £800 was paid. The sub-tenants went into the Land Court. Their rents have been reduced to such an extent that the purchaser, instead of having a profit thereout, has to pay 2s. in the acre more than he receives, thus losing not alone the £800 and the income on the faith of receiving which he paid that sum into her Majesty's Court, but has to pay a yearly fine for putting trust in a Government guarantee! *

Reward for confidence in a Government guarantee.

In the case of the second class of landlords—those who have a title derived from the Crown, or otherwise—it is frequently urged that the rents were in almost every case forced up by undue competition, and raised by them, taking advantage of the land hunger, far beyond the value of the land. To this we reply—Such cases are most exceptional; but, even supposing the charge to be true, what was the cause of the land hunger? Let the framers of the Land Bill of 1870 reply. That Act was defended by the promoters on the ground that, "*partly from historical circumstances, but chiefly from the absence of alternative employments, the*

The real causes of the land hunger—(1) "the absence of alternative employments."

* It may be asked what is "a conveyance under the Encumbered and Landed Estates Acts in Ireland. It is a Parliamentary title, and is given in a few lines. But it contains a guarantee, and what is that guarantee? That guarantee is a guarantee from the State against any other than the claims which are contained in a schedule engrossed and printed on the very deed of conveyance. . . . These claims are the claims of the tenants upon the estate. . . . It may be most wise and expedient if you do legislate in this manner that tenants under these purchases should enjoy the same privileges as other tenants; but it is quite clear that under those circumstances the new proprietor must be entitled to compensation, and you cannot move in this business without compensation. . . . You may understand that if there be a guarantee of this kind it must be fulfilled."—BENJAMIN DISRAELI. Hansard, 199, col. 1820.

Lord Beaconsfield on compensation to landlords.

poorer tenants of Ireland are not free." * The same idea having been repeated by Mr. Gladstone, as will appear, when introducing the Act of 1881, let us inquire the meaning of alternative employments. The explanation is that, there being no industries in Ireland, the entire population is dependent upon the soil. Why, then, let us ask, are there no industries? In the graphic pages of Froude (surely no partial witness) will be found the answer, and it is this—the cupidity of English merchants stifled every industry Ireland ever possessed. The trades in cattle, wool, glass, cotton, silk, and many more—each of these having risen into competition, and successful competition, with English traders, were strangled by English legislation. The real motive which led to the suppression of Irish manufactures was, in the words of Mr. Froude, "the detestable opinion that to govern Ireland conveniently Ireland must be kept weak. Stanhope, Walpole, Sunderland, and the other advisers of the English Crown, with an infatuation which now appears like insanity, determined to

* To guard ourselves against the charge of basing an argument upon an isolated quotation, we append a few others, taken from the one speech, and repeating the above grounds in almost the same words:—

"Much stronger is the case for Ireland because in substance these contracts (between landlord and tenant), though nominally free, have not been really free under the peculiar conditions of life which that country offers. Even where the law has left the Irishman free his circumstances have deprived him of freedom, and it has thus become our duty and necessity to interpose for the purpose of repressing that evil."—Hansard, 199, col. 348.

"The demand for land is in excess of the supply in a country which is almost exclusively agricultural, and does not offer to the adult Irishman that choice of professions and occupations which he can easily find in a land where mining and manufacturing industry prevails . . . is necessary therefore to prescribe the terms and conditions on which land shall be held in Ireland."—Col. 349.

"There are indeed peculiar features in the condition of Ireland that in our opinion justify and demand peculiar legislation."—Col. 366.

"The class that more especially suffered from the present unsatisfactory state of Ireland was that of the poor farmers . . . they were not allowed to act as free agents."—Col. 1393 (second reading).

keep closed the one remaining avenue by which Ireland could have recovered a gleam of prosperity." *

The decline and fall of Irish commercial prosperity.

That we may not be accused of exaggerating or setting down aught in malice, we take a brief retrospect of the facts, which bear repetition and drive our case home to the true offenders. Ireland is not to-day a contented portion of the United Kingdom, because she was for centuries treated as industrially an alien while held in political subjection. She was systematically debarred from participating in the industrial growth and progress of the rest of the British Islands, and to-day the results of that treatment are used to injure and depress a loyal class. What is the story of her economic wrongs? By an Act of the English Parliament, passed in the reign of Henry VIII., 1543, the importation of Irish wool into England was forbidden. Until the reign of Elizabeth the Irish had a flourishing trade with England in cattle.† By an Act passed in the twentieth year of her reign the importation of Irish cattle was prohibited. Why? Because English rents might be lowered by the competition of Irish stock. We next killed our cattle and sent over the flesh. Then followed another Act prohibiting importation of meat, dead or alive. Sheep were now tried, and wool was exported to England. Wentworth immediately set himself to discourage this as prejudicial to English interests, and wool was prohibited. "So far," says Lord Dufferin, "was this English jealously carried that when the Lord Lieutenant, by an appeal on behalf of the sufferers by the great fire of London, secured a large contribution of Irish beeves from a people who had nothing else to give, an outcry was raised against the gift as a 'political contrivance to defeat the prohibition of Irish cattle.'" In about the year 1667 the manufacture of glass, for which Ireland possesses unusual facilities, having begun, an

* English in Ireland. Vol. I., pp. 399–400 *passim*.

† "It is not easy, no, not upon the Continent, to find such confluence of commodities," &c.—Sir John Davies. Hibernica. Pp. 131-138.

English Act was passed to forbid its export from Ireland.

Under the Duke of Ormond, however, Ireland obtained a large measure of prosperity. The following account shows what Ireland might now be but for the past British misrule:—"Lands were everywhere improved; rents were doubled; the kingdom abounded with money; trade flourished to the envy of our neighbours; cities increased exceedingly; many places of the kingdom equalled the improvements of England; the king's revenue increased proportionally to the advance of the kingdom, which was well established in wealth and plenty; manufacturers were all on foot in divers parts; the meanest inhabitants were enriched; and this kingdom is then represented to be the most improved and improving place in Europe."* Among the manufactures was that of woollen stuffs, for, since the English would not permit the importation of raw wool, the Irish had made it into clothing at home, and sent it to England. The English manufacturers cried out against the iniquity of Irish competition, so Irish woollen fabrics were at once excluded from the home markets.

The country, notwithstanding, recuperated her strength from the effects of the rebellion of 1688, and progressed rapidly. Exports increased, and the balance of trade was in her favour. Serges, baize, and other woollen stuffs were sent to Holland, Flanders, Spain, Portugal, and the Continent generally. The English traders and landowners once more complained, and in 1698† the English House of Lords thus addressed the King:—"The growing manufacture of cloth in Ireland, both by the cheapness and goodness of material of cloth, doth

* "The Commercial Restrictions of Ireland Considered." Dublin, 1779.

† The results which followed from this legislation are accurately foretold in an able pamphlet, written at the period, and entitled "A Discourse on the Woollen Manufactures of Ireland and the Consequences of Prohibiting its Exportation."—Dublin, 1698.

invite your subjects of England to settle there, to the increase of the woollen manufacture of Ireland, to the prejudice of the said manufacture here;" would his Majesty therefore be pleased "to declare to all your subjects of Ireland that the growth and increase of the woollen manufacture there hath long been and ever will be looked upon with great jealousy by all your subjects of this kingdom, and if not timely remedied may occasion very strict laws totally to prohibit and suppress the same." To this the King replied, that he would "do all that in me lies to discourage the woollen manufacture in Ireland." It is needless to say that the Continental market was closed, and the woollen manufacture crushed. "At the passage of this fatal Act," says Dean Swift, "the condition of our trade was glorious and flourishing, though in no way interfering with England. We made no broadcloths above 6s. a yard." The products of the looms were "coarse druggets, baize and shalloons, worsted damasks, strong draught works, slight half works, and gaudy stuffs." Three-quarters of Dublin, he proceeds, were occupied by manufacturers, several of whom "had taken children of the native Irish apprentices to them, who, being humbled by the forfeiture of over £3,000,000 by the revolution, were obliged to stoop to a mechanical industry. Upon the passage of this Bill we were obliged to dismiss thousands of those people from our service." Many of these went to France, Spain, and the Netherlands, met with encouragement there, and enriched the markets of those countries. "Twenty thousand manufacturers left the island, so that the most valuable element of the Irish population were driven from their homes by a crime equal in folly but less respectable in motive than the Revocation of the Edict of Nantes four years before."*

Lord Dufferin continues the tale, "We next made a dash at the silk business, but the silk manufacturers

* "Economic Wrongs of Ireland."—R. E. THOMPSON, Penn. Monthly. 1874.

proved as pitiless as the wool staplers. The cotton manufacturer, the sugar refiner, the soap and candle maker, and any other trade or interest that thought it worth while to petition was received by Parliament with the same cordiality, until the most searching scrutiny failed to detect a single vent through which the industry could respire." A sympathetic writer in the *Contemporary Review* for February, 1880, at page 307, thus concluded the story of oppression:—"To crush her industries beyond all hope of competition with English merchants, all the Mediterranean ports were closed against her, and she was at length shut out from commerce with the whole world, old and new, including even our own colonies. To such a pitch did this cruel policy—and not more cruel than stupid—reach, that even the spontaneous products of the ocean which washed his shores could not be enjoyed by the Irishman without the jealous interference of English interests; and the fishermen of Waterford and Wexford were thought presumptuous for pursuing their calling along their own coasts, because, forsooth! the fish markets of England might thereby be injured. . . . The sins of nations, as of individuals, are sure to find them out, and we have no just cause of complaint if events should prove that our sins against Ireland are not yet expiated in full. We robbed the Irish of their land, and they betook themselves to other industries for their livelihood. Of these we robbed them also, and drove them back upon the land exclusively for their support. Yet we wonder there is now a Land Question in Ireland!"* Yes! Ireland was once a commercial nation; its manufactures rivalled those of England; its exports were considerable. England destroyed the manufactures with the solitary exception of the linen trade, which remains to show what the whole of Ireland would now have been had she been treated as was the province of Ulster. England

* Some forgotten aspects of the Irish Question. Contemp. Review Feb. 1880.

stopped her exports. England crushed Ireland's commercial enterprise out of existence, and having forbidden landlords to trade and improve their single talent, she now takes from them even the talent that they have.

Disclaimer of party purposes.

We have not recounted these facts (often told before, though little known and less appreciated across the water) for the purpose of fault-finding, or in order to rouse feelings of indignation for past wrongs, but solely to show that the effect has been to impoverish and enervate Ireland, while, at the same time, enriching the trade of England, to the profit, still enjoyed, of the English ratepayer; therefore, as a matter of justice, the persons who are benefiting by the past injustice, which has rendered exceptional legislation necessary, should compensate the class suffering from such legislation.

Who, then, are answerable for the suppression of Irish industries? Not the landlords. Who have caused the land hunger? Not the landlords. The criminals are the English people, and they, not the landlords, should defray the cost of tardy restitution to the tenants.

Causes of land hunger—(2) "historical circumstances."

But in addition to the "want of alternative employment" from which the tenants of Ireland suffered, there were "historical circumstances" necessitating a change in the land laws. The words are pleasantly vague, and were so intended. To disclose the whole truth underlying so simple a phrase would not have been convenient for those who reasoned from it. The facts are simple and convincing, but in a direction not agreeable to those who at that time alone knew them. We shall endeavour to explain them, and draw a conclusion.

Querulous complaints are frequently heard from Englishmen of the inordinate and extravagant love for his country found in the breast of every Irishman. This clinging to his native land, this passionate longing to possess its soil—whence comes it? It is the root of the "Irish Question," and but a slight acquaintance with our unhappy history will furnish the reply. The memory of the Irish peasant is clear. He has never

forgotten, and never will forget, that the present owners have acquired a title by conquest, by confiscation, and that the soil by right belongs to him.

The tale of wrong has been too often told to need repetition here; for our purpose it suffices to remind the English people that Ireland was not merely conquered, but the whole of the country was confiscated over and over again, and the old proprietors expelled to give place to English adventurers. Thus, according to the favourable estimate of Sir Wm. Petty, 1672, "out of the whole 7,500,000 acres of good land, the English and Protestants, and the Church, have 5,140,000, and the Irish have nearly half as much, viz., 2,280,000." A few years after this came the Revolution of 1688, at the end of which 1,060,792 acres, mostly belonging to the Irish, were forfeited, and sold to defray the expense of reducing the rebels.* The gist of the forfeitures can best be seen from the following extract, taken from a speech by Lord Clare, Lord High Chancellor of Ireland, made by him in the Irish House of Lords, Feb. 10, 1800:—"It is," he says, "a subject of curious and important speculation to look back to the forfeitures of Ireland, incurred in the last century. The superficial contents of the island are calculated at eleven millions and forty-two thousand six hundred and eighty-two acres. Let us now examine the state of forfeitures:

	Acres.
Confiscated in the reign of James I., the whole of the Province of Ulster, containing	2,836,837
Let out by the Court of Claims at the Restoration, ...	7,800,000
Forfeitures of 1688, . . .	1,060,792
Total,	11,697,629

So that the whole of your island has been confiscated, with the exception of the estates of five or six old families

* Memoirs of Thomas Drummond. M'Lennon, p. 218.

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

Such were the "historical circumstances" which roused Mr. Gladstone's sympathy on behalf of the Irish tenantry —the only persons to whom he could make reparation for the past—the descendants of the original proprietors having been swallowed up in the general ruin, their names blotted out—their existence unknown.

Land Acts of 1870 and 1881 defended on the same grounds.

That the motives which prompted the Land Act of 1870 also actuated Mr. Gladstone in framing that of 1881 appears from a perusal of his speeches on that measure. The idea of ownership is, he said, "rooted in the history of Ireland, and in the ideas of the Irish people."† In introducing the measure he claimed to be actuated by a desire for justice, and justice alone. "Justice, sir, is to be our guide, and as it has been said that love is stronger than death, even so is justice stronger than popular excitement, stronger than the passions of the moment, stronger even than the grudges, the resentments, and the sad traditions of the past. Walking in that path we cannot err; guided by that light—that divine light—we are safe." Frequent allusions were made to the justice of restoring to

Policy of restitution.

* Irish Parliamentary Debates, 1800. Vol. 20, pp. 20-1-2.

† "In Ireland—where the old Irish ideas and customs were never supplanted except by the rude hand of violence, and by laws written in the statute book, but never entering into the heart of the Irish people—the people have not generally embraced the idea of the occupation of land by contract, and the old Irish notion, that some interest in the soil adheres to the tenant even though his contract has expired, is everywhere rooted in the popular mind," and is declared to be "a good cause for special legislation."—Hansard, 199, col. 340.

the Irish peasantry some modicum of the rights of which they had been deprived by the wholesale confiscations already referred to. "We feel," said Mr. Gladstone, "the great necessity there is of a serious effort on the part of Parliament to enlarge the circle of proprietors of land in Ireland, and to insist upon a more considerable portion of the community being in that body which possesses the traditions associated and connected with the ownership of land."* We endorse this opinion, and admit the justice and propriety of restitution to the tenants for the wrongs of the past, but this policy of restitution has been carried out at the expense of private individuals, who have thereby suffered unjust pecuniary losses, have been robbed to pay the debts of others, and come to the bar of public opinion asking for a gleam of that divine light of justice which has been shed so liberally upon the tenants, and which, to be perfect justice, "must be justice to all."

Compensation the policy of Liberal Governments in the past.

The complaint has, however, been made that the landlords want to recoup themselves at the cost of the British taxpayer. It is true. The landlords have been defrauded by the action of the taxpayers' representatives, and claim compensation and redress from the wrongdoers. It has ever been regarded as the policy of the State that no man shall be deprived of any right by the Legislature without compensation being awarded him, nor does the State consider the cost. Justice must be done at all hazards. In 1833 public opinion demanded the abolition of slavery; Parliament therefore suppressed it. One of the great difficulties of that question was the consideration of what was due to the existing owners of negroes for the risk and loss to which the planters were exposed. At that time, too, every addition to the public burdens affected the minds of the people unfavourably. Yet the Earl of Ripon in introducing the measure declared emphatically that, "although Parliament possessed the power of altering

* Hansard. Vol. 260, col. 918.

the relation between master and slave, it could not do so without giving to the former a just and adequate compensation." Every word that follows is pregnant with applicability to our case. Lord Ripon proceeds, "The people of this country had over and over again expressed their extreme anxiety for the extinction of slavery, and he could not believe they would have done so without being prepared to take their share of the burdens which the proposed remedy of the evil might naturally be expected to produce; therefore he thought it by no means unreasonable to call upon Parliament to place at his majesties disposal a large sum of money in order to effect the extinction of slavery. He knew there were persons who . . . thought it about as great a crime to give compensation to the slave owner as to permit the existence of slavery; but the State (which never died, seeing it always survived in its acts and their consequences) had given its sanction to that species of property, and if the property thus created were taken away, reason, justice, and common sense demanded that the State should give compensation to the owners."*

Compensation the policy of Conservative opposition in the past.

The same great constitutional principle was acknowledged by the Duke of Wellington, who, although opposing the bill, declared that "of course he admitted that where there was loss occasioned by the measures of Parliament there ought to be compensation."† Can there be a stronger argument than this unanimity of opinion between the leaders of the Government and the Opposition as to the absolute necessity and indisputable justice of compensation. But the present landlords' case is not even parallel. It is infinitely better. Slavery was not alone odious—it was immoral and criminal, and its barbarous cruelties had outraged popular feeling. Yet, because the State had recognised the legal relation of master and slave, and had sanctioned that species of property, compensation was given. Now, as already noted,

* Hansard, 1833. Vol. 18, cols. 1163-1187.

† Hansard, 1833. Vol. 18, cols. 1163-1187.

the sponsor for the Land Acts declared that the landlords were acquitted of any injustice towards their tenants. The relation of landlord and tenant was not immoral. It had for centuries been recognised by, nay, it was the creation of, the Legislature. *A fortiori* therefore the landlords deserved compensation, loss having been occasioned them by the measures of Parliament. The amount granted for compensation to the slave owners was £20,000,000. "Would any one say," asked Lord Ripon, "that the grant was not equally noble and necessary?"* And it has been calculated that the same amount would suffice to pay off the claims of the Irish landlords for loss of rent.† There are not sufficient data on which to base an estimate of the total loss occasioned by the abolition of reversion, but there would be but little practical difficulty in calculating each individual case.

One word more and we leave the first part of our argument. It may be, perhaps, remembered that Mr, Butt took an interest in the tenant-farmers of Ireland, his views culminating in his Land Bill of 1874, which, if considered along with that of 1881, would be deemed mild in character. Fixity of tenure was the *summum bonum* of his desires, but public opinion was backward in those days, and fixity of tenure was declared to be revolutionary. Mr. Butt's modest requirements were not granted. Had they been, the Land League would in all likelihood never have spewd over Ireland "out of her filthy maw a floud of poyson horrible and blacke," nor our country have become through her murders a shame to her own children.‡ Mr. Gladstone refused

* Hansard, 1833. Vol. 18, cols. 1163–1187.

† For the full discussion of this question, see Prof. Brougham Leech's article on Compensation in Contemporary Review, March, 1882.

‡ "The Land Bill of Isaac Butt in 1874 and 1875 was not so good a Land Bill as the measure of the present Prime Minister, but, if carried then, it would have practically settled the land question."—F. H. O'Donnell, M.P. Letter to *Times*, April 12th, 1882.

Mr. Butt's measures, and for this reason—that, if fixity of tenure were granted the Irish tenants, compensation should have to be given to the landlords, not for loss of rent, for Mr. Butt did not purpose to lower rents, but for loss of reversion and loss of his chances of increased rents flowing from unearned increment. Mr. Gladstone has given tenants perpetuity. Why has he not made part of his scheme the payment of that which he declared to be justly due to landlords? In order to refuse the landlords' claim for compensation he must be prepared to withdraw his deliberate dictum of 1870—to explain it away is impossible. We produce the passage at length, and await his reply:—

Mr. Gladstone in favour of Landlord compensation.

"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.* . . . 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.*"*

Just so; all and more than all that was then proposed has now been done. Rents have been lowered, fixity of tenure is granted; and the rents not having been "augmented at the moment," there remains but our

* Hansard. Vol. 199, cols. 350–1.

old friend, the Consolidated Fund, by which compensation must be paid. The people of England and Scotland have benefited by the injustice which produced the Land Act. They certainly cannot have a word to say why the compensation should not be paid by them.

We do not, of course, think that anything dishonourable, anything that intends an injury to another, was projected by the framers of the Bill of 1881. The honour of Mr. Gladstone is above suspicion, and his judgment goes in favour of compensation. We are confident that it only needs to prove to him that wrong has been done, and that it is in his power to redress it, in order to enlist his all-powerful assistance and sympathies in the work. We have proved from official sources that wrong has been done. We have proved from official sources whence the remedy must come, and we propose that each case should be measured on its own merits, and believe that practical difficulties do not exist. We disclaim any intention to demand indiscriminate compensation. There are cases, no doubt, few in number, in which rents have been unfairly raised, and hardship, great hardship, practised upon the tenants. In such cases, so far from the landlord being compensated, he should pay back to the tenant his extortions as surely as justice demands the compensation of all fair landlords who have been acquitted, and who, as Mr. Gladstone justly urges, being now "virtually expropriated," must in some form or other be compensated "for the loss of their chances in the future," as well as for diminution of rent. The principles of justice are eternal; and that which Mr. Gladstone declared to be equitable in 1870, he must admit to be so now. The logic is inevitable, inexorable. He cannot withdraw his words. "Injury to another" has resulted from his Act. The landlords have been "deprived of their rights." On the authority of Mr. Gladstone himself, and in his own words, we, therefore,

fearlessly declare that "compensation will have to be paid to the landlords."*

We have fully explained what were the "historic circumstances" which urged Mr. Gladstone to make restitution in part to the plundered Irish peasants. Mr. Parnell relies on the same historic circumstances as a reason for getting rid of the landlords altogether. The whole of Ireland, he argues, was pillaged from the proprietors—the native Irish—now represented by the tenants; to them belongs the land. Give it to them. Pay off the landlords if you like, but we'll never rest until we have our own again. The argument is logically good, and perhaps it were better for all, certainly it would be so for the landlords, were his demands in this acceded to. The landlord has no longer any interest in the soil. Sympathy between him and his tenants is henceforward impossible. He would, doubtless, welcome the measure which should pay him off, and enable him to leave a land in which the hopes, the confidences, and attachments of the past have been exchanged for mistrust, alienation, and hatred in the future; a land from which liberty, independence, peace, and social happiness appear to have fled for ever. A rent-charger without duties, interests, or sympathies; an income collector; a creature of the law, which has placed him at arm's length from the tenant; he has become a stranger in

* To convince those who are wont to imagine that the principles of political economy are opposed to the natural justice of the case, we quote two extracts from the works of the greatest political economist of the age, whose sympathies were with the tenants, and whose principles were those of an uncompromising Liberal :—

"The sacredness of property is not violated by taking away property for the public good *if full compensation is given.*"—J. S. MILL, Irish Land Question, p. 119.

"Rights of property, *subject to just compensation,* must give way to the public interest."—J. S. MILL, Irish Land Question, p. 124 and *passim.*

the land of his birth, an alien among his neighbours, and an outcast of the people.*

* "Is it for the public good that the landlords of Ireland, in a body, should be reduced 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 it 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 more generally a position marked by residence, by personal familiarity, and by sympathy with the people among whom they live."—Mr. GLADSTONE on Land Bill of 1870. Hansard 199, cols. 351-2.

PART II.

Secret motives underlying Land Act—Disclosures of State Papers —Fraud in acquisition of Crown's title—Illegal Confiscations—Constitutional Law—Land Act a retrogression towards Brehon Law—Real meaning of legislation a restitution to Tenants of rights fradulently swept away—Restitution at expense of Landlords—Landlords guiltless—Crown of England guilty—Crown should Compensate Landlords.

THE object of the position taken up in the following pages is not that the facts herein proved of themselves entitle landlords to demand compensation. The value of our evidence might not be so important at another time, or in any other connexion than the present, but as a confirmation of the case presented on behalf of the landlords for loss of rent and reversion under the Land Act, the startling disclosures now made public should not be lost sight of, and will, we contend, strengthen the claims of the landlords in the opinion of unprejudiced persons. A clue is hereby provided to the secret motives, already hinted at, which underlie the Land Acts—motives, we willingly admit, of justice, culminating in compensation to the tenants, but based upon reasons which apply equally to a claim for compensating landlords. We would not now disturb the repose of years, but that justice on behalf of the landlords demands that the whole truth should be disclosed.

Further reason for compensation in the secret motives which prompted the Land Acts.

Mr. Parnell, as we have remarked, bases his claim—the land for the people—on confiscation—the rape of Ireland. He has not, no one yet has, ventured to rely upon fraud in the title of the Crown. That the confiscations were fraudulent, that the dealings of the Crown with the landlords of Ireland have been ever since tainted with fraud, was suspected by few of the public, known to none. In this pamphlet, for the first time, is

Title of Crown of England to soil of Ireland fraudulent and void.

demonstrated beyond possibility of doubt, on documentary evidence coming from the custody of the Crown and absolutely unimpeachable, that the inception and methods by which the land of Ireland was acquired by the Crown of England formed one tissue of fraud—fraud upon the original proprietors — fraud on the planted proprietors and their descendants ever since—with the result that the title of the Crown of England to the land of Ireland was void *ab initio*. That we may not appear to be rashly overstating our case or drawing a wrong inference as to the effect of fraud, we shall first from a legal point of view consider it and the extent to which it vitiates a title to land.

Law as to fraud. Equity.

According to a received authority,* where a party either intentionally or by design misrepresents a material fact in order to mislead another, or where statements false in fact are made by persons who do not know them to be true or false, if in the true discharge of their duty they ought to have known—in every such case there is a positive fraud in the truest sense of the terms. In the next place what is the effect of fraud? According to the statute, fraud absolutely vitiates a title to land, and has no remedy, nor can any length of time condone it:—"In every case of a concealed fraud the right of any person to bring a suit in equity for the recovery of any land of which he or any person through whom he claims may have been deprived by such fraud, shall be deemed to have first accrued at and not before the time at which such fraud shall or with reasonable diligence might have been first known or discovered."† It has been held that a gross fraud and concealment of facts entitle parties to relief even when the fraud has been within the knowledge of the party seeking relief so long as 20 years.‡ So, too, though Courts of Equity will interfere in order to prevent these mischiefs which

Statute of Limitations.

* Story. Eq. Jurisp., 192.
† 3 & 4 Wm. IV., c. 27, s. 26.
‡ Cas. Temp. Talbot, 63.

would probably result from persons being allowed at any distance of time to disturb the possessions of another, or to bring forward stale demands, yet it will not in any manner encourage or protect the absence of confidence, and therefore *no length of time* will bar a fraud.* A contract obtained by fraud on the part of an agent of one party against a principal of the other is entitled to be rescinded.† Fraud cannot be condoned unless there is full knowledge of the facts and of the rights arising out of the facts.‡ It is clear, then, that no length of time can cure fraud in the acquisition of a title to land, while no Act of Parliament can give absolution for it. Acts of Parliament are not finalities; they cannot alter the nature of a transaction once committed, nor prevent the introduction of a new Act to redress the fraud. All legislation from Elizabeth's accession might be repealed if a proper case for it were shown. The ordinary rules in courts of equity in cases of fraud in the acquisition of title to land are the necessary rules of morals, and international and constitutional law in the case in question are the same as morals alone require, neither more nor less;§ that the Crown is a party to the fraud in no degree alters the case. Nor must the argument be confused with conquest. Conquest is the universal foundation of all title everywhere, and if mere conquest or confiscation were our premises our conclusion would be fallacious. Crime itself must be distinguished from fraud, inasmuch as the former affects the person of the criminal, while fraud taints the title to the land for ever.

Constitutional law.

We proceed, as we are now for the first time enabled, by the publication of State Papers, the Carew Calendar, and other MSS., to demonstrate that the title of the Crown of England to the land of Ireland is fraudulent,

* Shelford. Real Property, 210.

† 10 L. R. Ch. 515.

‡ Moxon *v.* Payne, and L. R. Ch. 881.

§ Broom. Constitutional Law. Creasy. First Platform of International Law. Chap. I.

and therefore void; but that we may not obscure our argument with quotations and authorities, we reserve these for the Appendix to this pamphlet, in which will be found chapter and page for every statement here made. By consulting these references, the truth and accuracy of our facts, and the legality of the deductions drawn from them, will appear patent—nay, we unhesitatingly affirm that the more the authorities are examined the stronger will be found our case.

Resumé of Crown's frauds.

The history of the English in Ireland is tolerably well known. We therefore confine ourselves to such matters as are essential to our purpose.

Fraudulent, if not false, title from Pope.

First came Henry II. and his pirate's title, coloured by an alleged Pope's grant, followed by 400 years of distracted wars between Normans and Milesians, ending in the amalgamation of the races and their united opposition to the English of the Pale, which in 1515 consisted of about half the counties of Louth, Meath, Dublin, Kildare, and Wexford. The rest of Ireland was subject to the native Brehon Law.

False title from Parliament of Pale.

On the 19th of June, 1541, Henry VIII. was declared King of Ireland by an English Parliament of the Pale sitting in Dublin, and having no authority over the rest of the Island.

Fraudulent confiscations.

Then followed illegal confiscations, in which the laws of both England and Ireland were disregarded, down to Desmond's forfeiture in 1585. "The Plantations attempted by the English Government in Ireland were effected under peculiar circumstances, which should not be left out of consideration in estimating their morality and policy . . . . A distinction must be drawn between the conquest and occupation of a district by an enemy in open war and the confiscation and plantation of part of a country by the Government of the country itself . . . . Confiscation must be based upon legal conviction for a crime, should not be extended beyond the property of the guilty, and should not be attempted if the evils to the whole population flowing from it are not compensated

by the beneficial results of the enforcement of justice and the increase of national prosperity."*

Next came a swindle, organised by Sir Henry Sidney and Sir John Perrot, in 1585, for the purpose of acquiring Connaught, and subsequently called the "composition deeds." Frauds on the chiefs of Connaught.

After this we stumble on the forging of a new Common Law, confiscating the Tribal estates, Sir John Davies having provided a "good Chancellor," and "fit" judges from England for that purpose; followed by the confiscation of the chiefs' estates, and the wholesale poisoning of the Tyrone and Tyrconnell families, to which James I. was an accessory before the fact. Frauds on the tribes.

Lastly came Strafford's effort to take advantage of Perrot's fraud, and a general application of the precedent created by the publication of Sir John Davies' Reports, resulting in the first effort of the Irish to repay treachery by treason in the conspiracy that broke out in 1641, and has ever since continued, constituting in one form or another the "Irish Difficulty."

By all these frauds the Crown possessed itself of almost the entire soil of Ireland, and having, with, it is said on authority, but three exceptions, expelled from their lands the native proprietors, conferred them upon English and Scotch adventurers styled "undertakers," warranted their title, and received valuable consideration from them in the shape of quit and crown rents, fines, &c.

But the title of the Crown was manifestly bad in all respects. It could not give a better title than it had itself, and therefore committed a fraud upon the undertakers in concealing from them the defect in its own title. The Crown withheld notice of the defect so effectually that no historian ever got hold of it. Hallam, Lecky, and Froude make mention of confiscations indeed, but have not perceived the frauds, while at the present moment landlords and tenants are alike ignorant of it.

* Richey. Lectures on Irish History. 2nd Series.

Principal of fraud applicable to Crown.

But according to the principles of constitutional law, the first of the three classes of cases in which a grant from the Crown has been held to be avoided by reason of misdescription or mistake, is where the Crown has by grant professed to give a greater estate than itself possesses in the subject matter of the grant. "If the king has been deceived by any false suggestion as to what he grants, if he appears to have been ignorant or misinformed as to his interest in the subject matter of the grant,"* or if the grant, reasonably construed, would be injurious to the vested interests of other subjects, or would work a wrong, in these and such like cases "the grant will be either wholly void or restrained according to circumstances."†

Those who hold by *grant* hold with *warranty* of the title. Cruise's Dig., II., 734-5.

The merest lessee is a purchaser for value from his lessor.

The Crown has not any privilege that exempts it from being treated precisely as a private individual: *Berron* v. *Denman*, 2 Exch., R. 188.

If the Crown had merely made a mistake in the matter it would still be a legal fraud, because it was bound to know that it possessed rightfully that of which it professed to dispose, and compensation would be due to the purchaser: *Hart* v. *Swayne*, Law Reporter, 7 Chan. Div. 42; *Jones* v. *Clifford*, L. R., 3 Chan. Div. 779; *Schofield* v. *Templer*, Johns. Eng. Chan. 166; 4 Seld. 331; 17 Com. Bench, N. S. 721.

It is a fraud to conceal a fraud—this is universally admitted.

Land Act a restitution to tenants as the representatives of the tribes.

The landlords who hold from the Crown have no better title than the Crown has, but they are and have been innocent purchasers for valuable consideration, and, without notice of any fraud existing in the title,

* Per Coleridge, J., Reg. *v.* Eastern Archipelago Co., 1 E. & B., 337, 338.

† Broom's Constitutional Law, p. 237.

could not be disturbed by the heirs of the rightful proprietors, were such forthcoming. The Crown, not they, is responsible for the frauds perpetrated, and should give restitution. This is exactly what has been done *to one class* by the first Minister of the Crown by the Land Act. The Prime Minister, actuated by a desire for justice and a feeling of sympathy on behalf of the Irish peasantry, who had been so cruelly wronged in the past, has avowedly, with the very best intentions, endeavoured to compensate Ireland for the frauds and iniquities of centuries of English misrule. This one idea is to be found, as already referred to, in all his speeches on the two Land Bills. We have drawn attention to the motives underlying the Acts, as expressed in the phrases "historical circumstances" of Ireland, and the reference to the "idea of ownership rooted in the minds of the people, and the history of the country." Mr. Gladstone must have been acquainted with the facts of fraud, for it is improbable but that the editors of the State Papers drew the attention of the Government to the disclosures contained in them. Indeed such a compromising document as Wotton's letter to James I. (State Papers, 1608, p. 657), the original of which, as stated, is not in the Record Office, could scarcely have been introduced without special permission; while, if further proof were needed that Mr. Gladstone devised the Land Act after having possessed himself of the facts on which we rely, it will be found in Vol. 260 of Hansard, col. 901, where the Prime Minister quotes, as an authority on the Land Question, the work of an author whose telling views we have cited in confirmation of our case, and who refers to the State Papers as his authorities.

Land Acts contain principles of Brehon Law.

It is interesting to observe with what ingenuity Mr. Gladstone has actually—differentiating, of course, the altered conditions of the times—restored to Ireland the principles of the old Brehon Laws in regard to land, which, from the peculiar circumstances of the country,

he believes to be alone applicable to it.* We select a few of the provisions, from which it will be seen that, merely substituting the words "landlord" and "tenant" for those of "chief" and "clan," the analogy is very complete:—

Brehon Law.	Land Acts, 1870 and 1881.
I. By the Brehon Law every member of a clan was as truly a proprietor of the tribe land as the chief himself.	I. By the renewable statutory terms the tenant is as truly a proprietor as the landlord:* ss. 4, 8, 20.
II. He could sell his share or the interest in it to any other member of the tribe.	II. He can sell his tenancy or the interest in it to any other person; but
III. He could not, however, sell without the consent of the chief.	III. He cannot sell without consent of landlord—*i.e.*, the landlord may object to purchaser on reasonable grounds: s. 1.
IV. If he withdrew of his own free will from the land he was obliged to leave all his improvements behind, but if ejected, he was entitled to get their full value.	IV. "If the tenant is disturbed by the act of the landlord he shall be entitled to compensation:" 1870, s. 3.
V. The tenant had, however, to pay an annual tribute and render certain services.	V. The tenant has to pay an annual rent, portion of grand jury cess, &c.: 1870, s. 63.
VI. The non-payment of his pecuniary aids did not render him liable to ejectment; and	VI. The landlord may execute a writ of ejectment against the tenant for non-payment of rent, but the tenant can even then sell his tenancy:* s. 13.
VII. Even the bothachs, or cottiers, and the sencleithe, "followers," who were not free, were irremovable from the estate of the lord.	VII. Cottiers and labourers have obtained security of tenure: while
VIII. To the chief was allotted in the vicinity of his residence a specific portion of the tribal territory for the maintenance of his household.†	VIII. Provision is made for the resumption of possession by the landlord of a holding when he desires it for the *bonâ fide* purpose of occupying same as a residence for himself or members of his family or as a home farm in connexion with his residence.

* "The old Irish notion that some interest in the soil adheres to the tenant, even though his contract has expired, is everywhere rooted in the popular mind."—Mr. Gladstone. Hansard, 199, col. 340.

"The old law of the country, corresponding, I believe, with the general law of Europe, recognises the tenant-right, and therefore recognises, if you choose to call it, joint proprietorship."—Mr. Gladstone. Hansard, 260, col. 902.

"It is not necessary at present to investigate the history of the Ulster Custom, whether it represents the ancient Irish ideas derived from the period of tribal possession."—Mr. Gladstone. Hansard, 199, col. 366.

† Senchus Mor., p. 15.
Sigerson. Land Tenures of Ireland, Chap. I.
Sir Henry Maine. Early Hist. of Institutions. P. 129, *passim.*
" Village Communities. P. 187.

This remarkable coincidence has never before been noticed, yet a more complete parallel could not well be drawn, considering the difficulties to be overcome. Mr. Gladstone has indeed made a wonderful attempt to restore to the Irish peasantry their ancient rights and privileges in the soil, the methods pursued in the deprivation of which he had learnt through the State Papers.* In fact, on no other grounds can the Act be justified than that these and similar disclosures having come to light, a rough and ready restitution was made by which, at the landlords' expense, was shielded the Crown and country that did the wrong, while a substantial benefit was conferred on the class that was popularly supposed to have suffered the wrong; and here we take the opportunity of stating, what is almost superfluous, that nothing disparaging to the Lady who wears the Crown is intended. It is necessary for us to deal with an institution possessed of continuing responsiblity from 1541 to the present time, and we cannot abandon the use of the phrase "Crown"—it is unfortunate if the exposure that has become necessary brands it as a mark of infamy rather than honour, but this need not be unless the policy, now for the first time inaugurated, of expropriating loyal subjects, holding under the Crown's own title, without compensation, be persevered in. To us it seems that our case is one that really cannot be refused unless the English nation is prepared to cast overboard not the Crown and its honour only, but every particle of regard for the first and most obvious principles of natural justice.

We have now, we believe, satisfactorily proved that the demand for compensation on behalf of the landlords, if considered by an honest and intelligent public, is un-

* The idea that the Land Act proceeded from a policy of restitution seems to have occurred to a writer in the *Quarterly Review* for January last. But the language is vague, and appears to be founded upon a mistaken notion that "the landlords came into possession of their estates by questionable means," which is wholly incorrect.—The Liberal Work of Two Years, p. 293.

answerable. Not to weary by needless repetition, it may be well to sum up the arguments by the following recapitulation of the facts here sustained. We have shown that the Land Bill of 1881 was, in the words of its framer, of a most "exceptional character:" that in its practical operation it is inflicting hardships on the landlords of Ireland which its promoters never contemplated: that the landlords, who are the only persons suffering from the exceptional legislation, are in no way responsible for the circumstances which brought about its necessity: that, from the historical review of the facts, it is manifest that the persons who have hitherto derived the pecuniary advantages from the causes that led to this legislation are the English taxpayers: that the principle of the legislation has been to compensate for past injustice: that the landlord class has had to supply the funds for defraying the compensation: that the landlords are the grantees and guarantees of the English Crown: that the Crown and the English people have defrauded them as well as the tenants—and that therefore the English Crown and people are now bound in justice, in equity, in morals, and in common sense to compensate them for diminution of rent and loss of reversion. A great effort has been made to wipe away the memory of the past wrongs and do justice to Ireland, but unless this supplement be added to their remedial legislation, a new wrong will have been added to the long list of Irish grievances, and a stain will still be found upon the honour and the fair name of England.

CONCLUSION.

I.

AS REGARDS THE NATIVE PROPRIETORS.

THE acquisition of the title of the Crown of England to the soil of Ireland has been attended by frauds perpetrated on the native proprietors. These frauds are not isolated and exceptional instances of fraud and chicane, they have been of various kinds, and perpetrated by various officials; but they have been the rule in all the Crown's dealings, and not the exception; they were uniform and consistent parts of a system of fraud that prevailed for centuries; they all had one object, were all perpetrated in the interest and in the name of the Crown, they were deliberate and persistent, one continuous chain never broken for a moment, and in one form or another they have spread over the entire surface of Ireland so as to affect the title of the Crown from its very inception down to the present time.—(See Appendix.)

It is the especial nature of *fraud*, as distinguished from violence, conquest, or crime, to cling for ever to and to vitiate the title to land acquired by its means. A title thus bad in its inception is essentially bad and bad altogether and for ever. No length of time, no royal privilege, no statute can in the nature of things undo that which has once been done. If it be intended to cure the title, this can only be by correcting the fault—the steps by which the acquisition was first made must be retraced entirely, and—1st. A full disclosure of the fraud must be made in order that the

rightful owner may act intelligently in the matter; 2nd. Complete restitution, to the reasonable satisfaction of the rightful owner, must be made and accepted as such.

These are universal maxims in law: without these it must be admitted that the title of the Crown of England to the soil of Ireland is, to say nothing of any other reason, as against the native proprietors, and especially as against the tribes—bad in morals, bad in public law, bad in equity, and bad in common law.

II.

AS REGARDS THE EXISTING GENERATION OF IRISH LANDLORDS, AND THE INAUGURATION OF A POLICY OF RESTITUTION.

The Crown has discovered that the cause of the trouble known for the last half century as "The Irish Difficulty" is purely agrarian, and is, in fact, a smouldering resentment pervading the whole of Ireland, and entertained on account of what are called "the Forfeited Estates"—the memory of which is perpetuated by oral tradition, and is stimulated to activity now and then by a vague expectation of restitution, in one shape or other, at the hands of the Crown. That this feeling is very strong, and has long been known to the Crown as such, is apparent from the fact that the Record Commissioners' Reports, 1810–1825, were abruptly discontinued, the work itself left unfinished, and portions of it that had been actually printed suppressed, on account of the keen interest evinced on the subject by Irishmen generally.

Statesmen such as Sir Robert Peel, whose unsuccessful efforts to inform himself on Irish history are well known, perceived, in a general way, that the root of this disaffection reached very far back into history,

and concerned itself less with the administration of the Crown's supposed rights in the time of Charles I., Charles II. (Cromwell), and William III., than with the acquisition of its supposed rights, in the time of Elizabeth, James I., and previous reigns. The policy of the Crown then slowly and gradually became a policy of restitution; but though this has long been a settled policy it has been a silent and secret one—for it would have been both humiliating and inexpedient to profess it openly *eo nomine;* it would sound better if accomplished in the name of Humanity! of Liberality!! of Conciliation!!! and would not be so palpably unjust to the innocent proprietors of the present day.

The first step towards restitution must, as we have seen, necessarily be to disclose the frauds of acquisition. Such a disclosure must undoubtedly be somewhat damaging to the prestige of the Crown, and would be utterly inexcusable in its Minister, except so far as it was essential to a policy of restitution; there would otherwise be no inducement to make such a humiliating disclosure. But the disclosure was made deliberately by the publication of the State Papers, Carew MSS., and other original sources, of the history of the acquisition of the Crown's title—sources which hitherto, so far as the Crown's frauds are concerned, have apparently been inaccessible to, certainly are unmentioned by, historians generally, and the details unsuspected even by the victims of the frauds and their most zealous advocates—such as O'Connell and the Catholic historians; though it cannot be contended that the Crown was at any time ignorant of its own frauds. Sir Robert Peel died in 1850. The preface to the first volume of the Irish State Papers is dated 1859. It is not improbable that it was he who had put this matter in train. Much time was necessarily required to plan, organise, collect,

arrange, calendar, and edit before that preface could be written.

It is not by the publication of these original sources of history but by the suppression of them until now that a new fraud has been perpetrated, that of which the present generation of Irish proprietors are intended to be made the victims. They find themselves unexpectedly in the position of purchasers for full value without any notice of the existence of a fatal defect in their title—fatal, inasmuch as it is supposed by the authorities to necessitate legislation that deprives them of its benefits. It is the conduct of the Crown that has both vitiated its own title and has concealed until now the evidence of the fraud that vitiates it—and yet it is the first Minister of the Crown who now comes forward, wrests those benefits from the hands of innocent purchasers, and applies them to make restitution—not for the sins of the purchasers—but for the frauds of the Crown in the acquisition of the same title.

But the frauds in question were not merely legal ones—they were this, but they were also morally of the deepest turpitude and of the most palpable kind. The Crown, which perpetrated systematically the original wrong, is the same Crown that concealed the evidence of these wrongs for centuries, until it had entrapped thousands of unsuspecting persons—and is the same Crown that now, through its first Minister, attempts to make restitution for the original ones with property that costs the Crown nothing, but costs its wretched victims everything. Is this to be given to the world and to posterity as a specimen of the character, the honour, of the Crown of England?

More and worse than is yet known may be forthcoming, for the disclosures are not even yet completed—the volumes of the Irish State Papers, from 1588 to

1601, not being yet published, and as regards other periods much has, no doubt, been suppressed as unfit for publication—such holographs of royalty, for instance, as are to be found in Moryson's History, but not in the State Papers—there are such things among the records as what are called " Bœgæ Secretæ."

III.

AS REGARDS RESTITUTION—BY WHOM AND TO WHOM TO BE MADE.

The second step in the policy of restitution is known as the Land Act, quite recently passed. It came like " thunder out of a clear sky," inexplicable except as a *coup d'etat*—inexcusable except as part of a policy of so-called " restitution."

It was self-evident that if this restitution could be made, directly or indirectly, at the sole expense of the proprietors—

1st. It would, very possibly, save the Crown from exposure.

2nd. It certainly promised to save England from expense.

3rd. It might, perhaps, *conciliate* the " dangerous classes " in Ireland.

It is not real restitution, however, in any sense of the word, because the " wherewithal "—the property—with which the so-called restitution is to be made is taken from the wrong person.

The title of the innocent purchasers—a title warranted by the Crown—and held without notice of the Crown's frauds, is not directly impeached, but the benefit of that title admits, under one pretext or another, of its being indirectly, and by a sort of side wind, transferred from them to the occupiers, who, in the absence of the actual

heirs, are, as a class, the nearest representatives now to be found of the ancient Tribes. It is conceived that in this way substantial restitution may be made—real restitution being probably impossible, in even a single case, at this distance of time: what is proposed is probably the best substitute for it that it is now in the power of the Crown to render; and if it can be rendered, without injustice to innocent purchasers of the Crown's title, no objection could be made to it.

If, therefore, it be considered that either justice or expediency demands it, let the entire estates of the landlords be resumed by the Crown, and dealt with as may seem best, but the systematic frauds practised upon the Irish proprietors of the seventeenth and previous centuries cannot be cancelled by the perpetration of another fraud equally systematic, and far more treacherous, upon the Irish proprietors of the nineteenth century. Compensation, full and substantial, must be made to them—it is their right by every principle of law and morals, and it is expressly provided in such cases by Magna Charta and the Constitution. Their title is impeached and invaded by the policy of the Crown as effectually as it could be done if the title had really been defective in consequence of the proprietor's complicity in the original frauds, yet it is the same title as that of the Crown itself, but free from the taint of fraud that vitiates it in the hands of the Crown. The contracts into which their tenants have voluntarily and deliberately entered are abrogated by *ex post facto* legislation, their reversion is practically confiscated, they are deprived of the control necessary to the proper management of the estates, they become mere rent-chargers, annuitants on the fee of estates that were once their own. In the present they receive a diminished income, with an enfeebled power of collecting, and no power at all of improving it—and in the future they are

likely to be left dependent for life and living upon the tender mercies of a numerical majority of the same midnight assassins whose sway has impartially terrorised both landlord and tenant.

Late though it be, "it is never too late to mend." If now, at the eleventh hour, better counsels are sought, there is no way out of the labyrinth so easy, so simple, so honest, so cheap, and so safe as the straightforward way of reserving for the Crown the entire estates of the proprietors, and making them honest compensation.* Twenty-five years' purchase of Griffith's valuation, plus one-third of itself with payment of arrears of rent, will do this. Less will not do it; less would be a sacrifice of the landlord's property even from the Liberal standpoint.† Now that a policy of restitution is clearly the policy of the empire, if any reason can be shown why the proprietors should not receive compensation to this extent, let the reasons be stated and dispassionately discussed, but let the policy be avowed. Let us have done with all mystification—a secret policy of this kind is not only tortuous, hypocritical, and mean, but it is essentially dishonest, and has moreover, as an effort to conciliate, been a signal blunder. There is difficulty and expense, but there is no impossibility, in the way, for a country like England. Little more than the use of her credit for a time is needed in order to make full and substantial

* '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 proprietors with full compensation."—MR. GLADSTONE. Hansard, 199, col. 1849.

† 'Twenty years' purchase at the Government valuation would be a price at which many Irish tenants would be glad to buy. But the landlords would be unwilling to sell at it, and is it to be supposed that a Conservative ex-Minister will propose to sacrifice the landlord's property."—MR. CHAS. RUSSELL. Letter to Electors of Dundalk, April, 1882

compensation; but even if it cost millions this is her cheapest course. This policy of restitution to both classes may be, as the *St. James's Gazette* pointed out last month, the supersession of the Irish Land Act; it undoubtedly is the only "means of redeeming Ireland from anarchy and rebellion."

Let the compensation, as above, be awarded and paid, the estates at once resumed and sold in small lots, and on easy terms (long time and low interest) to the classes that the State sees fit to benefit. The lots being small will tempt none but these classes, and the property will in time become reproductive to so great an extent as to prevent any material loss to the State, and all the injustice, and sense of injustice, inseparable from any other policy will disappear at once and for ever.

APPENDIX.

1stly. Pope Adrian's alleged pretence of a right to grant Ireland to the Crown of England was essentially fraudulent; yet the Crown of England was a party to that fraud, and took advantage of it to the utmost possible extent for centuries afterwards.

The Irish case—O'Halloran, Hist., Bk. xiii., ch. 1, 2, 3, 4; MacGeoghegan, Hist., ch. xv.; Connellan, Four Masters, 721 *et seq.;* Hanmer, Chronicle, p. 215.

English case—Cox, Hib. Angl., Hen. II.

The King's and Queen's Counties were confiscated during the reign of Philip and Mary. The entire district was taken into the hands of the Crown and made shire land. Tribe rights, Celtic laws, language, and manners were suppressed, and the territory formed the first English plantation. The fraud of the Crown appears upon the Statute Book, 3 & 4 Ph. & M., c. 2, in the following admission—that since "neither of the said countries is known to be within the limits of any shires or counties of this realm, no title could be found either to the said late king or to their majesties for or in the said countries . . . by default whereof their majesties might not take order for the disposition of the said countries by their grants as they now intend to do."

The Act 3 & 4 P. & M., c. 3, was likewise a direct fraud upon the property of every chief and tribe in Ireland.

Munster followed in the wake of the midland counties. The Earl of Desmond was murdered, and the southern Geraldines having been thus extirpated in the right line, according to the theory of the undertakers and the Crown, their territories became vested in the Queen, were immediately confiscated, and Munster was planted by English adventurers.

2ndly. Where lands had become family estates hereditary in the English manner, the English laws as to formal attainder or its equivalent being an indispensable prerequisite to forfeiture (Bl. Com. iv., 381 *et seq.*) were held to apply to land (O'Donoghue's O'Briens, 492, note 7; Docrora's Relation, Celtic Soc., Miscy. 203; Amory's Transfer of Erin, 477; State Papers, 1588, 496) and to dignities (Lodge i., 93, note, Ed. 1789). Yet the Crown was in the habit of seizing the lands of rebels without the formalities prescribed by law (Davis's Tracts, 220),

and this was a fraud upon the inheritor, who was thus deprived of an opportunity of showing cause against the forfeiture.

This applies to most of the early forfeitures down to the beginning of the 17th century.

3rdly. Individual confiscations, however, merely whetted the appetite of the Crown. For the purpose of gorging itself a more comprehensive method was sought for and was in 1585 introduced under the name of "The Composition Deeds" (of surrender), under which Clare, Connaught, great part of Ulster and some of Leinster were acquired (Hardiman's West Connaught, Archl. Soc.'s Ed., 299 *et seq.;* Carew, Calendar, 1585, 418, 1590, 28).

By this arrangement it was proposed to the Chiefs to surrender their estates, receiving from the Crown new grants in exchange.

Sir John Perrot was employed to conduct the matter. He arrived in Ireland in 1584, and immediately after made a circuit through Connaught and Clare to arrange preliminaries.

He secured the apparently unconscious co-operation of the O'Kellys in Galway (Hardiman's West Com., 321), and of O'Brien of Clonoon, the leader of the National Party in Clare (Carew Cal., 1584, 378), to act as "stool pigeons" in order to entrap the other Chiefs. Some of the Chiefs, however, distrusted the Crown—for instance, in Clare John MacNamara, Lord of Cloncullen, absolutely refused to put his hand to the deed (Four Masters, V., 1843)—but in general the Chieftains did their part, confided in the Crown's good faith and executed the surrenders (Hardiman's West Com., 299 *et seq.*).

The new grants, however, contained a proviso for their enrolment, and the Chiefs did not enrol them; they thus lost all title to their estates.

The reason for this extraordinary neglect on their part is now, apparently for the first time, disclosed—it was simply because the Crown violated its faith with them.

Sir John Perrot did not deliver the deeds as he ought to have done, and consequently the Chieftains could not enrol deeds of which they had not the custody, but they protested in writing without loss of time (Sept, 1585), the surrender having been executed 17th August, 1585 (State Papers, 1585, 581); yet Sir John took no notice of their protest. He did not even deliver the deeds to the officer who should have taken charge of them (Carew Cal., 1585, 418), but, in 1588, carried them away with him, unrecorded, to England (State Papers, 1588, 581, 583, 584). Much stress has been laid upon the personal honour of Sir John Perrot, as to the value of which see State Papers, 1586, 142; 1587, 410; but the deeds could have had no intrinsic value to him, and as his successor in

the Viceroyalty at once notified both Walsingham and Burghley of his conduct—claiming the deeds; and as the Ministers might easily have returned them if they had thought proper (State Paper, 1588, 581, 582, 584), the Crown itself must be held responsible for the fraud that is thus traced home to it. It would seem that the Crown had the custody of the deeds in 1620 (Carew Cal., 1620, 431), Parliament granted money to secure their enrolment, but its action was nullified in some mysterious way; no doubt the deeds are still in existence in England (O'Donoghue's O'Briens, 255 *et seq.*).

The Clare Chieftains received no reply to their protest of Sept., 1585, except the severities practised *in terrorem* at Galway, 1st January, 1586 (Four Masters, V., p. 1843), and at once broke out into open rebellion (Carew Cal., 1586, 430; State Papers, 1586, 170), which soon became general, and is now known as "The Fifteen Years' War," which was not suppressed until 1602.

The Irish case—O'Sullivan's (Latin) Iberniæ Hist. Compendium, xv. ann. Bell.

The English case—Cox, Moryson, and the Pacata Hib.

The Crown sought to profit by this piece of chicane from time to time (Carew Cal., 1611, 105–167), until Stafford's iniquities filled up the cup and it ran over, contributing much to produce the Rebellion of 1641 (O'Donoghue's O'Briens, 255 *et seq.*)

At the end of each deed of surrender there is a proviso "that no man's title should be prejudiced thereby." What the effect of this clause may be under the circumstances of the case it is for counsel to judge. If the surrenders were not a nullity (and it is certain that the Crown never treated them as such, but always exacted the composition rents strictly), it is clear that, tainted with fraud as the transaction was, the Crown was not entitled to any benefit whatever under them, nor could the legal estate of the Chieftains be said to have "merged," for the Crown itself *ipso facto* became a trustee to preserve it for them.

4thly. Where lands had *not* become family estates hereditary in the English manner, the Chief was mere tenant for life and, subject to that estate, the perpetuity, a true allodium, belonged to his tribe—an undying corporation that had no *power* to surrender, alienate, or forfeit; it was the creature of the genuine and admitted common law *of Ireland*, the common law of England having, in Ireland, until Sir John Davis's time, no existence whatever—*in the opinion of even English jurists*—never having been promulgated and received as such *semel et simel.*

In cases such as these, and they were numerous, especially in the North and West of Ireland, the surrender of the Chief could vest in the Crown

no more than his own estate for life. The Crown coveted this it is true, but it coveted something more than this—it desired the perpetuity. We shall best appreciate its object and its method of operation by the close study of some *one* particular case. We select that of the Earls of Tyrone and Tyrconnell as the most conspicuous, and the details of which are the most fully preserved.

These estates had long been coveted by the Crown. In the next preceding generation the details of plots against Shane O'Neill's life and property* appear on almost every page of the State Papers, 1561–1563. (Bad faith—State Papers, 1561, 176, bis. 299. Assassination attempted by Neil Gavr—State Papers, 1563, xvi. 179; Amory, 353. Poisoning by Smythe—State Papers, 1563, iv., xxii., xxv., 178, 179, 203, 208, 220, 221, 223–4, 233, 266, 299; Wright's History, 359).

The same were continued against Hugh Earl of Tyrone on suspicion (Poisoning—Moryson, ii. 181, 204-5. Encroachment—State Papers, 1607, 374, 382).

As regards Tyrconnell—the next preceding Chieftain—Hugh Roe had been kidnapped and imprisoned (Four Masters, 1587, 159; 1590–1592), and was poisoned with the privity of Sir George Carew and Lord Mountjoy (Carew Calendar, 1602, 241, 350, 351; Meehan, 29), and with the gracious approval of Queen Elizabeth, under her own hand (Moryson ii., 177–8). The same system of encroachment was pursued towards Rory, his successor, as towards O'Neill (State Papers, 1607, 364 *et seq*).

Tyrone offered "to submit to the same system of Composition" as had been introduced into Connaught (Moryson ii., 306), but this would not satisfy the Crown. See Sir John Davis's reasoning (State Papers, 1604, 144; State Papers, 1606, 19 *et seq*).

Sir John Davis was the "good sound lawyer," so often asked for, as in Clanricard's case and others where escheats were wanted (State Papers, 1569, 423; Plantation of Ulster, p. 221).

He arrived in 1603, and soon saw that in order to acquire perpetuity, the common law of Ireland, as upholding the customs of Tanistry and Gavelkind in particular, must be superseded by the common law of England, but Irish Parliaments had refused to co-operate even as to the change of O'Neill's mere Title of Honour. See Act 2 Elizabeth, and

*"The origin of the war with Shane O'Neill was that fruitful cause of mischief—the attempt of the English Government to change the chieftaincy of an Irish tribe into an estate in land, and to force it, instead of being elective, to descend according to the rules of English inheritance . . . Although Con O'Neill might for himself accept any title from the King of England, he, acting as chief of his tribe, had no shadow of right to take a grant of all their tribal lands to himself, and in their eyes the King's patent was simply a nullity."—Richey's Lectures, 2nd ed. p. 275.

Sir John Davis's remarks on it, as given by O'Halloran, p. 205. He began by inpeaching these customs in the Court of Public Opinion (Historical Tracts, 8vo., Dub., 1777; State Papers). He proceeded to search for a suitable Chancellor (State Papers, 1605, 334), and suitable Judges at common law (State Papers, 1605, 372). He obtained in the Gavelkind case a decision in January, 1606, but the Tanistry case was a more delicate matter. That case was not an ordinary one; there were no real litigants—it was to be heard *ex parte*—the ghost of a lawsuit long since compromised; it did not come before the court in the regular way, but by a special order of Council—it was, in fact, a mere "peg" on which to hang the precedent that was to subvert the existing common law of Ireland (Davis's Reports, Tanistry case).

Davis had quite a talent, added to a decided taste, for drawing out cases in favour of the Crown as against the native landowners, for an interesting specimen of which—"the Dead case"—see the Plantation of Ulster, p. 177, note 30.

There were certain powerful men, Tyrone and Tyrconnell for example, who were directly interested in upholding the existing common law. Such men must be got out of the way.

But if they could be frightened out of the kingdom, they would not only be prevented from thwarting the intended revolution, but, by the law as it then stood, they would be guilty of constructive treason, and their life estates would be forfeited.

Further, if the persons next in remainder accompanied them, their estates in remainder would also be forfeited, and the Crown would have not only the perpetuity in future but the possession also.

Accordingly it was "buzzed" into Tyrone's ears that he would risk life and liberty by going to England for an appeal pending before the Privy Council there in O'Cahan's case.

Tyrconnell was not guilty of treason at all, but he had long ago entertained treasonable *intentions*, to which Lord Delvin was privy (State Papers, 1607, 254, 255, 256, 320), and Delvin had partly disclosed these to Christopher St. Lawrence, Lord Howth, a spy of Chichester's (State Papers, 1605, 346, 519; State Papers, 1606, 331, 264, 254, 409, 520), and Howth hoped to be able to prove actual treason, and, moreover, expected to implicate *Tyrone* in the same crime (State Papers, 1607, 266, 320). A letter was dropped at the Council Chamber door on 18th May, 1607 (State Papers, 1608, 152; Lodge's Peerage, Ed. 1789, i. 238), affecting to disclose a plot, and hinting at these Earls. Howth, returning from the Continent, where he had been since Aug., 1606 (State Papers, 1607, 228, 254–6), spying on Henry O'Neill (*Id.*, 414, 415, 416), as he passed

through London, 29th June, 1607, lays certain charges (*Id.*, 231, 254-6), and on 25th Aug., 1607, "confesses," in writing, certain matters (*Id.*, 254); and the English Council (*Id.*, 226, 231), though believing the Earls innocent, employed Howth to make up a case against them by the following Michaelmas (*Id.*, 232).

Howth, finding that his case must fail (*Id.*, 236, 261, 264, 285), applied himself to "buzz" Tyrone into flight (*Id.*, 259, 264), filling his mind with apprehensions of foul play (*Id.*, 244, 259, 267, 272, 276, 284, 382, 463), and Tyrone, ignorant how far the "web of forged treason might be effectual" against him (*Id.*, 343), and knowing that innocence would be no protection against perpetual imprisonment, or worse (*Id.*, 272), took the only course consistent with self-preservation and fled with Tyrconnell, (Four Masters, 1607).

In those days flight was constructive treason, and it was the only treason ever proved against them—except that Tyrone "had taken upon him the name of O'Neale (which is treason by Act of Parliament here)" (Carew Cal., p. 6).

Davis at once pressed his Tanistry case to a decision. It was decided in January, 1608, and was soon after published as an adjudged case (Sir J. Davis's Works in Fuller Worthies Series, vol. ii., p. 343), the earliest volume of all the Irish Law Reports. It was thus that the existing common law of Ireland was manufactured to order—"brand *new ! ! !*"

Davis takes credit, not only for this, but for *all that had been done*, and this within ten days after the flight of the Earls; just when any ordinary Attorney-General would be about to begin his work he considers his as done (State Papers, 1607, 273).

But it was not Howth who wrote or dropped the letter at the Council Chamber door; that was done on 18th May, 1607, and Howth was on the Continent from August, 1606, to June, 1607. "Artful Cecil" has been charged with it (Anderson's Genealogies, quoted in Curry's Review, i. 7, and O'Donovan's Four Masters, p. 2355, note). A modern expert's skill may yet determine the actual scribe, but the *author* was probably Sir John Davis himself.

It answered the purpose of alarming the Earls, coming so soon after the Gunpowder Plot, better than any other. This alarm was the very thing that best suited Sir John, and him more than any one else. The Government had given itself no concern whatever about it, and the letter is in the style of Sir John, well known even at the present day for its merits, not easily attainable by any one (compare Lodge i., 238, with State Papers, 1607, 270–3 *et seq.*, 382; Historical Review of the Civil Wars in Ireland, 43–6).

So much for the common law of Ireland, and so much for the rights to the perpetuity of the *tribe* as against the Crown, and for the rights of Chieftains and Tanists elected by the tribe. We shall now see how the title of the Earl and those in remainder under family settlements made according to English law and of unassailable validity were extinguished.

They were, first of all, indicted and attainted as traitors for merely leaving the country—nothing worse could be proved against them (State Papers, 1608, 382, 555).

Tyrone and Tyrconnell on reaching the Continent wrote to James I. explaining in detail their whole case—a thing that they had not dared to do while living within the Lord Deputy's jurisdiction (see "Articles," State Papers, 1607, 364, 383).

They were followed all over the Continent by agents who reported specially to the English ministers of the day as to their habits with regard to food, drink, and lodging (State Papers, 641, 651, 652, 655, 661, 662).

As to Wotton, as to Salisbury—*Id.* 641, 645, 669.

As to Edmonds—*Id.* 633 bis., 641, 642, 643, 634, 635, 638.

Wotton receives a proposal to poison Tyrone, entertains it, and writes to James I. in person for instructions.—*Id.* 658.

Suggesting proscription by way of legalising the act (*id.* 662), he provides a scapegoat (*id.* 664, 667), reports deaths (*id.* 668, 669, 670), and others follow (Four Masters, 1608; Meehan, 235).

Tyrone lost his sight—a common result of arsenic administered in small frequent doses, but he died only in 1616, "not without suspicion of poison." Tyrconnell died, with six other persons, of the same "distemperature;" and all Tyrone's sons that escaped poison were otherwise assassinated (Meehan's Fate and Fortunes), except one who fell in action in Catalonia in 1641. The victims were—Tyrconnell, Cathbar O'Donnell, his brother; Hugh O'Neill, the first tenant in tail after the Earl of Tyrone; MacGuire, an Irish nobleman; MacMahon, an Irish nobleman; Tyrconnell's page. These died of poison. Henry O'Neill, the second tenant in tail, died mysteriously in Flanders before 1626, on the eve of his nuptials and just in time to prevent the possibility of issue. Con was seized in Ireland by the Crown, sent to Eton School, from whence he was removed to the Tower, 12th August, 1622, and died there in some way not known. Con, Bryan, and John were Tyrone's sons by a second marriage. It would seem likely that they all had estates in tail in remainder after Henry the Second's son.

Bryan was found strangled in his chamber at Brussels, with his hands tied behind him (Meehan's Fate and Fortunes, 453). John alone escaped as above, but he died unmarried.

Cormac (MacBaron), Tyrone's brother, *is said* by Chichester (who was no lawyer) to have been the third tenant in tail in remainder, and the only one remaining in Ireland (State Papers, 1607, 260, 261, 354; but compare with State Papers, 1587, 291), and on this account alone, without any charge of guilt, or of even privity to the Earl's flight, was arrested, committed to the Castle of Dublin, and sent over to London to be "further dealt with" by the Privy Council there (State Papers, 1607, 260, 271, 302, 326, 336, 352, 354). He was a prisoner in the Tower in 1611 (State Papers, 1611, 107).

Art Oge O'Neill was his eldest son (State Papers, 1607, 261, 555). He seems to have had sons who were sent with their father to Sweden (State Papers, 1610, 544 bis.); and whether Cormac's remainder came before or after the claims of Con, Bryan, and John, or whether he claimed under the entail limited to the earl himself in preference to Cormac, or as the heir-at-law of any of the senior branch, it is *primâ facie* in this line of Cormac's that the heir to the estates is to be found, if any exists. So much for Tyrone and his heirs (O'Donovan's Four Masters, vi., 2422).

Tyrconnell and Cathbar, his brother, were among the first poisoned.

Hugh O'Donnell, Tyrconnell's only son, was a child in arms in 1607 (Four Masters, 1607); and being at that age an unfit subject for the ordinary acts of poisoning, he escaped for a time. He was afterwards page to the Infanta of Spain (O'Donovan's Four Masters, 2,358, note; Meehan, 260).

Turnbull, an English agent, is said to have done his best to persuade the child's guardian to bring him over to England and "leave all to King James;" but he died without issue in the flower of his youth from some unknown cause (Meehan's Fates and Fortunes, 260).

Hugh O'Donnell, eldest son of Cathbar, the brother of Tyrconnell, 2 years and 6 months old in 1607 (Four Masters, 1607), died without issue in 1660.

Cathbar Oge, a younger brother of the last, is said to have left issue Manus, who was supposed to be identical with Baldearg O'Donnell of the Irish war of 1691; but this is an error (Dalton's Army List, ii. 195). Still, as Baldearg succeeded in Spain to the title and position of Hugh (Dalton, ii. 195), it must be presumed that both Cathbar Oge and Manus had died before 1660 without issue male. The parentage of John, the father of Baldearg, is not yet known, nor that of Rory, who, according to Meehan, died young at sea, in the Spanish service in 1642; but the branch of Rory, who was Earl of Tyrconnell in 1607, is probably extinct in the male line (O'Donovan's Four Masters, vi. 2,380).

The plantation of Ulster then went merrily forward; the "Project

was at once published by authority; the "Plantation" was regulated by "Orders and Conditions;" a "Commission to inquire into the King's Title" was issued in 1609; "Inquisitions" made accordingly, and enrolled in 1618, are still on record in the Rolls Office, Dublin. In 1618 a new instrument of oppression was invented—"The Commission for the Discovery of Defective Titles." Ulster having being seized, and Munster being under the process, there remained only the midland counties and Connaught. Of these short work was made. A nest of spies, under the name of "Discoverers," was engaged to ransack old Irish tenures in the archives of Dublin and London with such success that 66,000 acres in Wicklow, and 385,000 acres in Leitrim, Longford, Meath, Westmeath, King's and Queen's Counties, were "found by inquisition to be vested in the Crown." A "Survey" was made by Pynar in 1619, by which it appears, among other things, that while Chichester, the Lord Deputy, got 1,000 acres of Tyrconnell's estates as his share of the plunder, Sir John Davis got 2,500 acres of Tyrone's, and 1,500 acres of MacGuire's estates (State Papers of above dates and Harris's Hibernica, 105, *et seq.* 131).

THE IRISH LAND QUESTION.

EVERY semblance of Law and Order being at present at a standstill in Ireland, proposals are made to restore it by legislation ac-according to "Irish ideas." A demand is consequently made on behalf of the tenant-farmer for the "*THREE F's*" (Fixity of Tenure, Free Sale, and Fair Rents).

The following remarks are published by one having a practical knowledge of the Irish Land System, in the hope of clearing away misconceptions that prevail on the subject.

Fixity of Tenure means keeping 423,000 tenants on the soil, more than 200,000 of whom are "cottier" tenants living on holdings so small that they are on the verge of starvation every bad season, and have to eke out subsistence by labour in England or elsewhere. The Irish Land Act of 1870 gave all Irish tenants compensation for their so-called improvements, and made eviction, in the case of those who held at less than £50 a year, a "disturbance," for which the evicted could claim from two to seven years' rent as compensation. The process of eviction has thus become so costly, that Irish tenants, who habitually refuse a lease, are more secure in their holdings than English tenants. This compensation came out of the landlords' pockets; practically, then, it enriched tenants at the expense of landlords. The late Sir John Gray, Home Rule Member for Kilkenny, estimated the value of this transfer at about £30,000,000. But this is not all. The authors of the Land Act, 1870 (the leading members of the present Cabinet), pronounced the settlement a final one, condemned emphatically the idea of "perpetuity of tenure," and thus encouraged landlords to spend large sums upon their properties. Any further legislation,

therefore, in this direction will be a robbery of those landlords who have acted up to the spirit of the Act of 1870.

Free Sale—The Ulster Custom. In 1870 the custom was legalised in Ulster by which the outgoing tenant could sell his "interest," or the value of the improvements he claimed to have made on his farm, to the highest bidder, who became the tenant. This custom had grown up on many estates, from the facility which it gave to an agent for getting the arrears of rent due from an evicted tenant. It is now proposed to extend this compulsorily over Ireland. Its effect is that—

1. Incoming tenants pay away the capital they should have put into the land, and the soil is proportionately impoverished.

2. The rent offered to the landlord is less in proportion to the payment made to the outgoing tenant, and the landlord loses his voice in selecting his tenants, and his control over his estates.

3. The tenant gets in the Contract of Sale what is refused to his landlord in the Contract of Letting—viz., the power of getting the highest market price for his property.

4. The money which the outgoing tenant expects to get under the Ulster Custom, added to his claim on the landlord for disturbance if evicted, induces many speculators to advance large sums on these securities, and accounts for the present universal indebtedness of the Irish tenant-farmers in the North.

Fair Rents cannot exist with *Free Sale*, for the *bonus* paid by the incoming tenant to his predecessor makes him unable to offer for the farm what it is really worth.

The real objects of this agitation are—

1. *To reduce all rents to Griffith's valuation*, and thus depreciate the value of the fee simple. Sir R. Griffith's valuation was made over most of Ireland, soon after the famine, at a time of general depression, and was made for the purpose of *taxation*, not of ascertaining the *rental*. The Inland Revenue consequently does not accept it

as an adequate standard of value for the purpose of Succession Duty. Griffith himself pronounced it from 25 to 33 per cent. below the *then* fair rents, and two chief Irish products, beef and butter, have since doubled in value.

2. *To depreciate property generally in Ireland.* In Tralee, Tuam, and other towns,* a movement is on foot to abate the rents of shops and houses in proportion to the reduction of the rents on land. English capitalists and Insurance Companies have consequently, for the most part, ceased to take up Irish securities.

3. *To abolish Landlordism*, by making every tenant-farmer a landlord. The State is to advance money to buy their holdings, the British taxpayer receiving his interest as the landlord now does his rents, and being in bad years made responsible for the losses of the law-breaking Irish tenant.

4. *Finally, to effect the repeal of the Union.* Mr. Parnell has publicly stated, "I would not have taken off my coat and gone to this work if I had not known that we were laying the foundation on this movement for the regeneration of our legislative independence. . . . None of us will be satisfied until we have destroyed the last link which keeps Ireland bound to England."

The agitation has so far succeeded, that, in the language of the Lord Chief Justice of the Queen's Bench in Ireland, "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."

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* See Petitions to House of Commons, 1880.

It remains to be seen whether the present Government will rise to the sense of their responsibility in the matter, or whether they will truckle to the present agitation by conceding the demands so shamelessly put forward. To do so will be to commit gross fraud on the landlords, to assume huge liabilities on behalf of the British taxpayer, and in the end to effect the ruin of the unfortunate tenantry.

To submit to the demands of the agitators means, in the first place, to commit a fraud upon the landlords; in the second, to ruin the true interests of the tenant; in the third, to lay a grave responsibility upon the British taxpayers; and, lastly, to connive at the dismemberment of the United Kingdom.

December, 1880.

SPEECHES

OF THE RIGHT HON.

W. E. GLADSTONE, M.P.,

DELIVERED AT

WARRINGTON, ORMSKIRK, LIVERPOOL, SOUTHPORT,

NEWTON, LEIGH, AND WIGAN,

IN OCTOBER, 1868.

LONDON:
SIMPKIN, MARSHALL, & Co. KENT & Co.

PRICE ONE SHILLING.

LONDON:
ROBERT K. BURT, PRINTER, WINE OFFICE COURT, E.C.

SPEECH

DELIVERED IN THE

TOWN HALL, WARRINGTON.

OCTOBER 12TH, 1868.

MR. RIBY and gentlemen, together with my friend, and I hope I may say my future colleague, Mr. Grenfell,—I have met to-day with such a reception in Warrington as I am quite certain that neither of us will readily foget. We are aware, gentlemen, that within the limits of the borough a contest is in progress of no ordinary interest to you all, and with respct to which, though it would be unbecoming in me to dwell upon it particularly, I cannot but express the confident and sanguine belief that some five weeks—five short weeks—from the time at which I now have the honour to address you, will see the town of Warrington represented after the manner of our Constitution in the British House of Commons by the free votes of the people, and in the person of my friend Mr. Rylands. But, gentlemen, the duty which, in conjunction with Mr. Grenfell, I have to perform to-night is to address you in respect to the election for the south-western division of the county. And perhaps, gentlemen, I may be pemitted to begin by stating that, as a matter of fact, the contest in which Lancashire men are now engaged with Lancashire men is not a contest of our seeking. The history of its origin is this. As you are aware, the southern division of the county is at present represented by two supporters of the present Administration, together with myself. Well, I think that is a distribution to which at least the supporters of the Government—a minority of the House of Commons—have no great reason to complain. However, in the exercise of their wisdom, or else of their zeal, our opponents early in the present year began to take measures for the modest purpose of securing to themselves the whole of the county

representation in this division; and you, gentlemen, who are electors and of Liberal opinions are to answer whether you will submit to this exclusion which was attempted to be enforced. Perhaps you will ask me how it was attempted, and there is no difficulty in the answer. It was not attempted to affect your opinion or even to appeal to your prejudices. It was attempted in a manner which it is easy to understand. It was attempted by that most ingenious but frequently effectual method of clubbing together to make a long purse. That being so, the Liberal party in this division adopted such precautionary measures as appeared to be justified for the purpose of ascertaining its sentiments, and came to the conclusion, first, that they would not submit to be excluded from the representation, and, secondly, to accept the challenge which they gave, and to seek to return to Parliament two representatives of Liberal opinions for the county. Well, the campaign is to begin to-day. It is not the 12th of August, a day fatal to many of our fellow-creatures; but it is the 12th of October, a day on which we set out for a season in which I believe our motives are at least as elevated as the motives of those who commonly take to the moor on the 12th of August, and in which, I must add, that our sport will be quite as good. We are in for it now, and we must go through with it. I agree with the resolution which characterises the men of England, and, not least, the men of Lancashire. We ought to consider questions of public interest with a determination in no instance wilfully to misconstrue our adversaries' intentions or their acts, but with a firm determination to beat them if we can. The war to be carried on this evening is a war of argument, and I rejoice to think that we have arrived at a period when the masses of the people of this country are supplied, through the inestimable machinery of the daily press, and, above all, of the cheap press, with the means of bringing an enlightened judgment to bear upon questions of public interest and policy. I cannot depart from this subject without observing that the establishment of the cheap press was not secured without a struggle, and that we who stand here upon this platform are the representatives in our humble sphere of those who procured for the people that inestimable benefit. It was, gentlemen, by many efforts in the front both of enemies and of half-hearted friends; it was in the front, I am sorry to say, of the misguided action of the hereditary branch of the Legislature, that those of us who were determined to set free the press of this country, persevered in our purpose, and obtained for the country the enormous advantage which they now derive from having brought to their doors from day to day information upon public affairs, which, although it is not in every instance infallible, yet contains within itself the secret and means of the cure of this defect, because it is, though not infallible, yet free; and the errors of opinion which proceed from one quarter are corrected by the more just judgment of another. Well, gentlemen, that is the footing upon which we meet, so far as regards your means of information; and we meet likewise, as I am rejoiced to think, upon a ground in which the borough franchise to a very large extent, and in which the county franchise to some considerable extent, now stands upon a basis wider than that upon which it stood when I last had the honour to submit my claims to the constituency of Lancashire. Gentlemen, it would not be unnatural if I were to presume to detain you upon the subject of the important change which has occurred in our Parliamentary constitution. It

would not be unnatural even on account of the moment and the extent of that change. There would still be more cause for it on account of another circumstance less satisfactory—I mean, the particular provisions of the Act for amending the representation of the people, which I must say have been perversely and wilfully so constructed as to impose upon the people, together with the benefits of the franchise, a fine upon its exercise, to which I have objected from the first moment when it was named, and which I, for my part, shall be earnestly desirous to take the first opportunity of effacing from the statute-book of England. For the present, gentlemen, I won't detain you further on that subject, which is one that might open out into a multitude of details, because, in truth, we live in times when so many and such pregnant matters of public interest solicit our attention that we must be content to take them one by one, and endeavour to present each in turn in a clear and open light to the public mind. I think thus we shall probably best be enabled to contribute, so far as in us lies, to your exercising a right judgment upon the coming occasion. Of the great questions that are now before us, that which meets me, after the question of Parliamentary Reform, is that of the public expenditure of the country. I have, gentlemen, notwithstanding the crowded state of this assemblage, your patient attention; and I think it probable that I have the honour of addressing to-night, along with a large body of the electors for the county, a large number also of the electors for the town. The subject of public expenditure is one of great and standing importance. Other questions come and go, but this is a question that always abides. It is a question that sometimes comes into the very first place, and absorbs the attention of all men; but when it does so it is commonly because the evils have become too profound and too inveterate to admit of easy cure, and the true wisdom on all political subjects, but especially with regard to finance and public expenditure, is to direct the mind of the country to the consideration of them at a time before mischief has attained to unmanageable dimensions, in order that, if possible, a remedy, and an effective remedy, may be applied. This is the condition in which we now stand with reference to finance and to the expenditure of the country. I ventured about six weeks or two months ago to call attention to this subject in a meeting at St. Helen's. I stated with great moderation of language that of which I do not intend to qualify or retract one single iota. I intend, on the contrary, both to corroborate and enlarge the assertions I then made; but I did then state that within the two years during which the present Government had been in office the sum of £3,000,000 had been added to the permanent expenditure of the country. Now, I did not lay the exclusive blame of that augmentation upon the existing Administration, and the reason that I did not lay upon them the exclusive blame is that, as an observer of public affairs within and without the walls of the House of Commons, I cannot but be sensible of these two truths—in the first place, that the people are the natural defenders of their own purses; and, in the second place, that the vigilance and watchfulness with which the public mind has at some periods been directed to the control of the public expenditure have of late years been very greatly relaxed. You may think that is a reproach to you. You may think it a reproach which comes from one who has no right to make it. Gentlemen, your true friend is the man who speaks openly the sentiments of his mind

and his heart. I dare tell you this, that no Government, however well disposed, will at any time be able to keep the expenditure within moderate bounds unless backed up by the constant and unsleeping vigilance of public opinion. You will ask me, perhaps, why is this? I will tell you in one sentence. It is because there are knots and groups, and I may say classes, who have a constant and unsleeping interest in feeding themselves on the produce of the public industry. The counterpoise to this perfectly natural tendency on the part of individuals and classes is the vigilance of the public mind. The present Government goes to sleep; the other power never goes to sleep. On the contrary, it is watching for every opportunity to improve its position. And unfortunately there is an unhappy circumstance affecting the condition of the public servants. When men in private life improve their position, whether in commerce or manufacture, whether they improve the produce of the soil or the mines, they improve the position of all other classes; but, unhappily, when those who have an interest in the public service improve their own position they do so—and I do not see how the difficulty is to be avoided—rather with reference to their own interest than the advantage of the public. I do not say this for the purpose of fixing a stigma on the present Government. It has been my happy fortune to know in the public service men who have rendered labours to the public and have served the State with a spirit as disinterested and honourable to their station of life as any other class of men. It is the nature of the case that the public service should seek to improve its position, and that this improvement must take the form of an addition to the public burdens. I do not hesitate to say that the present Government has been slack, and I do not presume to impute the whole of the blame to them, but having said this much I will proceed to point out the blame which attaches to the present Government, and it is for you to say whether that description is fair or not. I ask you, gentlemen, something more. When I had the honour of addressing the electors of St. Helen's, and of laying before them the state of the case in very few and brief words in respect to the public expenditure, I went the length of suggesting to them—I hope it was not disrespectful—that they should ask our opponents, our honourable and respected opponents, Mr. Cross and Mr. Turner, what they thought of the matter, because Mr. Cross and Mr. Turner request you to return them to Parliament to support the men by whom this augmentation has been brought about; therefore I think it is a very serious matter that they should be prepared to justify to you that which has been done. It was with the greatest satisfaction I perceived that the public mind was ripe for receiving a statement of that kind, and that the arrow I ventured to discharge from the bow appeared to have gone home. It will not be my fault, gentlemen, if that discussion is stifled or suppressed. I wish to extend it and enlarge it. I don't wish to escape from blame. If you think the Liberal party has been to blame, let it by all means be laid upon us. The object really in view is that the public should receive advantage, and I presume to tell you this—the public have received advantage already. I presume upon a prophecy—let the elections go exactly in that way, in which we don't think they will go; let them result in the return of a triumphant majority on behalf of the present Government, still, gentlemen, I will venture to tell you that if you keep alive this question of the public expenditure—that fatal progression which has been established for the last

two or three years in the amount of the charges for the different branches of the public service—unless some great calamity should happen—which God forbid—I venture now on the 12th of October to tell you, you will have no increase of the estimates next year. I know that Mr. Cross, your neighbour, is a man not only of high character, but of great intelligence, and not only of great intelligence, but of great practical experience, particularly in those matters which relate to the management of pounds, shillings, and pence. It was, therefore, with a peculiar satisfaction that I observed that almost immediately after the meeting at St. Helen's the mind of Mr. Cross appeared to have been impressed with observations that had dropped at that meeting, and that he had addressed to the Chancellor of the Exchequer a letter on the subject of the increase of the public expenditure. I am so much pleased and so much encouraged by the circumstance that Mr. Cross should thus have taken the matter so to heart, and addressed a letter to the Chancellor of the Exchequer, and, moreover, that the Chancellor of the Exchequer should have answered that letter, and, not only this, but that the private and personal feelings thus gracefully expressed between these two gentlemen should have become part of the public property by being printed in all the journals of the country—why, gentlemen, after this you cannot be surprised if I tell you fairly that I mean to persevere in the same course, and I mean to find for Mr. Cross, if I can, the materials of another letter to the Chancellor of the Exchequer, and I have not the least doubt that if Mr. Cross faithfully transmits queries that I will endeavour to put into his mouth, the Chancellor of the Exchequer will find sufficient occasion for another reply to Mr. Cross. Gentlemen, my charge against the present Government is this, I did not do to them what their followers in the country did to us. I did not mix up with their estimates for the ordinary services of the country demands arising out of the wars that had to be carried on in this or that quarter of the globe, but, carefully separating every item that the most impartial or the most friendly judge could have desired to see excluded, I showed that the charges for the ordinary service of the country had been raised by three millions during the time for which the present Government had held office. Since that a great number of placards have been published, and I believe that I have got a very complete collection of them, but it does not require that I should trouble you with the whole of them. One is just like the other; they contain exactly the same misrepresentations—misrepresentations which I am quite certain have proceeded from nothing but the grossest and most absolute ignorance of the whole affair, because unless I were to interpose that charitable supposition I should be driven to a statement far more painful—namely, that the authors of these placards had not that minute and superlative regard for truth by which, after all, it is desirable that we should be governed in public as well as in private life. Various answers have been made to the statement that £3,000,000 had been added to the ordinary expenditure of the country, and that the present Government were in the main responsible for that charge. Let me consider what these answers are. One of the answers is a very peculiar one, and it is the one to which I will first refer, for it is to the fact that in former times, eight or ten years ago, and 15 and 20 years ago, the Conservative party were very economical, and the Liberals very extravagant. Suppose that were true,

would that mend the matter? If those who were formerly extravagant have become parsimonious, is it for you to refuse them the place of repentance? and if those who were formerly economical have become prodigal, is it for you to be prevented from awarding to them the sentence deserved by their guilt? It seems to me that this answer does not mend the matter in the least. It is wholly irrelevant. If the Liberal party really were in former times the advocates of extravagance, and have now become the advocates of parsimony, I can prove that by our recent conduct there is no reason why they should turn from us. Therefore the answer is wholly irrelevant even if it were true; but in addition to being irrelevant it is totally untrue. Let me take the points, and take them out of one of their own placards—a placard in Welsh and English. I hope the Welsh one is the same as the English, but I cannot say positively. In this placard there is a discussion upon the Income-tax, and it is stated that Lord Derby left the Income-tax at 5d. in the pound, and that Mr. Gladstone raised it to 7d. It is true that Lord Derby left the Income-tax at 5d. for his successors, but he never had the Income-tax at 5d. for himself. Now, if you will bear with me for a few moments I will give you the explanation. The placard says that in 1859, under the Government of Lord Derby and Mr. Disraeli, the Income-tax was 5d. in the pound. It is true that the law said 5d. in the pound, but how was the Income-tax then levied? You know that what you are charged on the Income-tax you are charged on profits for the previous year, and during the first half of that year that which is called 5d. in the pound was levied, and the Conservative Government received the produce not at 5d. in the pound, but at 7d. This statement which has been put forth is one of those instances which we may charitably construe as gross ignorance, and if we do not we must construe it as nothing less than downright falsehood. Another ingenious method that was resorted to was this. There is a long list of years of Income-tax, beginning at 7d., and going through various figures, and ending, in 1864-1865, at 6d. in the pound, but forgetting there was such a year as 1865-6, in which we were able honestly to reduce the Income-Tax to 4d.—I say honestly to reduce it—in consequence of the growth of the public revenue and of thrift in the public expenditure. But I go to that which is more relied upon. It is said that in 1858-9 we had low Estimates under a Conservative Government; that in 1859-60 we had high Estimates under a Liberal Government; and in 1860-1 we had Estimates on a higher scale. I must say a few words on each of these three points. It is perfectly true that in 1858-9 you had low Estimates, and I ask you who proposed those Estimates? Why, the Liberal Government. In the case of a country of this kind, with an expenditure of £70,000,000, which amounts to one-tenth or one-eighth part of the whole permanent income of the country, it cannot be regulated from hour to hour, from week to week. All plans relating to the public charge must be prepared and organised months before they are put into execution. The Estimates of 1858-9 were prepared by the Government of Lord Palmerston. I did not belong to that Government. I objected to many things that it did. What did the Conservative Government do when they came in? On the 11th of February, 1858, the Government of Lord Palmerston laid on the table Army Estimates amounting to £11,538,000. The charge for the Militia, £432,000, must be

added, making £11,970,000. That was shortly after the Liberal Government went out. When the Conservative Government came in I heard with great satisfaction the Budget of Mr. Disraeli. He proposed to reduce that sum of £11,970,000 to £11,750,000—a reduction of £200,000. Sudden reductions are too often questioned in cases of this kind. Public faith and honour must be kept, our soldiers must be paid, contracts must be fulfilled. Now, what was the end of the proposed reduction? The expenditure was increased to £12,512,000. Now, that's a matter of fact to which I invite your attention, and the attention of Mr. Cross, and the attention of the Chancellor of the Exchequer. There was a saving of £288,000 in the Naval Estimates of the year, but the Army expenditure exceeded the Estimates by more than £400,000 which we had to account for, and ask the House of Commons to vote in 1860. So far as regards the expenditure of 1858-9, the Estimates were in the main the Estimates of a Liberal Government. The Conservative Government, when they came into power, proposed somewhat to reduce them, but instead of doing so, we found they had increased them. So much for that year. Now comes, gentlemen, the year 1859-60, and in that year there was a great increase of expenditure which can hardly have escaped the memory of any of those who paid attention to such matters. In 1858-9 the expenditure had been £64,800,000; in 1859-60 the expenditure rose to £69,600,000—it rose, that is to say, by £4,800,000, and that, it is said, is the work of a Liberal Government. Now, I do not at all claim for the Liberal Government any exemption from this responsibility. They came into office, when?—At the end of the month of June, 1859. They proposed to Parliament the Estimates which they found made ready for them. The Estimates imposing the extension to £5,000,000 in the expenditure were the Estimates prepared by the Conservative Government, and not only that, they were Estimates of which a great deal of the money had been voted and actually spent, because the financial year of this country begins on the 1st of April, and it was not until the month of July that a Liberal Government had an opportunity of considering the state of the expenditure of the year. Now, I ask you whether it is not the height of hardihood or of ignorance for the adherents of a party who prepared those Estimates in the winter and in the course of the spring, and who spent a great deal of money, so that it was totally irrecoverable, to lay upon us the sole responsibility of the increase which then occurred in the public expenditure? Gentlemen, the augmentation was a very great augmentation, and it was followed by another augmentation in the year 1860, and of that also the responsibility is laid upon us by the opposite party. Now, listen to a plain tale and a short one. We came into office at the end of June, 1859. At the end of June, 1859, Lord Elgin arrived at the mouth of the Peiho in China to sign a treaty of peace with the Emperor of China, and, under the wise instructions of the Conservative Government, he went to sign this treaty of peace with a large fleet to help him to guide the pen. The Chinese did not understand the method of guiding a pen by a fleet, and thought that the Ambassador might do it himself. The consequence was they laid a sort of ambuscade for our fleet. A great disaster happened under the instructions of the Government of Lord Derby, and before we had been ten days or a fortnight in office we found—not that we found it when we had been ten days or a fortnight in office, but before we had been ten days or a

fortnight in office events had happened at the other side of the world which launched us in another war with China, under the instructions of the Government of Lord Derby, and that war cost us in the year 1860-61 at the very least from four to five millions of money. And now, in answer to an attack of mine in which I have carefully separated the cost of the Abyssinian war from the rest of the expenditure, those scribes who support this Government go back upon the Chinese war, due not to us, but to them, the fruit entirely of their policy and of their instructions, and put the charge which that war entailed before the country as a proof of our extravagance. Gentlemen, that, I think, is a proceeding which I certainly hope never to be guilty of, and I trust that no man in this room, however warm his feelings of partisanship may be, ever will allow himself so grossly to violate the rules of fairness and decency. And it is upon these statements, and statements like these, that those computations are made out and placarded in the country, sometimes in the letters which you see here, sometimes in letters a great deal larger, saying that the Radicals forsooth—Lord Palmerston was a Radical!—that the Radicals have spent £5,000,000 in the year more than the Conservatives. Gentlemen, a very serious question in the minds of many is whether the expenditure of those years was warranted by the circumstances. I have not in the slightest degree shrunk from telling you that in 1859 we accepted the responsibility of proposing the estimates that had been prepared, and providing the money that had been spent in a considerable part by our predecessors in 1860. We had taken upon our shoulders the Chinese war which they had brought about by their policy. Now, gentlemen, this is a very serious question; but again, I go back to the point. It is impossible for an Administration to limit the expenditure if the country is set upon it. I believe I am disposed to go as far as most men in matters of thrift. But I am not disposed to say whether if I was Chancellor of the Exchequer I should think it my duty to set my individual will against the will of the whole country with regard to the question whether two or three millions more should be spent in a particular year. What you have a right to expect from a Government is this, that it shall sedulously strive to keep down the public expenditure, and that it shall never run in advance of the public feelings and of the public wants; but more than that I think you hardly can expect. But now, gentlemen, what was our case? I am now going to make a very serious and deliberate charge. I will tell you what our case was. It was this—that great as was the expenditure of 1859, great as was the expenditure of 1860 great as was the expenditure of 1861, it was only by the utmost efforts and the most desperate struggles that we kept down the expenditure where it stood, in consequence of the constant and persevering efforts of a large portion of the Opposition, and of many leaders of the Opposition, and of many men who are now Ministers of State, to compel us to spend more public money. Now, gentlemen, that is not a charge which a man ought to make without being able to support it. I will support it. I invite to it the attention of Mr. Cross, I invite to it the attention of the Chancellor of the Exchequer, and I say deliberately that throughout the Government of Lord Palmerston large portions of the Opposition never desisted by its leaders in compelling the Government to spend more money. I say that, on the contrary, during the period of administration of Lord Derby and

Mr. Disraeli, instead of the Opposition endeavouring to stimulate the Government in the matter of expenditure, we did the little we could to check them and control them in that course. Now, gentlemen, when you see and hear these statements about the economy of the Conservative Government as it is called—though I do not think it is Conservative myself—in former years, you would suppose they had done their best to restrain it, or at all events, that they had remained silent in the matter. You never would dream that they had endeavoured to force it to a point beyond which it actually reached. Now, there is a mode by which this matter may be brought to a statistic test. There are three ways in which opinions are promoted and forced forward in the House of Commons; the one is by division, and of course you will understand that those who divide in favour of a motion for expenditure help to press forward expenditure; another way is by motions, which have very often great influence even though they be not pressed to a division; and another way is found in a very harmless operation as it looks, but I may tell you it is sometimes a rather invidious act, that you may often have noticed reported in the newspapers. You will see before the solid business of the evening commences a number of gentlemen frequently get up in the House of Commons and ask this Minister and that Minister what he is going to do on a particular subject—"Mr. So-and-so to ask the Chancellor of the Exchequer whether he will consent to increase the salaries of the Post-office sorters and letter-carriers in such-and-such a borough;" "Mr. So-and-so to call the attention of the House to the case of the Colonels of such-and-such regiments which have been placed in such-and-such a position of disadvantage;" "Mr. So-and-so to move for a committee on the pay of naval captains." These are questions which are multiplied in an indefinite number of forms. Now, I say this—and the Government have the means of doing it if they like—let them reckon up throughout the Parliament of 1859-1865, all the questions which were put with a view of increasing the expenditure; let them reckon up all the motions that were made with the view of increasing expenditure, and let them reckon up all the divisions that were taken with a view of increasing the expenditure; let them see by whom those questions were put, by whom those motions were made, and who voted in those divisions. Now, that is a fair test—let Mr. Cross make that proposal to the Chancellor of the Exchequer. He would have nothing to do but to set a couple of clerks to work, and in three days they would do it. I do not say that we of the Liberal party are wholly exempt—far from it; but the effect would be that you would find three-fourths, or perhaps nine-tenths, of those proceedings in endeavouring to force the Government into a higher expenditure proceeded from the Conservative party when sitting upon the benches of Opposition. And they may understand that I am not speaking without book. I will give you two particular instances. It so happens that they are instances in which the motion, I believe, was made by gentlemen who sat on the Liberal side of the House, but that is immaterial to my purpose. I want to test the disposition of the Conservative Government—of that kind of Government which you are asked to support, by returning to Parliament men who will support it. The year 1859, it seems, was a year in which the tender consciences of the supporters of the present Government were terribly scandalised on account of the

greatly increased expenditure. There was at that time a most formidable question afloat—a question connected with the proposal to create fortifications for the defence of the great arsenals of this country. We desired to appoint a commission to inquire into the necessity for these fortifications, and into the manner in which, if they were to be erected, they could be erected with the greatest advantage, and at the smallest cost. But the House of Commons were so fervent in their desire to have these fortifications, that they would not endure the delay entailed by a commission. They required that we should proceed at once. This motion was made on the 29th of July :—"That the expense of completing the necessary works of national defence should be met by a fund specially provided for that purpose." That meant by a public loan, and independent of the votes of Parliament. You see how the declaration of that act launched by the House of Commons—that it was ready to borrow money to any extent, would have tended to increase the expenditure. The Government resisted the motion, and it was defeated by 167 votes to 70, but in the minority which voted for the motion I see the names of six members of the present Government, who wanted at that very time, when the expenditure had been so much enlarged, to force us into a loan. The six members of the present Government who voted for the motion contained two members of the present Cabinet, Lord John Manners and Sir John Pakington, the latter of whom has been one of the gentlemen most connected with the spending departments of the country, and he has shown as liberal a disposition—if it be the true essence of Liberalism to tap the pockets of the tax-payers of this country—as any Minister I have ever known. But this was not only in relation to matters of war, it was shown in matters of peace also. Did you ever hear of the plan for erecting harbours of refuge? Perhaps not; because most of those harbours were to have been on the eastern side of the country. But there was such a plan, and it was proposed to spend, I think, in the first instance, £5,000,000 of money, out of which two-thirds were to be at the cost of the Exchequer, and the other third was to be lent by the Exchequer. It was a scheme which could not have failed to cost £10,000,000 or £12,000,000 to the country. Now, what did Lord Palmerston do in those days of high expenditure? We set ourselves firmly against that scheme, and this motion was made in the House of Commons on the 19th of June, 1860 :—"That, in the opinion of this House, it is the duty of her Majesty's Government to adopt at the earliest possible period the necessary measures to carry into effect the recommendations of the Commissioners appointed in 1858 to inquire into the formation of harbours of refuge on the coasts of Great Britain and Ireland." Observe the character of that motion. It was a motion that contemplated at the very outset the spending of several millions of public money, and the lending of some millions more; and, from what we know of the nature of that irresponsible expenditure, we may be certain that amount of five millions would have been doubled or trebled before it was over. Nine members of the present Government voted for the motion, but I will only give you the names of those who are in the present Cabinet, for they are entitled to that distinction. There were three who are now Cabinet Ministers who voted for that motion—Lord Stanley, our friend Sir John Pakington, and the present guardian of the public finances, Mr. Ward Hunt. They voted for an address in

the House of Commons to compel the Government to spend this money, but the Government did one of the greatest things on behalf of public economy that I have ever known done. The motion was made, as I have told you, and I regret to say it was carried by 145 to 128, so that the House of Commons addressed the Crown to have harbours of refuge made, but the Government of Lord Palmerston, to his great credit, refused to act upon that address of the House of Commons. There is another portion of this question to which I must briefly allude, reserving my right to go into it more fully on some other occasion. Still, I may say a few words on the present occasion; but I have, as it were, archæologically and in an antiquarian spirit, to relate the acts of former Governments simply for this reason—that our opponents have not been able to say anything on the present issue, but have been obliged to disinter and disembody questions which in all practical reality are bygones. Now, I come back to the charge, and I repeat it, that the Government has added to the present permanent expenditure of the country a sum of three millions, without taking into account one farthing for the money expended for the Abyssinian war. Now, I must say a word on this subject of the expenditure on the Abyssinian war. I believe the estimate was that it would cost £5,000,000. That was made in the month of April or May, when the war was practically at a close, and the whole expenditure ought to have been accurately known if there had been no gross blundering or negligence. I can only hope that the Government has told us the whole truth, and that we know the real estimate of the expenditure of that war. But I am told that we shall have another bill to pay. I will not treat as a fact that which I do not know to be a fact; but if it be the truth the present Government has incurred a most enormous and a most serious responsibility. But the three millions are supposed to be divided as follows:—£1,400,000 for the army, £600,000 for the navy, and £1,000,000 for the civil service. You will soon have most ingenious efforts to draw away the attention of the public from the real question by seeking to show that the public services of the country are inefficient—that is, the naval and military services are in an inefficient state, and that money must be spent to make them efficient. There is nothing that you ought to be more upon your guard against than the alleged inefficiency of the public service. It is in itself a good plea, but in the mouth of a Government which wants to find an excuse for a great increase of the public expenditure, it is a plea not to be admitted without a great deal of careful scrutiny. I will tell you the result of some of my experience. When the Government wishes to raise money it is invariably done by saying that the public service is inefficient, that the money is spent; and the next thing declared is that the public service has at last been made efficient. It would be well if this ended here. But somebody else comes in, who declares the public service again inefficient, and the money is again spent. The same process goes on time after time, the public is utterly bewildered, and at last arrives at the only certainty in the whole matter—a large augmentation of the public charges. I have heard that the troops have been badly armed for the last five years; that the late Government did not finish the contracts for iron-plated ships, improved artillery, and small arms. The late Government, feeling that a vast expenditure had been uselessly incurred for iron-plated ships and improved arms, the last pattern being superseded by something superior before it was

even served out, determined to proceed cautiously, and not rashly, to incur a vast expenditure, as the present Government have done on the latest new invention. The lesson we taught was to proceed with moderation. Some have heard a great deal said about the addition of £500,000 to the public charges, in order to give an additional 2d. a day to the pay of the soldier. Gentlemen, I do not say that too much has been done. On the contrary, I am by no means of that opinion, but I do mean to say that all that has been done might have been done at much less cost to the country. But what is the defence urged by the Government? They say that we ought to object;—but when the Executive Government of the Crown proposed an increase of pay to the army, it was impossible for any Opposition to step in and say no. No one who considers in the slightest degree the relation between the Executive Government and the army, and the right which the army has to rely on the promises and determination of the Executive, will fail to see that the judgment of the Executive Government was perfectly conclusive when such a proposal was made, and as they were entitled to its merits, so, in consequence, they must bear its responsibility. Let me give you another instance—they built a number of ships, and they said that what were called reliefs, and were intended to take the place of other vessels on distant stations, were in an unsatisfactory and inefficient state, and that it was necessary to put the country to a great charge to build more of them. We endeavoured to stop this measure in the House of Commons and failed. We could not bring the House of Commons to see the folly of this policy. If you are to have a real retrenchment in your Navy Estimates you must have it by a great modification of that antiquated system of keeping fleets all over the world, by means of these reliefs, as they are called, or by a multitude of wooden ships, which would be almost entirely useless for the defence of the country. Therefore I at once say that the money had better, perhaps, have been thrown into the sea; but for the expenditure of it I hold no one responsible but the Government. It is quite true that the House of Commons declined to stop the Government in its career, but the House of Commons is a body which had during last Session particularly, and during the Session before, the greatest difficulties to contend with in dealing with the Government. It has been compelled to meet the Government at every turn for the purpose of changing its bad proposals into good ones. But you must not expect too much from the House of Commons. This is, I think, all I need state to you with regard to these subjects, except that I will sum it up in one sentence, and I will tell you this. You observe there is a million in civil expenditure that has been added. Now, I know very well that the case set up by the adherents of the Government will be that there were new wants that required to be met. Who supposes that in a country which expends £65,000,000 every year—it is now, I am sorry to say, beyond £70,000,000—who supposes that you can estimate down to every farthing of your expenditure? You cannot stereotype the wants of a great empire. New wants are always coming forward, but where there are new wants, and provision is made for them, that provision ought to be counterbalanced by new economies. What has been done by the present Government? I affirm this, that they have adopted with regard to the civil expenditure a system to which was once applied in a different sense a phrase which is

a very expressive one—a system of making things pleasant all round. How do you understand that? You understand that everywhere there are demands on the public purse, and a great deal of trouble and unpopularity to be escaped, and a great deal of political influence to be obtained in local towns by making things pleasant all round. I affirm this, that before the Government had been in office one month it commenced its career of granting requests which we had refused, of undoing and reversing decisions to which we had come in the interests of the public purse, and of substituting for them other decisions, at an increase of the public charge. I will give you but one instance of the way in which this works. I read it in the address of a candidate—I will not say where; but there is no doubt about the facts, for they are a matter of public notoriety. The Government had advanced £20,000 for the purpose of carrying out a public work at the time of this election. A candidate comes forward in the interests of the Government, and he states that in the time of the Government of Earl Russell or Lord Palmerston—I forget which—he proposed that the State should surrender that debt of £20,000 upon receiving the sum of £2,500. That proposal, he said, was opposed by the Liberal Government, and he could not carry it; but when a Conservative Government came in, they agreed to it. That, I think, is an instance of making all things pleasant. The candidate pleads the sacrifice which the Government had made of public money as a reason why the constituency should return him to Parliament. If you meditate upon this little matter, I think you will find it full of useful information, and it may convince you that it arises out of a system of a very liberal administration of the public funds and a contempt of small, niggardly and unworthy saving.

There is another question which cannot be overlooked—I mean the question of the Irish Church. I endeavoured on a former occasion at St. Helen's to express this opinion, which I am confident is founded on fact, that the question respecting the Irish Church as it stood during the last Session was really, whether in Ireland you would adopt our proposal and our policy under the circumstances of the country, and have no Church Establishment, or whether you would have three or four. It was necessary to point out that those who were responsible for the government of Ireland agreed with us in the opinion that we could not stand as we were, and they have proposed a plan, against which we have proposed ours. Many of you probably, and a considerable number of the people who are Protestant, feel opposed in conscience to the payment of the grant to Maynooth College, and many who are Roman Catholics may feel not less aggrieved at the payment of the sum of £40,000 to the Presbyterians under the name of *Regium Donum*. What is the meaning of these two grants? They are the buttresses of the Irish National Church. The Irish Church is such a contradiction of all the principles on which Church Establishments ever have been founded and recommended, and of all the feelings of the country, and I may say of the common sense of men and the judgment of the civilised world, that it is impossible to get it tolerated except upon conditions, and therefore the policy of those who desire its continuance has been to maintain and to multiply these grants which I have called the buttresses of the Irish Church; but it was felt that Maynooth and the *Regium Donum* were

not enough, and that there must be some more of those buttresses, for the wall was weak, and was beginning to bulge horribly outwards, so that there was a fear that it would fall. Therefore a new buttress was devised in the shape of a foundation of a Roman Catholic University, and a second one — viz., the increase of the *Regium Donum*. In the House of Commons I read a letter, written by the authority of Lord Derby in the year 1867, with respect to the increase of the *Regium Donum*, in which he said that he was extremely sorry it was too late to do anything that year, but when the Estimates for the next year were framed the matter would be considered, which is understood to mean that the prayer would be granted. I read that letter in the House of Commons. The First Minister of the Crown, the present Prime Minister, said that he was not in any manner bound by what was done by the Government of Lord Derby. I thought that rather odd considering that he was not merely a member of Lord Derby's Government, but that he was the leader of the House of Commons, and I thought it still more odd when I read the address in the newspapers the other day, in which I saw that the present Prime Minister has been upon terms of brotherly kindness with Lord Derby for the last 20 years; they had had but one common soul and spirit—one thought and mind in public affairs. And so it appears that there are two faces to this deity, which may be turned about alternately as occasion serves. When Lord Derby has made an inconvenient declaration, then, indeed, we had nothing to do with the Government of Lord Derby; but when there is no inconvenient declaration in the case, and when it is known that the name of Lord Derby—of which from many points of view I can speak with cordial respect—when it is known that the name of Lord Derby is by far the best name that can be presented to the country at the approach of a general election, then, indeed, a complete amalgamation with Lord Derby appears to be effected, and you are invoked in his name to support the present Government. But, gentlemen, whether it be Lord Derby, or Mr. Disraeli, or Lord Anyone-else or Mr. Anybody-else, that is not the question in view. The question in view is this—are we, these three kingdoms of her Majesty, to be one united kingdom, or are we not? You have been united with Ireland, so far as law could unite you and so far as force and the strong hand of military power could unite you—you have been united, if you call it united, for 700 years. The union that has subsisted between you has at no period been a source of strength or security to this country, but has at all periods been a source of wonder and of scandal to the civilised world. Now, gentlemen, you are the persons to whom it is to be referred in the last resort how long these matters are to be carried on. Do you intend, or do you not intend, that our relations with Ireland shall continue such as they have been? I ask you, the people of England, be you Conservatives, be you Liberals, be you Radicals, or what you like,—do you think it is honourable to you, as civilised people or as a Christian people, that your relations towards Ireland shall continue in this state? It is the strong hand of civil authority and of armed force and not the love or respect for the law or for the British connection that preserves the peace of Ireland. This is the question you have to answer, and this is the question for a reply to which you will be responsible. We have fairly raised it and laid it before you. You might, in other times, have laid it in a great degree upon the governing classes of the country; you might have laid it

on the Houses of Parliament, but you can do so no longer; you are about to create that House of Parliament, the judgment of which will be all-powerful with respect to the settlement of this great question. The next few weeks must determine whether for years to come the present state of things is or is not to continue. What is the policy opposed to ours? I should like to know that. I should like to know if there is a man out of this room who could answer that question? We have a right to look for the answer in the address of the Prime Minister. If we have had for months and months past one topic more than another reiterated beyond all endurance it is that my conduct and the conduct of others has been mischievous beyond measure because of our rabid desire for office. We rushed at the Irish Church without waiting for the report of the Commissioners. "Why did you not wait for the report of the Commission," we have been asked—"for the report of the ten wise men who were to settle all these difficulties?" Well, gentlemen, I was content to say that in my opinion the report of the Commission could not possibly have anything to do with the matter. The report of the Commission was a report to consider how the Irish Establishment should be managed supposing it were to continue an Establishment, but as I wished that it should not continue an Establishment, I very naturally wished not to give the Commissioners the trouble of making any report at all. It is perfectly obvious that as far as the report of the Commission is concerned it could have no value. But how does the matter stand on the other side? That is a very different affair. They did wait for it, and the report has been published. Yet what is the result? The Prime Minister publishes his address, which contains an outline of the policy on which the three kingdoms are to be governed, and there is not a single reference in his address to that report. He did not even acknowledge the portentous labours by which the Commissioners have contrived to produce a huge mass of figures in a great blue book. As a matter of policy, that argument of waiting for the report of the Commission, in order that the Government might be able to form some idea of what was required on the question of the Irish Church, is now utterly exploded. I have said, and I am bold and free to repeat, that I am not a reformer of the Irish Church, but an anti-reformer. There is no use in reforming the Irish Church. In the Irish Church you have a body which, as regards the character of its bishops, its clergy, and its laity, deserves and has my cordial respect. I do not want to extinguish a single Irish bishop, but I object to their living on other people, and I am perfectly convinced that as an ecclesiastical body, as a holy Church, a religious communion, and as a spiritual body, when you have once by your votes put them through the process of disestablishment they will be happier, better, and more useful, and live more nobly than they ever did before. As to the charge of being a promoter of the interests of the Roman Catholic Church, I do not wish to use an argument that may be odious; but I repel and repudiate that charge, and I repeat that those who make it are not prepared to substantiate it. I distinctly deny that our proposal was made in the interests of the Roman Catholic Church, for, while I admit that the Roman Catholics refuse to take what we offer, it gives to the Roman Catholic people of Ireland civil justice. What is the gift of civil justice? It is made rather to promote the interests of Christianity and to spread the dominion of the Protestant

Church. If you say that it is not so you admit that the Roman Church is the only true Church; and I must say that it does the Roman Catholic Church some credit when I consider their readiness and determination to rely on their ancient and unbroken traditions, on the zeal and perseverance of their subordinates. That is to say, their choice is not to have an Establishment. They say, "We can support our own Church," and they tell the Protestant Establishment that it must come down from its vantage-ground and meet the challenge of its rivals. That—it is replied—will be the ruin and destruction of the Protestant Church. And this, gentlemen, is said by the friends of Protestantism! Well, I suppose that if there be any friends of Protestantism that are worth its having they are those who are inspired by some belief in its truth, and if there be any men that have any belief in its truth, I think their desire will be that the Church of Rome, and the Church of England, and the Church of the Presbyterians, and every other Church under the circumstances in which Ireland is placed should meet on a fair and level field, and free from the odious recollections and the painful associations that must attend every system where the one party has necessarily hanging about it the sense and the spirit of ascendency, and where the other carries with it all the recollections of wounded feelings resulting from oppression that lasted for long ages. Gentlemen, the question is a great issue for you to consider and to decide. I think that we have done our duty in the endeavour to lay it before you. Its gravity is not to be disguised. It is said that we, forsooth, have made it a party question. Well, gentlemen, at all events you know this, that when we charged ourselves with the question of Reform, and when we found that we must abandon the question of Reform or our offices, we determined to abandon our offices. After that we are not to be driven back by these idle imputations. We have made our appeal fairly, openly, in the face of day to the people of England to abolish the Church of Ireland as an Establishment, with every consideration that equity can give in the arrangement of the measures necessary for the execution of our designs, to abolish along with it every other grant that involves the State in the responsibility of connection with any particular religion, and to establish no other Church and no other form of religious teaching in its place, after we shall have done all that equity and indulgence can require in winding up this great scheme of policy. That, I say, is the design that we have laid before the country, and which the country does understand. There is no other scheme, gentlemen, before you; there is nothing but a multitude of misty, foggy, vaporous declarations, as far as they have meaning, all in conflict. One says he is for holding high the Protestant religion in Ireland; another says, "Undoubtedly the question of the Church of Ireland is difficult and requires much consideration;" another says, "Probably it will be necessary to give away some part of its property." Gentlemen, don't follow any one of these narrow, obscure, and devious paths, that will lead you into the desert, into the mists, and into the fog. Let us go straightforward on the road of civil justice and equal rights; giving unto others that which we desire they should give to us, doing unto them as we, in their place, would be done by, and confident that in serving the right we are serving the God of right and justice, and that wherever be the truth of faith and religion, wherever be the superior claims of this or that ecclesiastical communion, the supreme interests of truth will and must be served by the adoption of such a policy.

SPEECH

DELIVERED IN THE

AMPHITHEATRE, LIVERPOOL.

OCTOBER 14TH, 1868.

MR. CHAIRMAN AND GENTLEMEN,—I hope I do not presume too much when I express my belief that my friend Mr. Grenfell has done much to-night within these walls to establish his title to your favour. In one respect, if in one only, I am happier than he, and that is that I am enabled to look back to former occasions on which I have had the honour to address you, and to be cheered by your approval in the conduct of questions of great public interest and moment. Mr. Grenfell has, indeed, given me a friendly challenge to enter to-night on the subject of retrenchment; but as I hold that mercy is a part of justice, and as I remember that it was my duty to inflict a long explanation on that matter only 48 hours ago upon a portion of this constituency, I do feel that it is but fair that a certain time of repose should be allowed to the minds of the men of Lancashire. There is no want of topics upon which it is to be desired, and, indeed, it is urgently necessary, that there should be a free interchange of ideas between yourselves and those who are the candidates for your suffrages. I cannot but go back, addressing you as I now do, towards the close of the existence of this Parliament—I cannot but go back to an occasion, two years ago, when we were engaged in the struggle for the Reform Bill of 1866. My friend Mr. Grenfell has told you that he was not one of the most sanguine adherents of that Reform Bill, but he significantly added that he voted for it on every occasion. Now, I think that we have not much to complain of, and certainly I, for one, don't complain at all of those who might have thought that we were premature in raising the question, or who might have thought that when we did raise it we did not take the right path to success, provided they did that which was done by my hon. friend,—namely, that when he saw the public interest

was involved, and that the principles of Liberal Government must either enjoy a triumph or suffer defeat, he lent the aid of his vote on every occasion in order to insure that triumph and avert that defeat. In the month of April, 1866—repeating a sentiment which had been uttered by my noble friend, Earl Russell, who was at the head of the Government—repeating the sentiment, although in other words, I told you—using a phrase which was much ridiculed at the time—that we had broken our bridges and had burnt our boats, and that, come what might, we held ourselves bound in faith and honour to the people, and would not recede from the ground which we had taken. Gentlemen, I hope you think that that pledge was honourably fulfilled. I trust you may also be of opinion that the men who gave those pledges when they give others, and make solemn declarations upon other subjects, do it, not for the purpose of paltering with your feelings and serving their own interest, but because they have great public objects in view, because they require your aid to enable them to compass those objects, and because, in order to obtain your aid, they know it is necessary to possess your confidence. Now, upon the subject of Reform it is necessary that we should travel a little backwards, for, unhappily, that question, although it has reached a position which undoubtedly involves a great popular triumph, is not, I am afraid, to be regarded as one of which we have completely taken leave. In 1867 we were introduced to a series of extraordinary scenes. First of all we had a general intimation and promise that something would be done; then a series of resolutions, which strutted a brief hour upon the stage—as they might do on this stage and then disappear; then there was a Bill which we have been told, on the authority of a Cabinet Minister, was framed in ten minutes, and which was withdrawn in very little more than ten minutes; and, lastly, there was a Bill which—undergoing the strangest transformations in its course through Parliament—has now, I will not say, become the law of the land, but has been altered into something like that which has become the law of the land. When that Bill was introduced I frankly stated my opinion that it was the worst Bill that was ever laid upon the table of the House of Commons; and, moreover, I believed then, and I believe now, and I will give you the means of judging whether I am reasonable in that sentiment, that it was a Bill the very presenting of which would have deserved and justified a vote of censure from Parliament. For what did that Bill contain? Under the name of a measure of progress, it was a measure of reaction; under the name of a measure for enlarging the political influence of those great classes who were almost excluded from the representation, it actually narrowed and lowered the influence of those classes. I have no doubt that what I now say appears like a revival of ancient and forgotten history, so rapidly were the features of that measure one by one effaced, and so anxious were its authors that the recollection of them should not be revived. But what was the aspect with which that Bill was presented to us? It contained a provision which would have enfranchised by an enlargement of the suffrage under the name of household suffrage from 100,000 to 120,000 men of the classes inhabiting houses below £10 in value. That was the enlargement which it contained. But, along with that, it contained a provision under the name of the dual vote which would have doubled in the middle and the wealthier classes of this country some 300,000; so that instead of receiving from that measure, if

it had passed as it stood, the benefit of an enlarged share of influence in the representation, the labouring men of the country, including those men of Lancashire who had proved alike their intelligence and their heroism during the terrible period of the cotton famine, would have found themselves condemned to a still narrower sphere in the influence they could exercise upon the representation of the country than the sphere afforded them by the confessedly defective provisions of the Reform Act of 1832. Therefore, that measure, called a measure of Reform, was really a measure of retrogression and reaction, and, although called a measure for conferring popular privileges, it was really a measure for diminishing the popular privileges already conferred. And permit me to say that if we are to estimate the judgment of the Government, if we are to estimate the intentions and principles of the Government, we must estimate them not by the final form of an Act of Parliament, which exhibits all the influences that the various sections of Parliament may really have brought to bear upon it during its discussion, we must estimate them mainly from the form of the Bill when it was laid upon the table. The simple facts I have given will enable you, the electors of this large county constituency, and the electors of the borough of Liverpool, to judge how far it is true and how far it is not that Her Majesty's present advisers did address themselves to the question of Reform with the honest intention of enlarging the sphere of popular influence and of representation. But, gentlemen, over and above what I have said, there were other provisions in the Reform Bill almost as blameworthy as the provisions relating to the dual vote, and these were the provisions which make me now feel it necessary to address you for some little time upon the subject, because they involve matters that must, necessarily, come under the early attention of the Parliament about to be chosen. I mean now the provisions relating to compound householders. There was a fashion adopted by members of the Government of sneering at what was termed the compound householder, as if the compound householder was other than a British citizen fulfilling all his duties of citizenship; nay ,more, in utter forgetfulness that the compound householder generally was not a compound householder by his own choice, but by arrangement between his landlord and his own parish. And these compound householders were two-thirds of the whole population below the £10 line. The Bill presented to Parliament excluded the whole of those compound householders, but it allowed to them the power of—what do you think? (A voice: Paying their own rates.) Paying the rates! says my friend. And what does that mean to a man who never heard of rates, whose landlords had paid the rates and been reimbursed in the rent without the occupant's knowing anything about the matter? Why, you know, there were tens of thousands even in this town, and hundreds of thousands of such throughout the country. Now, what was the option, what was the privilege conceded to the artisan of England in that condition? It was this: he might go to the most learned in the law among his friends and inquire of them what course he was to take in order to find out the nature and amount of his liability as a rate-payer; he must then find out—and I am sure I do not know exactly how he would do it—what rates had been paid recently in the parish to which he belonged, of which he had no business, as the law stood, to know anything at all. And then he was allowed the privilege of devising a form under which

he might apply to the parish officer to pay up the full difference between the rate last levied on the parish and the composition rates which his landlord had paid for him, and of which he knew nothing whatever. Gentlemen, it was a pure mockery. It was little short of an insult to the labouring men of England, engaged from morning to night in the honourable exertions whereby they support their wives and families, to tell them that if they wished to enjoy the privileges of citizenship they were to set about the process of this legal inquiry—to ascertain facts and learn the forms in which to present the documents, and then to pay a sum in hard money in order to be educated to the franchise. Well, on the night on which that proposal was made I said that it was a Bill for imposing upon the people of England—that is upon two-thirds of the people of England—below £10 a pecuniary fine, as the condition for obtaining and exercising the franchise, and to that statement I now deliberately adhere. The Liberal party in the House of Commons were accordingly dissatisfied with the provisions of the Bill, and they authorised and instructed me, at a meeting which was held at my house for the purpose, to state the formidable objections, as we considered them, to the Bill. I will run over these objections. The first was that while the voter of £10 was to reside for one year to entitle him to the franchise, the voter under £10 was to reside for two years to entitle him to the franchise, and the Minister who explained that clause, Sir John Pakington, the present Minister of War, very frankly stated in the House of Commons that the main object of creating that distinction and imposing the condition of two years—indeed, of one—was to restrain the numbers that would be admitted to the franchise. Well, gentlemen, that clause disappeared, and the two years, through the action of the Liberal party upon a division, were reduced to one year. The second point was the dual vote, in which I have already told you that it was estimated by the best-informed persons that while it would have been enjoyed exclusively by those wealthier portions of the community that were already amply represented, to them would be given an influence of not less than 300,000 additional votes. The statement of the Minister was that it would very largely exceed 200,000, but I know I do not speak without book when I place that amount at 300,000. Well, gentlemen, that clause also disappeared. The next was a set of franchises given to persons who had obtained degrees in Universities, given to persons who paid a certain amount of assessed taxes, or who paid a certain amount of income-tax, all invested with the same apparatus—viz., that of depressing popular influence in the constituencies. Those clauses were powerfully opposed by my learned friend Sir Roundell Palmer, and the Government was compelled to withdraw them. The next point, gentlemen—the fourth of those I have named—was that the Bill did not contain what is known by the name of a lodger franchise. Now, possibly in Liverpool—certainly in many towns of the country—as a general rule, each head of a family has his own house, and where that is the case the question of the lodger franchise is of little importance; but in large portions of London—and London, you will recollect, contains one-third of the entire town population of the country—in large portions of London, by far the greater part of the artisans and labouring population are not householders but lodgers; therefore we entirely objected to passing by this well-qualified class of citizens; and the Liberal party required, and at length obtained, the

insertion of the clause which grants the lodger franchise. Well, gentlemen, the fifth point I will mention is this—there was an ingenious provision in the Bill that any voter might give his vote by means of a form written upon paper; it was represented that this would be a matter of great convenience, and one distinguished member of Parliament—very friendly indeed to the proposal, a man of whom I never can speak but to his honour—described the proposal in this sense:—The declaration upon paper was to be made, I think, before a magistrate, and he said it would be exceedingly convenient if it would turn the magistrate's drawing-room or sitting-room into the polling-booth. Well, gentlemen, we did not think that a great recommendation. It appeared to us that we—especially those of us who object to the ballot—most undoubtedly wish rather to see the British citizen give his vote with his fellow-citizens at the polling-booth than carry it to the house of the magistrate, very possibly the magistrate being his landlord, very possibly under the conduct of the landlord's agent on his way to the drawing-room. We deemed the provision adverse to free election and a popular franchise, and upon a division we were able to expunge it from the Bill. The sixth point upon which we objected was that the county occupation vote was not sufficiently extended; it was proposed to fix the line at £15 of rated value. We did not obtain with respect to that point as much as we could have wished. However, we obtained the reduction to £12 rated value, and, undoubtedly, I hope that any voter who happens to be of £12 rated value in the county, and not to be of £15, and happens to hear any Tory candidate dilating on the great generosity of her Majesty's Government in granting you this Reform Bill, will inquire into the history of the party operation by which the £12 got a vote in the teeth of the views of her Majesty's Government. The seventh point related to the scheme of the redistribution of seats, and upon that I will only say that, as it was introduced, it was miserable, narrow, and totally unsatisfactory. By force of adverse divisions and considerable majorities, we did obtain some enlargement of that scheme. I own we did not obtain all the enlargement that we should have wished; that was not our fault; it was the fault of the resistance with which we were met from the Treasury benches. My eighth point was this,—that the Bill, as it was introduced, did not grant any reduction whatever upon the leasehold franchise in the county constituencies. We deemed that it was most desirable to increase that class of voters, and again upon a division we were enabled to obtain the reduction of that franchise from £10 to £5, at which it now stands. These are eight of the ten points I mentioned which I put down to-day; the ninth I really don't at this moment recollect; but the tenth related to the personal payment of rates, on which I shall say a few more words. But I am bound also to add, for I think they are among the very valuable provisions of the Reform Bill, that we were enabled to introduce into that measure not, indeed, all the clauses that are desirable for the purpose of restraining the heavy cost of Parliamentary elections, which cost, depend upon it, gentlemen, is neither more nor less, when you look at it closely, than another fine upon the exercise of popular privilege, another limitation placed upon the freedom of your choice—we did not succeed in introducing all that we sought to introduce for the purpose of limiting that heavy charge. Some provisions applicable to the whole country, and some, in particular, applicable to boroughs, we

did introduce, which as far as they go are of a very salutary and useful character, but which, unfortunately, did not receive the approval of her Majesty's Government, and were carried by that last and painful resort, the resort to the process of counting numbers on a division. There is another point I must mention, although it relates in this county more to towns than to the county, and it is also a point on which I frankly own to you there was a considerable division in the Liberal party itself; but the great majority of the Liberal party did resist, and resist with increasing energy the more they considered the matter, that clause which is called the clause for the representation of minorities, and which, as far as I am able to comprehend its operation, appears to be considered a common nuisance to the towns into which it has been introduced. You will have seen that, out of the ten points I have mentioned, eight points were either carried wholly or in great part. The same, I believe, was the case with the ninth, and nothing now remains of the identity of the Bill originally brought in except the personal payment of rates. That being so, it was still a matter of vital consequence to her Majesty's Government to show that they were the authors of the Reform Bill which had been passed during the period when they undoubtedly held office as Ministers of the Crown, and for this purpose an ingenious theory was constructed by the present Prime Minister in the speech delivered by him at Edinburgh about twelve months ago, which is, perhaps, most commonly known by the name of the "Education Speech." The Prime Minister on that occasion—making no reference to any of the nine points, of great importance, every one of them, that had been in the Bill, but which had all been turned topsy-turvy by the Parliamentary activity of the Liberal party—said the Bill was founded upon five principles, and these five principles were introduced to supply the place of the ten points. Now here, gentlemen, were the five principles. The first was that the whole question of Reform was to be dealt with at once; but the whole question of Reform was not dealt with at once, for the Reform of Parliament for Scotland and the Reform of Parliament for Ireland were entirely postponed to a subsequent Session of Parliament. Perhaps it may be meant that the redistribution of seats was to be dealt with in the same measure as the franchise; but what became of redistribution of seats for Ireland? Why, that the Government cut it out of their own Irish Franchise Bill, and it now stands over to be taken up next year, or five years or ten years hence, or whenever anybody pleases. So much for the first principle—that the whole question was to be dealt with at once. The second principle was that no borough was to have its representation extinguished. That was a very broad and manful avowal—I think a most erroneous opinion, but still one with regard to which it was bold, clear, and intelligible. So far as I am informed as to the matter of this process of education that had been assiduously carried on, I believe that the promise that no borough should be extinguished was one of the many promises and inducements held out to the Conservative party to lead them to swallow, with as good grace as they could, the Bill of Household Suffrage. But although, in 1867, we failed in extinguishing any of these small boroughs—which certainly are a disgrace to our representation, for they do nothing to contribute to the vigour of that representative system—I am happy to say that in 1868, on the introduction of the Scotch Reform Bill, we did service

in knocking upon the head some of those small and paltry delinquents, those peccant members of the representative system, and, along with that decision of the House, disappeared the second of the five principles. The third principle was that a Boundary Commission was to extend the boundaries of the principal boroughs of the country. That Boundary Commission sat. Its recommendations were subjected to the consideration of a committee of the House of Commons, presided over by Mr. Walpole. The committee, which was a small one, was composed of members sitting on both sides of the House, and that committee reported unanimously in favour of again knocking on the head all the principal recommendations of the Boundary Commissioners. Liverpool, Manchester, Marylebone, Lambeth, Birmingham, almost all the great towns of the country, were intended to be enlarged to remove many of you from the county, and deprive you of the county franchise. This was one of the five points which entered into the education of the Conservative party, and which was intended to induce them to acquiesce in the Reform Bill by showing how complete a hold would be given them on the county representation. The third principle went the way of the first and second, and disappeared from the system of Reform. The fourth principle was that the county representation should be increased. Well, who introduced the county representation? The Liberal party. We were not satisfied with the increase in the county representation given by the Bill of the Government and enlarging the scheme of the redistribution of seats; we gave a larger amount of county representation than the Government had proposed to give, and I myself stated in the House of Commons the irresistible claims of the county of Lancashire to a much larger amount of representation than was given by the Bill. I was unable through the opposition of the Government to procure for you that augmentation. The fourth principle has not been effaced from the Bill, but it was our principle and not that of the Government. We gave augmentation to the counties beyond what the Government proposed, which would have been further augmented if our numbers had been sufficient to secure it. I have given you nine out of ten points, and four out of the five principles. I now come to the tenth point, and to the fifth principle, and that is the principle which was described in the debate as the personal payment of rates. Now, what do you suppose is meant by the personal payment of rates? I can tell you what it does not mean. It does not mean that the rates shall be paid by the person. There is not the least necessity that the rates should be paid by the person; there is not the least necessity that any man should pay the rates in order to become a voter; any person who pleases may arrange with his landlord to pay the rates, and it may happen that there may be thousands of persons under the present law who do not know there is such a thing as a rate, and who yet come upon the register. I am most anxious to draw your attention to this because it will show what the Government have clung to with such tenacity, and the real sting of the Reform Bill. When the discussion was introduced at the beginning of 1867 the personal payment of rates did not mean the payment of rates by the person. Not only so, but a high moral tone was adopted by the Government and their advocates. It was said that it was not necessary for the occupier to pay the rate provided the rate was but paid, and we were decried as upholders of the doctrine which tended to demoralise the community, and we were met

on the other side by the most affecting declarations to show up to how high a pitch of virtue the householders of the country would be educated, by being called upon three or four times a year to such an exercise of self-denial as would enable them to lay by the money ready to give to the rate-collector when he came. I assure you that this is the whole staple of the argument. We said,—"What business have you to require heroism as a condition of the franchise? You don't require the rich man to prove that he is a self-denying man in order that he may vote; why are you to ask from the poor man, in the most inconvenient form, that which he now pays in the most convenient form? We admit it to be desirable that he should put by, but although he may not be able to put by, he may be able to exercise the franchise hereafter if he can discharge the claims of the landlord, and enable the landlord to meet the claims of the parish." However, gentlemen, the advocates of the Government got upon the high horse of virtue and morality, and in their anxiety to carry the highest principles of action through all the lowest strata of the community, they insisted upon that personal payment of rates; but, as I have told you before, when the Bill was passed it was found that the whole attempt to enforce the payment of rates by each individual would be so ridiculous, as well as so oppressive, that on the question being put in the House of Commons as to whether the personal payment of rates meant that the man himself must pay them, the answer was that it was not in the slightest degree necessary. And therefore all this virtue, all this heroism, all this self-denial, and this noble moral basis which was laid for the Reform Act of a chivalrous Government, have been wholly swept away; and what remains? I have told you that the morality has been swept away; but there is something else that has not been swept away, and that is our old friend the fine. Before the Reform Act of the present Government, it was competent for the parish and the landlords to agree together, and for the landlords or owners to agree with the occupiers in conformity therewith, that the landlord should pay the rates and should receive a reasonable discount in consideration of his advancing the money and of his running the risk. The landlord may still pay the rate, but he must pay the rate without the discount, and that is all that remains; but what does that mean? It means a fine upon the occupier. Now, listen to me for two minutes, for I do not use the language, at least purposely, of exaggeration. The occupier is liable, we will say, to pay 10s. in the name of rates. Convenience makes it desirable that the landlord should pay it for him, and the law allows it. But if the landlord is to pay it, I tell you as a simple elementary truth of political economy, he must have some commission for paying it. He will not advance the money, he will not run the risk of not recovering it without that commission. I want to know who is to pay that commission? The answer is inevitable,—the occupier of the house; and, therefore, this is the basis on which we now stand, that, besides the inconvenience which is suffered in many cases of having the composition broken up, the occupier has to pay to the landlord in his rent-book the full rate, if the landlord pays it for him, and along with the full rate a commission to the landlord for advancing the money, and for incurring the risk. That, I say, is a fine which is imposed on the occupier. Now, gentlemen, you have heard it said that a majority of the Liberal party opposed the Reform Bill. We opposed a great many of the provisions of the Reform Bill, no doubt, and I have shown you with what

result. We opposed the Reform Bill in the endeavour to improve it, and at one time those endeavours to improve it very nearly endangered the life of the Bill itself. When we proposed to disfranchise some more small boroughs, what did the Minister say? He said that if the House disfranchised any boroughs the Government must reconsider its position and determine whether it would drop the Bill, and I took the liberty of saying immediately that the Bill was no longer the property of the Government, but of the House, and I distinctly signified that if they thought fit to drop the Bill there would be others perfectly ready to take it up. However, there was one point on which we did go to vital issue with the Government; we objected entirely to the whole of those complex provisions about compound householders. We saw that as the Bill was framed, while it would be quite possible for the independent artisan to procure his own enfranchisement, it would also be perfectly possible for the electoral agent to do it, not so much in boroughs where people are numbered by tens of thousands, but in all the small boroughs; in those places where the election is turned by 10, 20, or, it may be, by 100 votes. We saw that a new fountain of corruption would be opened by those provisions; while they left the franchise to the independent action of the man himself, they left it perfectly open to the local legal gentlemen who conducted the operations of the elections to enfranchise compound householders by hundreds to secure the success of a particular candidate. We were determined to get rid of that mischief, and we insisted that the 500,000 whose rates were paid by their landlords should not on that account be deprived of the franchise. That was a motion on which we took issue with the Government; and, though I think that 289 voted for it, we were, unfortunately, beaten by a majority of 22. We said it was infinitely better, if they thought fit to do it, to restrict the franchise in an open manner, and by a plain and intelligible process, than restrict it in an underhand manner by pretending to give it and then multiplying unintelligible provisions that would prevent the enjoyment of the boon. There were two ways by which the matter could be dealt with. The first, and the better way, was by providing that the franchise should be enjoyed alike, whether the rate was paid by landlord or by tenant, without interfering with composition at all; that was the better way, and the one we recommended. The other, and the worst way, was by providing that the landlord should not pay the rate, and that composition should be abolished. That method was adopted by the Government, and it was far better in my opinion than the original provisions of the Bill, which would have left the great mass of the people unenfranchised, except those who were enfranchised by election trick and chicanery. But at the same time the provisions entailed a great amount of inconvenience and of cruel vexation on a large portion of the ratepayers of the country, and I have troubled you with this long story because I know it is a matter of deep practical importance to the comfort of tens and perhaps hundreds of thousands of families in humble circumstances, and I want to show what I have objected to from the first—the absurd provisions of a law which, under pretence of virtue and morality, by-and-by thrown aside, inflicted that inconvenience. I have objected to those provisions from the first, and if I should be a member of the Parliament about to be elected, among the objects which I shall deem to be essential to the comfort and advantage of

the country will be the relief of the newly-enfranchised classes from this most needless and most vexatious interference with their social arrangements.

My hon. friend has referred briefly to the great and absorbing question that more than any other presses on the minds of the people of this country—the question of the state of Ireland—and to proposals which we have made in regard to the Irish Church. My hon. friend has most justly pointed out that the proposals with regard to the Irish Church are not the only proposals which will be requisite in order to pay the full debt of justice to that country, and I will add of justice to this country, for justice to this country requires just as much as justice to Ireland that we should establish throughout the three kingdoms of her Majesty a real equality of rights. But, gentlemen, what I wish you to take heed of at this moment is the real and actual state of Ireland, for I own to you that it seems to me that the most extraordinary blindness rests upon the minds of our opponents with reference to that subject. They persist—I won't say and I don't think it can be wilful, but yet it is that kind of ignorance and blindness which it is impossible to comprehend—they persist in refusing to take any true and adequate measure of the great evil by which Ireland is afflicted. I mean the estrangement of the minds of the people from the law, from public authority, from this country—ay, and even, to a great extent, from the very Throne, under the shadow of which we are so happy to live. Now, gentlemen, is it true, or is it not true, that there is here a real evil to deal with? I ventured, in an appeal to the House of Commons in the course of last Session, to entreat those whom I saw opposite to me to join with us in an effort to efface from the memory of Ireland, by reparation and by justice, all that she had suffered. Well, but what was the answer made to me, and made by a gentleman whom I believe to be an upright as well as an able defender of the opinions he holds—namely, Mr. Gathorne Hardy, the present Home Secretary? He made to me this answer, and I beg you to consider the terms. I had said, "Apply, if you can, a medicine to this disaffection which exists in Ireland;" and he answered, "It is the mind of Ireland that is diseased, a disease caused by long traditions of hatred to the Saxon race that have been kept alive by misrepresentation and by constant agitation. It is thus you have diseased the kindly and generous mind of Ireland, which would otherwise have been in harmony and peace with us." Now that is the representation made, gentlemen, by our political opponents—that there is no real mischief and no real grievance of a serious kind in Ireland, and that all the discontent that exists is due to what is called agitation. Why, gentlemen, the first token of gross error that immediately meets the mind when we examine such reasons is this—that such a speaker as Mr. Hardy, seems to suppose that when a people is well and justly governed, it is in the power of an agitator to make it discontented; and you cannot go through the length and breadth of the world—into any country where tyranny prevails—without finding that this is the very language and the very excuse of the tyrant. The tyrant always says, "If there is no real mischief, there is no real grievance; it is all due to agitation." Well, but what is the state of facts in Ireland? On that, after all, the difference as to the matter of fact is possibly not so very great. The state of facts in Ireland is described by this—that on four successive occasions, through three successive years, we

have been obliged to suspend in Ireland the law of *habeas corpus*, which provides for the personal liberty and security of every one of you. We have been obliged to suspend that law to provide for the maintenance of the peace of the country. (A voice, "More shame.") A gentleman says, "More shame." I do not agree with him. It is our duty to maintain the peace of the country; it is our duty to suspend that law if its suspension be necessary for such a purpose; but it is also our duty, in suspending that law, to look gravely and carefully at the causes which have led to the suspension of the law, and obviate, if we can, the recurrence of occasions so painful and scandalous, which oblige us, on account of the alienation and estrangement of the public mind, to take away from Ireland one of those guarantees of liberty which every one of us values dearer even than life. Lord Mayo, speaking on behalf of the present Government in the House of Commons, told us that a very large portion of the population of Ireland of the lower classes—and, unfortunately, in Ireland what we call the lower class is an overwhelming portion of the whole — that a very large portion of that population was either in positive sympathy with Fenianism, and ready to seize the very first opportunity of armed resistance to the law, or was at all events disposed to look on with favour or with a cold neutrality, and not disposed to render that loyalty and that warm and firm attachment which we desire to see prevailing between the whole of the subjects of the country and the laws under which they live. Gentlemen, what I want to call your attention to is this—that it is a most remarkable picture. Lord Mayo, having described the manner in which the educated classes in Ireland are almost entirely, though not altogether, opposed to the mad and wild attempts of the Fenian conspiracy, went on to say that Fenianism had its root in another land. Well, if there were time, I should like to tell you what the Americans think of Fenianism, for it is most desirable we should hear what they have to say on the subject; but for the present what I wish to point out to you is this, the real state of the Irish mind in America; because, if not we who are assembled here, yet many of our countrymen, delude themselves with the idea that Fenianism in Ireland is only the fancy of the mere scum of the community—of the drunkard, of the beggar, of the thief, of what are called the dangerous or disreputable classes; and they think that in America Fenianism is nothing but the result of a military excitement which necessarily has invaded that country, engaged as it has been in the distracting struggles of a civil war. Now, I am going to read to you some notices which are short, but they are of the deepest interest, from a work on which I think that full reliance may be placed. It is the work of Mr. Maguire, the Member of Parliament for Cork, and a most intelligent man, a very able Member of Parliament, and, I believe, a perfectly faithful and honest witness, and a true and warm-hearted Irishman. No man is more opposed to Fenianism than Mr. Maguire; but he paid a visit to America; he published the results, and I do not believe that either his good faith or his accuracy has been impugned. He made it his business to ascertain what were the elements of the strength of Fenianism in America. Because the question is this:—Is it the result of merely accidental cases? is it confined to the outcasts of society? or is it a deeply rooted inveterate passion that has taken hold of the mind of the people of that country as the violent recoil from the sufferings they have undergone,

and which is likely to become a passion as permanent as it is vehement, unless we can apply the remedy to the fountain-head of the disease? Now, we are fond of thinking that a sentiment of irritation in the Northern States of America has had to do with Fenianism. Take this anecdote told by Mr. Maguire. He meets with an Irish Southerner who has been crippled in the war by the loss of one of his arms, fighting for the Southern cause, but that man holds up the other arm, and he says, "This is the only arm I have left, and so help me God, I'd give it and every drop of my heart's blood if I could only strike one blow for Ireland." Mr. Maguire goes again to a mine wrought almost entirely by Irishmen, about 300 in number, in the State of Illinois. Among those 300 men he says there were not six drunkards, but he said he found among them the same feeling of passionate love for Ireland—the same feeling of passionate hatred to its Government, of course meaning the British connexion. Mr. Maguire gives his opinion in these words generally:—"My belief is that among Fenians in almost every State or Union there are many thousands of the very cream of the Irish population; indeed, in several places in which I have been I have learned, on unquestionable authority, very frequently of those who regarded Fenianism with positive dislike and its leaders with marked mistrust, that the most regular, steady, and self-respecting of the Irish youth, or the immediate descendants of Irish parents, contributed its chief strength." Gentlemen, I know not what impression such statements make on your minds. They make a deep impression on mine. I think we, perhaps, were pretty well aware of the state of the case; but I would to Heaven that those who are opposed to us, and who think as the Minister of the Crown thinks who has the seals of the Secretary of State for the Home Department, that all the evils of Ireland are owing to agitation—I wish they were aware of this state of feeling. Why, gentlemen, Mr. Maguire adds this—he meets with an Irishman in America who had been evicted from his holding in Ireland 25 years ago. Mr. Maguire says he cherished a feeling of hatred and vengeance not so much against the individual by whom the wrong was perpetrated as against the Government by whom it was sanctioned, and under whose authority it was inflicted. You have read probably within the last few weeks the painful and heartrending accounts of those attempts at eviction on the estate of Mr. Scully in Ireland, which ended in the death of one or two policemen. Possibly you have read in the newspapers the condition of the leases which those holders of the land were required to accept, or else to leave their holdings without a hope of livelihood of any kind. If you have read those conditions, if you bear in mind that such laws can be proposed to the poor occupiers of land in Ireland without offending the law, and if you then add to this recollection that the strong arm of the Government is ever at command to defend the enforcement of whatever is legal,—I think every one of us can well conceive—cannot indeed justify but can excuse, or, if we cannot excuse, can at least understand—how it is that this deep and sullen feeling of estrangement—passive estrangement, sometimes arising into active and burning hatred—has grown up in the minds of that unhappy people. But now, gentlemen, I am going to present to you a contrast, for many of those gentlemen who admit in their full breadth the unhappy effects with regard to the state of the national mind of Ireland—I mean of

a very large portion of that people—many of those who admit the facts dispute the causes, and they tell you with a grave face—and many of them, I believe, are conscientiously convinced, strange as it may appear—that all this is owing, not to agitation, as a Minister of the Crown thinks, but to some unhappy, incurable perverseness of mind in the Irishman that makes him love to live in the atmosphere of turbulence and discontent, just as much as an inhabitant of any other country loves to live in an atmosphere of contentment and loyalty and peace. Certainly, gentlemen, that is a creed of astounding strangeness. I was going to say it was a libel upon Providence. Supposing it happened that there was a particular country on the face of the earth where all mankind were born with only one arm and one leg instead of two arms and two legs, we should think it a most strange and incredible circumstance until we had ocular demonstration of the fact. Rely upon it, it is not one whit less strange, not one whit less incredible, that there should be a people—a civilised people, a Christian people, a people engaged like ourselves in the pursuits of industry, a people living as we ourselves do in every domestic relation of life, and fulfilling their duties well—yet that this people should have an insatiable and inextinguishable passion for turbulence and discontent and a hatred of that state of peace which is the only road to prosperity. I might, I think, stand for the confutation of that belief upon its rank absurdity. When such things are told us we have a right to refuse all credit to them. They involve revolutions of the whole course of nature and the whole order of the world, which, many as are the imperfections of the state in which we live, nevertheless are not to be found. But we have the confutation of facts. Lord Mayo even has shown you the state of the Irishman in Ireland; Mr. Maguire has shown you the state of the Irishman in the United States. Now go with me across the Canadian border and look for a few minutes to the state of the Irishman in Canada, and here, instead of referring to lengthened and various documents, I will quote the words but of a single witness. Possibly the name I am going to mention may be known to you. It is the name of Mr. D'Arcy M'Gee, a gentleman who, I believe, was well known in Ireland during so much of his life as he passed there, as one of the most vehement of Irish patriots, and as one of those who either exposed himself on that account to the penalties of the law, or else was within an ace of so exposing himself. That was the character of Mr. D'Arcy M'Gee. He went to Canada. Canada is under the sway of the same beloved Queen. In what does Canada differ from the United Kingdom? Canada has a free Parliament, and so have we, but Canada has not got unjust laws regulating the tenure of the land on which the people depend for subsistence, and Canada has not got installed and enthroned in exclusive privileges the Church of a small minority. It was said of old that men who crossed the sea changed their climate but not their mind; but mark the change which passed upon the mind of Mr. D'Arcy M'Gee. Let me read you his testimony, for it is in words more significant and more weighty than I can give you—words that cannot be carried home too forcibly to the minds and hearts of the people. Only a few months ago Mr. D'Arcy M'Gee spoke as follows at a public festival given to himself and his colleague at Montreal. Speaking of Fenianism, and of the spirit with which he was prepared to resist it, he says—"I wish the enemies of her internal peace, I wish the enemies of the Dominion, to

consider for a moment that fact, and to ask themselves whether a state of society which enables us all to meet as we do in this manner, with the fullest feeling of equal rights and the strongest sense of equal duties to our common country, is not a state of society, a condition of things, a system of laws, and a frame of self-government worthy even of the sacrifice of men's lives to perpetuate and preserve." Such is the metamorphosis effected on the mind of a disaffected Irishman by passing from a country of unjust laws to a country of just laws; but has he changed his mind with respect to Ireland? He thinks and speaks of Ireland as he thought and spoke of it before. He says, "Speaking from this place, the capital of British America, in this presence, before so many of the honoured men of British America, let me venture again to say in the name of British America to the statesmen of Great Britain, 'Settle for our sakes and your own, for the sake of international peace, settle promptly and generously the social and ecclesiastical condition of Ireland on terms to satisfy the majority of the people to be governed. Every one sees and feels that while England lifts her white cliffs above the waves she never can suffer a rival Government, a hostile Government, to be set up on the other side of her. Whatever the aspirations of Irish autonomy, the union is an inexorable political necessity, as inexorable for England as for Ireland. But there is one miraculous agency which has yet to be fully and fairly carried out in Ireland. Brute force has failed. Proselytism has failed. Try, if only as a novelty, try patiently and thoroughly, statesmen of the Empire, the miraculous agency of equal and exact justice for one or two generations.'" Gentlemen, I wish to impress on the minds of the people of England this advice of Mr. D'Arcy M'Gee. Since these words were uttered the man from whose mouth they proceeded has been removed from this lower world, and his death—due, as some think, to Fenian licentiousness— has added a melancholy dignity and an augmentation of weight and force to the impressive sentiments which he had uttered. It is in pursuance of these opinions that we have proposed to Parliament the policy on which you have to pass your judgment. The first fruits of that policy are before you. I will describe to you in few words what it is that has been said and done—what it is that you are called upon to ratify or to reverse. The House of Commons in 1868, and the House of Commons which still subsists, is certainly not a revolutionary assembly; but that assembly has declared by its vote that it is expedient that the Established Church in Ireland should cease to exist as an Establishment; that all appointments to offices in that Church, of whatever character—and that means all political or State appointments—should be stopped upon the first vacancy in each case; that all life interests and proprietary rights should be carefully respected; and we should likewise put a stop, with similar reserves, to the *Regium Donum* paid to the Presbyterians, and to the Maynooth Grant. So much has been voted by the House of Commons, and as it was my fortune to make the proposal on which that was founded, some interest has been felt about the declarations of opinion with which, on my part, that proposal was accompanied. I have stated the effect of the vote apart from those declarations of opinion, because you are well aware of the very different order of weight and importance that must attach to one and to the other. What the House of Commons thinks, is already far on the way to become the law of this great empire, but what an individual may think.

though it is certainly matter most legitimate for the scrutiny of his constituents, s in comparison with the former light as air. However, I do not scruple to say that I am deeply convinced in the first place, of the necessity of our putting an absolute stop to the system of a State Establishment of religion in Ireland. But, on the other hand, in doing that, over and above the declaration that the life interests are to be respected, and that proprietary rights are not to be invaded, I say it is a dictate alike of wisdom and of generosity that, keeping our end steadily in view, and never failing to march before it, we shall adopt the utmost possible measure of mildness in the means. Everything that equity and that reasonable indulgence could suggest without being inconsistent with the end in view, and that does not impair the efficacy of the measure, should, in my opinion, be favourably entertained. That I may show what I mean I will just refer to two points on which I know great interest has been felt. I can give no guarantee as to what will be the ultimate judgment of Parliament, but I may express my opinion on these points. In the first place there are in the Established Church of Ireland a certain number of endowments which have been given by private persons, which have become in the law public and national property, but which, nevertheless, were given by members of the Church of Ireland for the purposes of the Church of Ireland—just as a Wesleyan Methodist might, if he thought fit, give his money for the purposes of Wesleyan Methodism. My opinion is that those endowments, though technically they may have become portions, you may say, of the public and national property, ought to be carefully respected. In the same way a question arises with respect to the churches that are now possessed and used by the ministers and members of the Irish Establishment, and the parsonages which the clergy inhabit. My opinion, gentlemen, is that the feeling of this country, apart from logic, never would endure that if those clergy and laity are disposed to continue the use of those parsonages and churches for public worship—never would endure that they should be taken away from them. I give these as samples. I must add one important illustration more, and that is, whatever principles of equity or tenderness you may think it wise to employ in winding-up, if I may so speak, the affairs of the Established Church of Ireland, you must apply those same principles of equity and tenderness to the other religious endowments of the country, in so far as from their scope and circumstance they come within range of the principle. I have heard of some who think that vested rights are very sacred things if they are found within the limits of the Establishment, but not so very sacred if they are found within the limits of the Roman Caholic College of Maynooth. If there are persons here who hold that opinion, I must respectfully differ from them—one and the same rule of equity and liberality must be applied to the whole. Forgive me if the word "mut" has escaped from my mouth, I meant "ought" to be, in my opinion, applied to the whole. But you will naturally say there is more than this. After we have satisfied every fair and equitable claim, there will be a residue of the ecclesiastical property of Ireland—a residue possibly reaching to a very considerable amount. What are we to do with that? I will state it to you, gentlemen, in another form. In my opinion, that question cannot be conclusively answered by any but those who shall

be responsible Ministers of the Crown, and shall have an opportunity of examining all the facts that bear upon the answer. But, while I say that, I likewise add that the funds which shall have been taken from the Church now established in Ireland—I mean the residue of funds after satisfying every just claim upon them—ought not to be applied to the teaching of religion in any other form whatever. It will be our duty, should you return us to Parliament—and when I say "us" you will forgive me for saying that I have in my mind and in my eye several others gathered upon this platform besides Mr. Grenfell—those who are soliciting the suffrages of this great borough; the gallant officer who has been to contest Birkenhead; my friend Mr. Thompson, who is fighting, one side of this county, towards the rising sun, that same battle which we are fighting, who look the setting sun in the face; and last, but not least, two other gentlemen, one of them a respected inhabitant of this town, who are performing the same patriotic work in a great midland borough. I earnestly hope, gentlemen, that the goodly company that I have endeavoured to describe, and that is now gathered together in perfect harmony upon this platform, will not be dissociated one from the other by any accident on the hustings or the polling booth, but that we shall be found sitting upon the same benches, or upon benches very close together, for the purpose of setting forward that great work, one portion of which I have endeavoured to bring under your view. (A Voice.: "And your son.") I am much obliged to my friend in that quarter (pointing to the gallery), for reminding me that I have a very near and close paternal, as well as public interest in another election, likewise towards the rising sun on the other side of this county, and I am very glad to think that there is any one within these walls to whom the return of my son to Parliament is a matter of interest. Gentlemen, there are a number of points connected with this question which I trust you will not think I have forgotten merely because I may have failed to notice them on the present occasion. What I am desirous most of all to do is to bring into the public view the broad facts connected with the state of Ireland. The first business of public men, and the first business of the electors of a free country, is to bind together the whole of the country in harmony and concord. That business has not been effected so far as Ireland is concerned. We call upon you, gentlemen, to give us the means and to put us in the place where we may use our utmost endeavours to effect it. It is not enough to revile us as enemies of the Constitution in Church and State and foes of Protestantism in disguise—these are matters on which we are perfectly willing to enter into argument. We think we are the best friends of the Constitution; we think that those are the best friends of Protestantism who wish that it should be justice and no more. And as to the Constitution, when we are told that we are going to ruin it, let us bear in mind how many times it has been ruined and destroyed before. It was destroyed—I will only take what has happened within my own recollection—it was destroyed in 1828 by the repeal of the Corporation Tests Acts. It was destroyed again in 1829 by the admission of the Roman Catholics to Parliament. It was destroyed a third time by the Reform Act of 1832. It was destroyed the fourth time by the repeal of the Corn Laws in 1846. It was destroyed a fifth time by the Repeal of the Navigation Laws in 1849. It was destroyed, gentlemen, if my memory does not fail me—but it is really difficult to remember, so many lives has this Constitu-

tion had, and so sad has been its fate—it was destroyed a seventh time when the Jews were admitted within the walls of Parliament; and it was destroyed an eighth time when the Government of Lord Russell had the incredible audacity to propose a Reform Bill to Parliament, with the intention of carrying it or of dying in the attempt. And, therefore, gentlemen, this being so, it appears that our Constitution resembles that animal which is said to have nine lives; but with this fortunate distinction, whereas the cat each time that it loses one of its lives gets a step nearer to dissolution, our Constitution, on the other hand, each time that it is destroyed, comes forth more vigorous than ever from the process, and promises to us all, with more and more of hope and joy, the expectation of handing it down as a blessing to our children. Gentlemen, we ask you for your help in the efforts that we are to make. We ask you in the name of the Constitution not less than in the sacred name of justice. We ask you to listen to the voice alike of policy, and of prudence, and of generosity, and of equity. Listen to that voice—the voice now of the dead, which has come to us from across the Atlantic, and give us your strong help to drive our feeble arms, and enable us to go fearlessly forward in the career of truth and justice.

SPEECH

DELIVERED IN THE

TOWN HALL, NEWTON.

OCTOBER 17TH, 1868.

MR. CHAIRMAN AND GENTLEMEN,—I am afraid that your zeal for the cause in which you are engaged has led you to attend this meeting in such numbers that you cannot but be suffering some personal inconvenience, and as that may be so, I think that the best mark of respect I can pay you will be to make no preface at all on this occasion, but to go to work at once upon topics that may interest you. Now, gentlemen, we have heard a great deal during the present election, I am thankful to say, on the subject of public expenditure, and I trust we shall hear a great deal more. For you may rely upon it that the agitation of a question of that nature during an election is attended with most profitable effects. Somehow or other, I cannot tell how it is, but the questions discussed at that period seem to sink in the minds of the candidates, as if there was a kind of dew resting upon them, which made them accessible to genial influences. You may rely upon it that so far as I am concerned that subject will not be neglected; but I have seen lately a statement made by one of those in the field on the other side to this effect—a very ingenious statement—that I have invented this subject of the public expenditure, and dragged it into the field, in order to shirk the discussion on the Irish Church. Well, gentlemen, I intend, therefore, to-day, to trouble you in order to disabuse the minds of those who entertain any such idea. I intend to speak upon one or two practical points, which I think to be of great importance with respect to the Irish Church. And, gentlemen, it is needful to do so, for I hold in my hand a pamphlet which is now being circulated in the south of England—I think sent to me by an elector of the county of Surrey, who complains bitterly of the misstatements made by the opponents of the Irish Church. He says—"To speak of these attacks as merely exaggerated statements would be to characterise them much too faintly.

They carry with them, in general, so little of the semblance of truth or candour as to make it hardly possible to acquit their fabricators of intentional deception." This, therefore, gentlemen, is the author who desires to lift from your minds the clouds of misunderstanding that have enveloped them. But how does he set about it? In the next page but one he says—"The property of the Church of Ireland consists of glebe land and tithe-rent charge." And this worthy gentleman, who appears as an oracle upon this question, a gentleman of such tender conscience and abundant information, in quoting the intentional deception of those who have made statements hostile to the Irish Church, coolly asserts that the property of the Irish Church consists of glebe land and tithe-rent charge; but if you have read the report of the Royal Commission on the Irish Church, you will have seen that the Church of Ireland, besides glebe land, charitable and glebe land, parsonages and incumbencies, possesses bishop land and chapter land to an enormous extent, believed to be of far greater value than the annual income they yield, and they are stated to yield an income annually of between £140,000 and £150,000. Now, gentlemen, when I mention that, I dare say unintentional, misstatement, I only do so to induce you to be upon your guard, particularly against those gentlemen who affect to be in possession of invaluable information, and against those who are particularly abusive of men from whom they differ. That you will find to be a good rule. And now, gentlemen, I think it is quite time to have a little public discussion upon the subject of this Irish Church Commission, which was set to inquire into the revenues of the Irish Church; because you may bear in mind that much blame has been bestowed upon the members of the Liberal party, and upon myself not the least among them, because we were determined to raise the question of the Irish Church during the last Session of Parliament, and because we were deaf to the appeals that were made to us to wait until after the report of the Commission had been issued. Now, the report of the Commission has appeared, and what is our position with respect to the policy which is to be pursued upon the question of the Irish Church? That is an important subject, upon which it is quite plain the principal issues will be taken in the elections that are now impending. Consequently, I make no apology in endeavouring to lay before you what I consider to be the real merits, what I consider to be the particular points connected with that subject. Now, gentlemen, consider the various methods of proceeding that have been recommended with respect to the Irish Church. There is the method of standing still. Well, it is not necessary to say much about that method. It would be a waste of your time to show you the doctrine of standing still; it is an insult to your common sense; so gross an insult to your common sense that it is not even recommended by the opposite party in this country, because they go from place to place saying, "We are entirely opposed to Mr. Gladstone and his schemes, though we are for the removal of abuses." Therefore, I will put aside the plan of standing still. The next plan is the plan we recommend—the plan of disestablishment, putting an end entirely to the State Church in Ireland. We will not discuss that, because the merits of it we may discuss at other times. The third plan was the plan of multiplying Church endowments in Ireland. That was a plan which has had great countenance in former times; and it has had

great countenance as late as the month of last March, because in the month of last March was produced the plan of Her Majesty's Government. But, somehow or other, though Her Majesty's Government had never said they would not refer to that plan, yet unquestionably they had, for the moment at all events, turned their back upon it, and as they have turned their back upon it, and as for many reasons I don't approve it, I will not trouble you at present with a discussion on that plan. Now, having disposed of three, we come to the fourth plan—to the plan that is recommended to you by those among the Conservative candidates who have ventured to open their mouths at all upon the subject. But these are gentlemen, it is right that I should say, who, though they cannot endure the removal of the Irish Church Establishment, notwithstanding that, are men who, they beg you to believe, are very favourable to the removal of abuses, though, as far as I know, they have given very little information on the subject. But I have seen one or two of them who say that they wish that some of the recommendations of this Commission should be acted upon for the removal of abuses in the Church of Ireland. Now, I have heard of no plan for the removal of abuses, except the plan of the Church Commission. I feel, gentlemen, that this is one of our difficulties. We are in Opposition, we are not the Government of the country, and yet we are in this strange and extraordinary position, that while we are proposing a policy to direct the Government of the country, the Government of the country—the Queen's Ministers—propose no policy in answer to ours. But, although they have not ventured to propose any policy, although they will be waiters upon Providence, looking for the moment which way the cat is to jump, and perfectly ready to come to any conclusion, establishment, disestablishment, or anything else you like, so soon as it is clear that the adventure would be likely to be a good one, for the present we must consider that to be the plan actually before us. Let us see what is the plan of the Commission. There are, gentlemen, a matter of 12 bishops in the Irish Church, and the first important recommendation of the Commission is that we should bury four of them. Not to bury the actual men themselves, but to bury what they call "corporations." For you must know that every bishop of a see, and every incumbent of a parish, is in law a "corporation sole," and four or six "corporations sole" they propose to bury. Well, gentlemen, this proposition of the Commission, I stop to say, is by no means the most liberal bid that has been made. These are all, you will understand, gentlemen, bids to save the residue of the property of the Irish Church. The Irish Church, considered as a spiritual body, is certainly no richer by burying four of its bishops, but the residue of the Irish Establishment is. Well, but we have had a much better bid than that in the report of the Commission. A gentleman, who does not date his letter, writes a long letter to me. He is a strong opponent of our plan, and objects extremely to the disestablishment of the Irish Church, though he is ready to remedy abuses. He thinks that the number of bishops ought to be reduced; and if anybody may seduce you from the path upon which you have entered, from your stern and firm resolution, it is the writer of the letter I hold in my hand—it is by the liberal offer he has made to you. He proposes, gentlemen, to reduce the whole Irish Church to one bishop. And not only so, he says by no means shall that one bishop sit in the House of Lords. Well, gentlemen, I admit that is a most handsome bid. It is

impossible to conceive, if we are to have an Episcopal Church, anything more liberal by way of reform than the offer to reduce that Church to one bishop. We cannot go lower; but even that handsome bid will not satisfy me. I am not satisfied with it as a politician, because I object to the Establishment of the Church in Ireland, even though they were to go beyond my friend who writes the letter to me, and were not only to reduce the bishops to one, but were to propose also to reduce the number of clergymen to one, because there would still be the Establishment, and I object to it on the principle of religious communion. But I must say this, that from what I know of the Irish bishops and clergy, I believe they will repel and reject this recommendation of the Irish Church Commission. They don't want to be cut and carved in this way. I believe many of them are rapidly coming to the conclusion, in the position in which they stand, that the best thing for them is freedom, a clear stage, and no favour. Strong in their conscientious convictions, they are ready, at all events a great deal more ready than they were, and are growing riper every day, to accept the inevitable issue, trusting to the Almighty and their cause to meet all the chances of the future. Well, then, gentlemen, besides—these bishops being disposed of and put away in this indecorous manner (to which I entirely object)—besides this, it is proposed to reduce the income of the bishops. Now, the income of the bishops in Ireland is various—some of them have more, and some of them have less—and it is proposed to place them all at £3,000 a-year. But there is a most singular proposal in the report of the Commission, and it is this: the Irish bishops, you may be aware, sit in Parliament by turns, by rotation; and the proposal of the Commissioners is that any bishop who sits in Parliament shall for the year when he sits in Parliament have £500 extra to pay his expenses. Ay, but wait a moment, don't be in a hurry—pray recollect what this is. It is our old friend the "payment of members," one of the five points of the Charter. I certainly did not expect to find that this plan of paying gentlemen to sit in Parliament, which has always been objected to vehemently as far as I know by the whole Conservative party, and by a very large portion of the Liberal party in this country, and which is not approved at all—that it was first of all to come out under a Commission appointed by the Crown, and having for its purpose to save the Irish Established Church. That recommendation, gentlemen, does not very much help the report of the Commission. Let me say, however, I do not blame the Commissioners. I really believe they have done the best they could. When a man undertakes an impossible task, you must not look too strictly to the performance of it, or judge him too severely. If a man says "I will jump over the Thames" (or rather I should say the Mersey), and happens unfortunately to alight in the middle, the result is unfortunate, although the man may be a very good jumper. These Commissioners I believe to be perfectly upright, honourable, intelligent men, and I have not a word of blame to cast upon them for the manner in which they performed their functions. My object is to show you the hopelessness of the functions themselves, and to confirm you in the adoption of that other plain, simple, and practical alternative which we have recommended to your notice. Well, the incomes of the bishops are to be reduced; four sees are to be suppressed altogether, and a number of benefices are to be suppressed; where there are not more than 40

members of the Established Church the benefice is to be suppressed. Now, I wonder, gentlemen, whether any of you could inform me why there is to be a State income for a clergyman where there are 40 persons in the parish, and why there should not be a State income where there are less than 40? What do you think now has induced the Commissioners—I have not heard an intelligible explanation of it—to fix upon that number? I own to you, I am entirely at a loss. Now, 40 won't make a congregation, for it is only one in three that can attend church at a time, and 13, which is one-third of 40, is hardly a congregation. I don't know if there is a man in this room who has an idea why the number 40 was chosen. I for my part cannot explain it. I cannot offer a reasonable solution. It did occur to me that perhaps it was because there are 39 articles and one over, This is not conclusive, but it is the nearest approach to a solution that as yet I have been able to get. (A gentleman on the platform, "It is the Jewish order—40 stripes less one.") That is a mode of representing the ministrations that I should be very sorry to follow, and for the present I know of no satisfactory means for the choice of that number. It appears to me, if it were a matter of private arrangement of gentlemen forming themselves into congregations, and finding the means for their support, nobody has any right at all to criticise the number that they choose, whether it be two or three, or two and three hundred; but this is to be a State arrangement, and the national property is to be applied wherever there are forty members, and for that reason I think we are perfectly entitled to ask why that number is chosen, and I don't know what the answer is to be. However, I think the report says that 200 parishes would be suppressed, and the ecclesiastical benefices would be deprived of their ministry by that proceeding. Now, gentlemen, observe the effect of that operation. When you argue the question of the Irish Church, you are constantly told that, though it may be quite true that there are not, in all cases, congregations for the clergy of the National Establishment, yet that, in the peculiar condition of Ireland, it is of the highest civil consequence to her to have spread throughout the country gentlemen who are gentlemen, who are persons of refinement by education, who are bound to good conduct by their profession, who are charitable almost of necessity, and who are constantly resident in the country. Well, now if that be a great necessity, you will observe that these Commissioners, who are to remove the abuses of the Irish Church, propose entirely to deprive 200 out of the 1,400 or 1,500 benefices in Ireland of the advantage of this resident clergy. Well, gentlemen, there is another recommendation or two. It is recommended that a number of chapters shall be suppressed, and it is recommended that, wherever it is possible, the parish clerk shall be consolidated into the grave-digger. I am of opinion, gentlemen, that we have got beyond that. It is a great deal too late to save the Established Church in Ireland by consolidating parish clerks and grave-diggers. But, as they say in Scotland, "mony a mickle maks a muckle," and all these things put together make a considerable sum of money, from the four bishops downwards; and you will be perfectly astonished when I tell you that the Commissioners have not told us how much it makes. Now, I have often been surprised at things I have found in documents, but I never was so much surprised before at a thing that I did not find in a document. Why, if this Com-

mission was appointed for anything in the way of removal of abuses, what they ought especially to have done was to have shown how much could be gathered together by the removal of those abuses, and under what rules and to what useful purposes it could be applied. Gentlemen, it is a very hard case. I can get no assistance from the Commission; but after looking roughly over the thing, and really having very few means of accurate computation, it seems to me, as well as I can reckon, that by the bishops they would save something between £22,000 and £25,000 a year; that by the parishes they might save from £40,000 to £50,000 a year; that by the chapters they would save £10,000 a year; and I cannot tell exactly, but I think they might save £3,000 or £4,000 a year by the grave-diggers. Now, putting all these things together, this removal of abuses would produce a fund of £80,000 a year. That is a very considerable fund; what is to be done with it? Well, gentlemen, the Inquiry Commissioners have simply said that the body which exists in Ireland—a permanent body, and which is called the Ecclesiastical Commissioners—ought to have large discretion to apply it to the increase of the incomes of the clergy in places where there are low incomes with considerable congregations. Now, it is a most extraordinary thing to me, and I am certain that there is a cause for it, why these Commissioners have not computed the savings they were going to make, and why they have not described the manner of applying them. Because, pray observe that under this application you might give it away in sums of £10,000 a year, or £20,000 a year, for they have said nothing as to the amount of augmentations to be made. A more extraordinary omission than this I never knew. But they are men of sense and intelligence, and have not omitted these things without a reason. They were afraid to put them on paper. They were afraid, in my judgment, to say, "We are going to scatter £80,000 a year more among these incumbents of the Irish Church." They knew very well that the Irish Church, of all churches upon the earth, has at this moment the most pay and the least work. Gentlemen, I don't say that in disparagement of the Irish clergy, whom I believe to be an excellent and self-denying set of men, but we must here consider them as public officers. It is not their fault if they have been put in offices with little or nothing to do, but the fault of those who continue them in those offices; and, gentlemen, it is the fault of the Parliament and the fault of the Ministry if that system is allowed to subsist; and, therefore, permit me to say, last of all, it will be your fault, as the electors of the country, if you are so hoodwinked and deluded as to send as your representatives to Parliament men from whom these things are to receive countenance. Well now, gentlemen, just to illustrate what I have said. I have made a rough computation of the remuneration of the clergy of the Church of England, and certainly in many cases I admit it is miserably small; but still upon the whole, taking one office and another, it is at any rate a remuneration which procures for the people of this country the services of an able, an instructed, a diligent, and a devoted class of men. There is no doubt about that; you may agree with or differ from them, but that praise it is admitted on all hands they deserve. In England we have—it is a very rough computation—some 20,000 clergymen, and I assume that there are twelve millions of souls in England belonging to the Church of England; that also is a rough computation; and my own

opinion is there are more, but to be within the line I take it at twelve millions. The revenues of the Church of England may in round numbers be stated at £4,000,000, and it follows that if upon the average there is one clergyman for every 600 souls, that clergyman upon the average has £200 of revenue. I hope you don't think that too much. Gentlemen, I must give you this opinion, which is an opinion I candidly entertain. Of course, there are in this country, mixed up as the revenues of the Church are with every kind of social and domestic and political arrangements, a great number of cases of over-paid clergymen,—I have no doubt of the existence of individual cases, but this I must say, that when I look at the greater part of the parochial clergy of this country, and at the many thousands of curates who are labouring in the parishes of the land, from one end to the other, when I consider the education these men have received—and the cost of that education, and the manner in which they give themselves to the work of consoling, instructing, and guiding both young and old—I honestly tell you that I think the labour of what is called the working clergy compared with other labour in this country is about the cheapest labour that any man gives. But, however that may be, I am going to make a comparison. I have said that in England one clergyman with the care of 600 souls gets £200 a year. On the other hand, in Ireland there are 2,000 clergymen, or thereabouts, of the Irish Church, but I don't think it is clearly stated in the report of the Royal Commission. There are under 700,000 souls who are members of that Church, and the revenues I take at £600,000, which is a little below the sum put down by the Commission, and I am bound to say very considerably below the sum at which, for the purposes of this comparison, they ought to have been put, because, in comparison with its resources, £700,000 would have been a more accurate statement of the revenues of that Church. Therefore, it follows that the clergyman in England has £200 a year for looking after 600 persons, while the clergyman in Ireland has £300 a year and looks after 350 persons. ("Oh" and "Shame.") At this rate, and on this basis, the clergyman in England, instead of £200, would have about £515, which might do more, perhaps, to warrant or, at least, to call for the utterance which we heard just now, than the very moderate standard to which I before referred. Well, gentlemen, if that is the case—if the remuneration of the Irish clergy—relatively to work, mind, because that is the true standard for remuneration—if the remuneration of the Irish clergy is, as I believe it to be, relatively to work, somewhere about three times that of the English clergy—then, I think, we can get a pretty good idea why it was that the Commissioners did not tell us—they were going to save by their plans £80,000 a year—that the £80,000 a year was to be distributed among those gentlemen whose rate of pay according to work is already so favourable, compared with the rate of pay of the clergy of the Church of England. Well, but now, gentlemen, I want to tell you, they talk about this removal of abuses; but I ask you to put yourselves in the place of the peasantry of an Irish county, mainly destitute of great towns, in the west and the south of Ireland, and peopled mainly—as the great bulk of the counties are—by Roman Catholics. The Roman Catholic, not unnaturally, recollects that in other times the tithe of those parishes was applied directly for the purposes of his religion. He does not desire that that should

now be done, and I think he is wise in not so desiring. He does not desire it, and you don't desire it, although the Government of the country did desire, if not the tithe to be devoted to the Roman Catholics, yet that for Presbyterians, Roman Catholics, and for others incomes from the public purse should be provided. But go back with me to the condition of the Roman Catholic peasant. The Roman Catholic peasant, at all events, if he has not directly had the benefit of the tithe, yet he has seen living in his neighbourhood that which has been truly described, according to the account of it I cited a few minutes ago, as an educated gentry, resident in a country that wants residents, bound to good conduct, and usually given to benevolence and kindness. And it is always alleged, and I, for one, do not deny it—for I can believe it possible in most cases, and in many cases it is true—that the Irish peasant has benefited largely by the goodwill of the Protestant clergymen. It is notorious that in the time of the Irish famine the Protestant clergy of the Established Church were the channels through which the large portion of the bounty of England was administered to Ireland, and that in that way and in many ways they have had an opportunity of cultivating the personal goodwill of the people. But that, in my opinion, is no apology at all for diverting the Church property from the purposes for which it ought to be applied, if there is to be an Establishment at all—namely, the bulk and majority of the people. But observe this, that at all events it has been some consolation to the Irish peasant that the tithe which was taken off the land which he cultivated has been spent in the neighbourhood, and in his view, by the men with whom, in many instances, he had kindly relations, and from whom on many occasions he would receive secular, civil, and even moral benefit. But now it is proposed to cure abuses, and what is to be the cure of the abuse? They propose where there is a parish—say, in Mayo or Galway—with 5,000 or 10,000 Roman Catholics and a mere handful of Protestants, that the tithe of that parish shall be carried away out of the parish altogether, and, under the recommendation of the Commission to cure abuses, the proceeds of their land and the fruits of their labours, where will they go? They will be carried into the suburbs of Dublin and Belfast, where wealthy members of the Establishment abound. Wealthy, at all events, in comparison with those from whom they are taken, and many of them wealthy in the strictest sense of the term. They will be exported from one portion of the country and imported into another portion of the country. While retaining all the odium of being applied to the Church of the minority, it will lose the graces, recommendations, and consolations which hang about it from the kindly relations between these Protestant clergymen and the Roman Catholic population. They may hear nothing more of it; and, in my opinion, I am speaking truly, you hear sometimes that we are charged with confiscation, but in my opinion that is confiscation. Those funds, gentlemen, are local funds. The tithe of a parish was never given except for the purpose of maintaining religion in the parish; and to take the tithe out of a parish of Galway or Clare for the purpose of meeting the wants of Protestant populations in Dublin and Belfast—I do not care who hears it—is, in my opinion, whatever the intention may be, dangerously like to an act of public plunder. Gentlemen, I ventured to say two months ago that I was an anti-reformer in the Church of Ireland; that I am not for the removal

of these abuses, because I know that every attempt to remove one abuse causes another, and perhaps one more gross and more offensive, to spring up in its place. Please to hear a short illustration of what I had in view —that when you remove the abuse of having a Protestant clergyman planted in the midst of a large Roman Catholic population, with only a handful of Protestant souls to whom to minister, by carrying the tithe away altogether, and by applying it in a manner in which the peasant has no interest whatever, approximate or remote, civil or religious, you do away with one abuse, but you put another in its place. Now let us see, if you have patience for a moment—because this is a matter of really great public interest and importance—let us see how far this removal of abuses would be effectual, even upon the professions with which it is set out; because, pray recollect that it is no satisfaction to me, gentlemen, if I am an elector of this country, to receive those general statements, however well they may be intended, from this candidate or that, "I am very well disposed to remove abuses." Why, gentlemen, I could go over the whole world and reform everything very cheaply indeed on those terms, because wherever I find any question of evil that afflicts humanity I have only to say, "Very well, why don't you remove the abuse?" But here we want to know what are the abuses and how they are to be removed, and I have done something to exhibit to you the hopelessness, and, I cannot help saying, viewed in these days in which we live, the absurdity, of attempting to remove those abuses. The abuse which is to be removed is the abuse of over-paid clergymen in the midst of scanty populations and scanty flocks, or no flocks at all. But, now, let us see how far the plan of the Commissioners will carry us. I have told you that it is to suspend or put an end to, all appointments or benefices in parishes where there are less than forty members of the Established Church. What I have been speaking so far I speak on my own responsibility alone, but now the figures which I am going to give you I take from a gentleman whom I believe to be as well informed as any one in the three kingdoms upon this subject — an Irish clergyman, Dr. Maziere Brady, who for some years has made himself conspicuous in Ireland by his courageous advocacy of a just and manly policy in regard to the Irish Established Church. Now, these cases I am going to mention to you will, I think, perhaps rather surprise you. These are the cases which he gives me, and I hope his letters will be published before many days are over, so that every one may be able to judge of them for themselves, because error here and there may lie hid, but whatever the facts, they cannot be shaken in the main, they are so strong. Here are the facts. He gives me the cases and the names of 14 benefices in Ireland. Now, in those 14 benefices, in each of them, besides the incumbent there is a curate, and the curate upon the average receives 100 guineas a year, and the population of the 14 benefices is 1,332 souls of the Irish Established Church; and the 1,332 souls have 14 curates to look after them, independent of the incumbents, receiving 100 guineas a year apiece. Well, you will agree with me that where there are 14 clergymen to look after 1,332 souls, that is a rather liberal allowance, when you come to consider that if you were to apply that rule to the town of Liverpool the town of Liverpool would be equipped with between 5,000 and 6,000 clergymen. I assume, therefore, gentlemen, that the 14 curates had the cure of those 1,332 souls. Well, but over and above the

100 guineas apiece paid to the curates, there is an income received by the 14 incumbents of those 14 benefices; and those incomes, according to Dr. Brady, amount to £8,192. And Dr. Brady says, truly, I think, and very fairly, that you may well say, considering the 14 curates and the 1,332 souls, that the eight thousand odd pounds is received for doing no work at all. Well, gentlemen, if there are abuses in the Irish Church, I should think this is one of them. That is an average of 95 souls; but it is useless to take the average of the souls to each, because the work is done by the curate, but the incumbent, however, receives £6 per head for doing nothing in respect of these 1,332 human beings. Now, let me see what the Commissioners do, because I remember once seeing a ludicrous and most ingenious picture of a man who was vaunting of some wonderful solution or unguent that he had for the hair, and in order to illustrate the wonderful and astonishing fertilising properties of his mixture he printed two woodcuts. The first was the head of his victim, his patient, before he used the mixture, and the second was the head after he used the mixture. When he began he was nearly bald; when he ended the course of this application his whole head was covered with luxuriant flowing locks and brown beard down to his waist; in fact it was a ravishing description. That is exactly what is proposed to be done with the Irish Church. It is admitted there are abuses in the Irish Church; it is now presented to you by Mr. Cross and Mr. Turner as admittedly in a ricketty condition; but then it is to have this application—it is to have the receipt of the Commissioners applied to it, and after the recommendations of the Commissioners have passed into law, then you are to have the Irish Church turned out as a model Establishment. Therefore, you want to know what this model Establishment will be, and I will tell you. You have 14 of these churches. On the recommendations of the Commissioners nothing will take place until one generation—at least they will not take full effect, you understand—until one generation has gone by, because, as is very proper, life interests have to be respected; but if you have the patience to wait until after these recommendations have passed into law; if you have patience until 30 or 40 years, the recommendations will then, it is probable, have taken full effect, and out of the 14 churches five will have ceased to exist—that is to say, they will cease to exist as benefices, and then there will remain nine, and the nine will present this picture to you. There will be nine benefices, with 1,172 people among them, not £150 apiece. There will be nine curates at 100 guineas each, to take care of the 1,172 people—that is about 130 apiece, and I think they may manage that. And there will be nine incumbents having nothing to do, because the curates will do it, and they will receive for doing nothing £5,639 in the Church out of which all the abuses have been removed. Now, gentlemen, unless there be the grossest of errors in the figures that have been supplied to me, and on which I am bound to say I rely—I am convinced there may be errors, but if there are any errors they will be trivial and slight—that is the result of the plan of the reform in the Irish Church that is now recommended, and attended with all the injustice I have pointed out in transferring the tithes of Connaught and Munster to enrich the congregations of Ulster and Leinster. That will be the result attained in the way of curing the abuses after I and most of you are dead and gone, some 40 years hence. Well, gentlemen, I think I may fairly say that it is not necessary

to dwell upon the plan of the Commissioners to cure the abuses of the Irish Church. The Commissioners themselves, and I cannot blame them, are apparently afraid to explain them; they keep back the principal and most important figures that are necessary to make their plan intelligible —a plan which satisfies none of the just demands of the Irish people, which removes none of the slight and insult offered to them through the medium of their religion; it would abate none of the painful difficulties and controversies that now tear and rend that people into one party and another party, instead of being a brotherhood of united citizenship. I think, gentlemen, I am justified in saying we do right to reject that plan. Now, gentlemen, before I sit down there is another point that I must mention to you. You are told that the Irish Church is to be maintained for the benefit of Protestantism. Now, that is not an unfair statement of mine. You know that is a favourite argument of all those who are opposed to us, and you are reproached probably—many of us are, at all events, reproached—from time to time with being the favourers of the Roman Catholic religion. With the Roman Catholic religion, gentlemen, we have nothing whatever to do; the controversy in which we are engaged is a controversy of civil justice. We look on the Irish people as the Irish nation, and what we say is this—we refuse to withhold justice from them, not on the ground alleged by you—namely, that they are Roman Catholics—but that they are entitled to justice as full and unrestricted as any man among us. I need not add they are entitled—of course they are entitled—to nothing more. But the allegation is that this Church is maintained for the benefit of Protestantism. Now, the fairest test of that is found in the number of Protestants that have been reared under the present system compared with the other or Roman Catholic population of the country. Now, you must recollect that it is utterly impossible for us to form a true judgment on that subject except by going back as far as we can; and the earliest authentic statement that we have upon that subject is this:—In the year 1672 Sir William Petty, a statesman of that day, gave the results of an inquiry—which I believe is admitted to have been not very far from the truth—into the relative numbers of Protestants and Roman Catholics, and they were these:—There were three Protestants for every eight Roman Catholics in Ireland; and in order that I may make the comparison in an intelligible manner, I will compare these different fractions in the way in which we used to do when we went to school—that is, I will reduce them to what is called a common denominator, and that means 45 Protestants to 120 Roman Catholics. That was the proportion in 1672, some 200 years ago. Ever since that time you have had the whole ecclesiastical property of the country in the hands of a small minority under the name of supporting Protestantism. Not only that, but for the greater part of that time you have had in operation cruel and abominable laws for the purpose of suppressing the Roman Catholic religion by means that were grossly wicked and unjust; and the strongest Protestant among you, I am quite sure, would say, if I were to run through the particulars of these laws, even that strong language is not too strong to describe the laws. Now, I have got to say one thing for the Irish penal laws—that is the name by which they are known—and that is this: they were not wholly devoid of efficacy; they applied the screw pretty closely; and so long as the penal laws were in operation, so far as our information

goes, it does appear that to some extent they succeeded in keeping down the Roman Catholic religion in Ireland. All I can say of the figures I give you, gentlemen, is they are the best that can be had. They have not the precision of a modern Census of population, but I have given them in the House of Commons and they have never been impugned. They have never been scrutinised and found wanting. In 1730 a Government inquiry into the relative numbers of Roman Catholics and Protestants found that there were two Protestants for five Roman Catholics. Well, I told you before that in 1672 there were 45 Protestants to 120 Roman Catholics; in 1730 there were 48 Protestants to 120 Roman Catholics; but about that time there was a certain Bishop Burke, a Roman Catholic prelate in Ireland—I forget of what see—who made an estimate of the numbers, and he estimated that there were two Protestants for four Roman Catholics—that is, 60 Protestants for 120 Roman Catholics. The application of the screw was doing, in some degree, its work. In 1672, again, Bishop Burke computed that the Protestants were increasing. Shortly after that the penal laws began to be relaxed. In 1784 a computation was made, in a manner which I admit is a very rough one; it was by estimating the proportions of the people of different religions in the beggars. There was then no Poor Law in the country. What I wish you particularly to observe is this, that those figures I am giving you about numbers are what are called *ex parte* figures. I take them from Mr. Giffard's "Life of Pitt," a book written in a totally different sense, and they are the best figures I can obtain. In 1784, according to the return, which is loose, but not very far from the mark, it is still said there were two Protestants for four Roman Catholics—that is to say, 60 Protestants for 120 Roman Catholics; therefore, you will observe, gentlemen, that under this penal system, beginning in 1672 with 45 Protestants for 120 Roman Catholics, that they had by 112 years of persecution amended—if it is to be called amended—the position of the Protestants so far as to have 60 instead of 45 Protestants to 120 Roman Catholics. At that time we began to relax the penal laws. In 1801—I now quote the authority of Mr. Musgrave, the historian of the Irish revolution, who is certainly a very thoroughgoing partisan—in 1801 the penal laws having now been materially relaxed, and the Roman Catholics even admitted to the elective franchise, he found that the Protestants were 40 to 120 Roman Catholics, having been 60 some 20 years before. We then went on and had further relaxation. We even admitted the Roman Catholics—and I am very thankful we did—to Parliament, and in 1834 we had another religious Census, and the proportion was now one Protestant to four Roman Catholics, or 30 Protestants to 120 Roman Catholics. Now, gentlemen, in 1861 it is true there is a slight improvement—it is a fractional improvement. I must get another denominator in order to exhibit it, I cannot exhibit it well upon the denominator of 120 that I have got. In 1834 the Protestants were a trifle under one to four; in 1861 they are a trifle over one to four—that is all the difference. But recollect what had happened in the meantime—that awful famine of 1847, and the enormous wholesale exportation of the poorer population—that is the Roman Catholic population of Ireland, across the Atlantic. Therefore, gentlemen, I say that although, casually, the return of 1861 is a trifle better than that of 1834, in reality, if you allow ever so moderately for the operation of these powerful causes, it is a worse return

than that of 1834; and I reiterate the assertion that Protestantism, under the influence of this system, which we did once maintain in the form of penal laws—but then there was a kind of efficacy, at any rate a kind of brutal and bad efficacy attached to it—since we have relaxed those penal laws, while the system continues to be unjust, it has ceased to be effectual, and Protestantism has dwindled under its operation. Now, gentlemen, I must refer to one more point, which will, perhaps, require your attention, because I have been greatly found fault with for this statement, and I will show you the answer which has been made to me. I will take it from this pamphlet—["Short Notes on the Irish Church Question," by a Layman]:—"Mr. Gladstone insists that as a missionary Church the Irish Church has failed." I do insist with great regret, naturally, but at the same time with strong conviction. "In order to prove this he quoted Sir William Petty to show that in 1672 there were 800,000 Roman Catholics to 300,000 Protestants." Now comes the answer to me, and I think you will be somewhat amused when I unfold the meaning of it:—"But Mr. Gladstone kept back the fact that of these 300,000 Protestants only 100,000 were members of the Irish Church, and the remaining 200,000 Nonconformists." And therefore, they say it is true that the Protestants may have dwindled as a whole, but look at the relative numbers of the Church and the Nonconformists, and then you will see that the Church of Ireland has not failed at all, but has very largely increased her numbers. Well now, gentlemen, I think that will be a view of the matter entirely new to you; I think it will be new to my friends on the platform of all denominations. It appears, then, after all, that the Church of Ireland does not exist in Ireland for the purpose of maintaining the light and glory of the Reformation, as Mr. Gathorne Hardy says, but that the business of the Church of Ireland is to convert stray Nonconformists and bring them back to the fold. Now, gentlemen, this really is a discovery. It is a magnificent discovery. It seems to shift the whole state and position of affairs. It gives us a new "point of view," as they call it. It is a most serious matter if, after all the consideration we have given to this matter, which we thought lay mainly between the Church of Ireland and the people of Ireland, we are to be told that it does not lie between them at all; that it is admitted that the Church of Ireland has failed wholly, utterly, miserably as regards the people of Ireland—the mass of the people of Ireland who are Roman Catholics—but that it has had a magnificent success, and those unfortunate Presbyterians who were two to one to the Church people 200 years ago are now somewhat less than the Church people in number. Therefore, gentlemen, pray consider that it is an anti-Protestant propagandism you are invited to pursue. That is the answer they give; I believe it to be the only answer; but I must also tell you this, that if it were true it would not be a very good answer. I suspect the six or seven millions of Nonconformists in this country—in England—the three millions of Presbyterians in Scotland, and the half-million or more of Presbyterians in Ireland, would not be particularly well pleased at this new view of the position of the Church, the friends and advocates of which, in the days when things are quiet are apt to turn what is called the cold shoulder to the Presbyterians; but of late there are a portion of them, and particularly the active politicians, who make the most warm and moving appeals to

the Presbyterian body, and entreat them to put shoulder to shoulder and confront the enemy in the field in the name and for the sake of the interests of their common Protestantism. Now, gentlemen, the explanation is this—but I must not go at length into it. In Ireland, in the beginning of the seventeenth century—it is difficult, indeed, to trace minutely the confused ecclesiastical history of a country which at that time was but half-organised—but it is well known that a large portion of the parishes and incumbencies of the country, a very large portion indeed of the province of Ulster, and some portions, I believe, beyond it, were in the hands of Presbyterians. Of course, therefore, the Presbyterians counted at that time as a very large number in proportion to the numbers of the Church; and it is perfectly true up to a certain point that by the fact of becoming Episcopalian, by the fact of having an Episcopalian Government placed over these parishes, as the Episcopalian Government became uniform over the country, instead of having a Presbyterian Government placed over them, a number of persons came to be counted as Episcopalians who before that had been counted as Presbyterians. That is the explanation of it. There is no truth in the assertion that the Irish Church has been successful in putting down Dissent either by force or persuasion. It has been successful in putting down nothing; but it has been successful in putting up something. It has put up agitation; it has put up controversy; it has put up bitterness; it has put up, as I have shown, in comparison with Protestantism, the Roman Catholic religion, which has thriven, and does thrive, under that sense of civil injustice which makes all its professors who are loyal men rally round it with determined adherence. Gentlemen, our motto is—"Be just and fear not." Do you approve the motto or do you not? It may be that we have strong interests arrayed against us. Never mind. What we shall do, gentlemen, my hon. friend near me and I—we shall use the slender means in our power to lay out the truth and the reason of the case before you. Having done that, as we shall do it from place to place, we shall appeal to you for aid; we appeal to you to lay aside all timid fears and apprehensions, to be on your guard against mistake and delusion, to put on the courage of Englishmen—nay, more, I will add, to clothe yourselves with that spirit of equity which ought to distinguish every Christian, and to carry our cause onwards to a speedy triumph.

SPEECH

DELIVERED IN THE

CO-OPERATIVE MILL, LEIGH.

OCTOBER 20TH, 1868.

In addressing you to-night, the first duty, and not the least pleasant duty, I have to perform, is to thank you for the hearty reception you have given us to-day, both out of doors and in doors; and my second duty is to express my share of gratitude to the Co-operative Society at Leigh, which has supplied us with this spacious place of assemblage, and I will now, with your kind assistance and support, endeavour to do that which would not be possible except with such aid—namely, to address you upon some of the subjects which are at this moment of the deepest interest to yourselves and England. Gentlemen, the name of the Co-operative Society at Leigh induces me to say a few words upon a question which is the subject, at the present time, of a very national interest, and is, I think, likewise of a very needless alarm. I mean the question of the relations between capital and labour. There are those who consider that this is among the great difficulties—if it be not the greatest difficulty—that clouds the future of our country. I own I am not of that opinion. I have sufficient confidence in the good sense of my countrymen of all classes, and especially of the two great classes that are more immediately concerned, to feel a perfect conviction that, not perhaps without some occasional and local difficulty, but without any general or hopeless difficulty, they will find their way through the meshes and the mazes of that question to a satisfactory solution. Certainly, one class of measures to which I look with the greatest interest for the purpose of helping the attainment of that solution are the measures which, without removing the labouring man from the class of labouring men, nevertheless give him some of the sentiments and some of the interests of the capitalist. Don't suppose from what I have said that I am one who believes that the function of the retail tradesman

—the distributor of commodities—ever can be either permanently or beneficially supplanted—that I do not believe. I believe that the union of working men among themselves in co-operative societies may be extremely beneficial as a check upon the more ordinary method of manufacture—that of great capitalists, and of disturbing either the wholesale or retail tradesmen; but that it will supplant those methods I, for one, wholly disbelieve. And I think it but fair to say two things: on the one hand, I am convinced it is only in the very advanced of the labouring wage-earning classes that co-operation can be carried on to a beneficial extent, and it argues that in this particular neighbourhood the labouring classes are greatly advanced; but, on the other hand, the risks and responsibility of joint-stock companies are serious. I must own to you that although ever since my mind was given to commercial subjects I have been a pretty steady adherent to the principles of free trade, yet I have not had that unflinching faith in the principles of joint-stock companies, as offered to individual energy and enterprise, which I know has been entertained by many who are far greater authorities than I am myself. I hope, therefore, that the greatest caution will ever be exercised by the labouring classes with regard to joint-stock enterprise, and I may add every other class; but wherever their joint-stock enterprise succeeds, I heartily rejoice in it, and bid them God-speed. There is another mode, favoured, I know, by some highly intelligent men of this district, and to which I can't but wish an unqualified prosperity, and it is this mode—where private individuals, or a limited number of private individuals, carry on their business on the principle of joint-stock companies, and are enabled so to adjust their operations and accounts that they can contrive to give to the workpeople an interest in the proceeds. I know not, and it would be presumptuous in me to attempt to know, when that principle is capable of extension; but I believe that wherever it is capable of application it is one of the most beneficial methods of dealing with the difficulty which besets the question between capital and labour now presented to us. There is one other method to which I can but refer, although the name of the person connected with it—most honourably connected with it—a gentleman of foreign descent, is less known in this part of the country than in the country where he resides, and where his beneficial exertions have been particularly felt—I mean Mr. Mundella. He is a man who has devoted, at no small sacrifice, his time, and no common abilities and energies, in organising those methods of friendly and systematic communication between workmen and capitalists in the form of boards of arbitration, which, so far as the operation has yet been tried, has produced the most happy results. Gentlemen, I refer to that not as if I were competent to give a judgment that proceeds with much greater weight from practical men, nor because I believe we have as yet exhausted the whole catalogue of expedients for adjusting those difficulties which must necessarily arise in the natural and wholesome competition—for it is wholesome competition—between the capitalist and labourer in the division of the products of industry, but because I think they are hopeful indications of what we may expect under the teaching of experience, and that they go to warrant the sanguine opinion I have myself expressed, that although

this undoubtedly may be a serious problem, which would be dreadfully aggravated by narrow views or by angry passions — a problem demanding the closest and most careful attention that can be given to it by the most competent persons—yet it is a problem of which we may look for a satisfactory solution, and which we need not reckon among the difficulties that threaten the happiness and prosperity of our country. But I pass from that subject, and I wish to take this opportunity, seeing that we are favoured to-night, as upon former occasions, with the assistance of that powerful agency that disperses over England and over the world what is addressed to local audiences in connection with the occurrences of an election—I wish to take advantage of the presence of that agency. That purpose, perhaps, you may think a little personal, and you may possibly think it a little selfish but it is this—I am at this moment overwhelmed with communications from correspondents of every rank and degree, of all circumstances and conditions, with relation to matters of controversy that it would be impossible to enumerate. Sometimes they ask me for answers which, having but twenty-four hours in one day, it is not possible for me to give, and sometimes they ask me to explain the points to which they refer at public meetings. Now, I wish to beg my correspondents, one and all, through the medium of this assembly, to be assured that their communications, most of which I can truly say are both friendly and intelligent, have the best consideration I can give to them, and that if I seem to neglect them it is only because of the greater pressure of other subjects, and of my duty, in occupying your time as I do, to occupy it with those questions which appear to be of the greatest and of the most commanding interest. Now, I will make another remark which is not personal, but local, and I can make it with pleasure because it concerns, not only ourselves, but those against whom we are pitted in this contest. We, gentlemen, in South-West Lancashire, are like our friends and our opponents in the other division, engaged for the moment in a pretty arduous contest; but, I rejoice to say that up to this time, so far as I can judge, in the South-Western division of the county it has been conducted with exemplary good humour. Everybody knows throughout Lancashire when a man enters into a contest he is in earnest, and means to do his best. On that side, gentlemen, we shall not be suspected; if we are, I trust our men will redeem us from the suspicion. But in other parts of this country I must say that it appears to me, to judge from placards, from letters, and from many communications that have reached me—it appears to me that the course pursued by our opponents has gone beyond the just limits of political warfare—that truth has been too much tampered with—that private life has been violently, insolently invaded—that violence and almost fury of language has been indulged in; and if I refer to these things it is for the purpose of congratulating you and others, paying a debt that is due to our opponents, when I say that whatever may take place beyond our borders—and into that I won't enter—I have not seen within those borders, on the one side or the other, the slightest disposition to trespass beyond the fair and just bounds of public controversy; and I humbly hope that for my own part I may do what I am sure you do—observe those bounds with the same care for the

future. I have made this preface because I am obliged to grapple pretty closely with the language of our opponents upon some matters of great public interest, but I wish to do so with the most frank expression of my personal respect, and deal with the argument, but not with the man apart from the politician. Gentlemen, yesterday week, in the town of Warrington, I drew attention at some length to the subject of the public expenditure, and I pointed out what appeared to me to be the main considerations necessary to be instilled into the minds of the electors at this juncture. Those considerations turned mainly upon this—that the investigation of the past was of secondary importance, but that the topics, however, which had been raised with respect to the past in no degree diminished the responsibility of those who are now in power for the rapid, and I think even alarming increase that has begun to take place in our expenditure, and that as regards that increase, not indeed the whole responsibility, but the chief responsibility of it, was to be charged upon the Ministers of the Crown, although it may be your opinion that the House of Commons is likewise to blame, and although I do not shrink from expressing my opinion that wherever there is sluggishness in the House of Commons it is because there is always a corresponding lethargy in the country. Gentlemen, I wish to take the opportunity of correcting a verbal inaccuracy into which I fell. You must have seen it stated that there was a great increase of expenditure in the year 1859, which is perfectly true, and again in the year 1860, which is perfectly true. In speaking of the expenditure in the year 1860, I said that that was due to a war in China which had broken out, not under us, but under the instructions given by the Government that had preceded us, and in connection, as I said, with Lord Elgin's going to the mouth of the Peiho to sign a treaty with China. In my haste, when I said Lord Elgin, I ought to have said his brother, Sir Frederick Bruce, and I ought to have said that he went to ratify, not to have signed, a treaty with China. These errors I ought to correct, because it was supposed I gave an opinion upon the policy. I gave no opinion upon the policy whatever. That is a large matter to discuss. What I wished to point out was this—that the *de facto* cost of that war had arisen in connection with the operations of a former Government, and not with our Government, and the fault I found at that moment was not with those who had given instructions, but the fault was with those who have at this time endeavoured to persuade the country that the cost of that war, which had grown from transactions entirely belonging to a former Government, was due to the Government of Lord Palmerston instead of being due to their predecessors. But, gentlemen, asking that you will excuse me for this digression, I come to a matter which lies more nearly at close quarters. It is not denied that £3,000,000 have been added to the expenditure in two years—to the permanent expenditure, gentlemen, not to the occasional expenditure, not to the expenditure brought about by the emergencies of what we hoped was a momentary and an incidental war, but to the permanent expenditure of the country connected with the maintenance of its ordinary establishments. But, gentlemen, that fact stands. I rejoice that it stands, and not only so, but that it has been brought home to the mind of the people of this country. For believe me, gentlemen, that

to a question of praise or blame, whether you think censure belongs to us, or whether you think censure belongs to our opponents, I am comparatively indifferent, though I do not say I am absolutely indifferent, provided the effect of these discussions will be, as I have good hope it will, to bring about in future, if you, gentlemen, do your duty, some more careful stewardship of the finances of this country. Well, now, gentlemen, one of our honourable opponents meets my charge, not by vindicating the present Administration, but by saying that it was my duty to have prevented this expenditure, and I have received to-day some verses which are the production of a Conservative working man. I think they do great credit to his ingenuity; and, moreover, I value these verses very much, because we ought always to value greatly all specimens of a species that is rare. You know, perhaps, that a few years ago a mammoth was discovered frozen in the ice upon the shores of the White Sea. An enormous value was set upon the bones of that mammoth, and would have been set upon its flesh if it had not been that the moment it was thawed the dogs got at it and devoured it. Now, my wish is to preserve—to preserve in ice if you like, or in any way you like—the effusions of a Conservative working man. But, however, he is a very ingenious fellow. I recognise him as a man and a brother, of the same flesh and blood, and he states this objection extremely well. These are his verses, gentlemen:—

> "Now you are lecturing thro' the land
> And leading working men astray,
> By telling them things were not good
> For which they did their money pay.
> We wish to know, Sir, how it is
> To oppose these measures you did not strive,
> While there was on your side, you say,
> A majority of sixty-five."

I don't think Mr. Turner stated his point badly, but I think the working man has stated it better still. Still, I must endeavour to pull the working man to pieces a little. He says I said I had a majority of 65. When did I say so? He says so; but I never said it. It would be very difficult, indeed, gentlemen, between the time of the general election and the time of the Resolutions on the Irish Church, to state what the majority in this House of Commons was or where it lay. "But," he says, "why did you not object to this expenditure?" My answer is twofold. In the first place I must tell you this, that the great questions of expenditure connected with the maintenance of the army and navy are questions of the life or death of the Government, and when you challenge a hostile issue in the House of Commons upon such a question as whether, for example, 40 new ships are to be built for the defence of the country, it is equivalent to moving a vote of want of confidence in the Government. That being so, I tell you plainly that our resignation of office in 1866 made it our duty to give to those who succeeded us a chance of dealing with the question of Reform; and, nowever we might object to their mode of proceeding in regard to the public expenditure, the paramount and commanding interests connected with the franchise and the Constitution made it impossible for us to take issue with the Government upon questions of that order. Short of taking issue with the Government, I tell you that we did object. I

could show you the passages in *Hansard*, if you wished it, where I have drawn down on myself the wrath—and a terrible wrath, no doubt—of several members of the present Cabinet for finding fault with and impeaching what I thought their most needless and wanton expenditure in naval and military matters. Not only was it what was said by me, but I have the happiness of sitting in the House of Commons in constant connection with many of the ablest men in that House, and my friends Mr. Childers, Mr. Stansfeld, and other gentlemen perfectly competent, did arrange with me and carry on in connection with me that plan of questioning the Government on that scheme of building 30 or 40 unarmoured ships for the purpose of maintaining the distant services at various parts of the globe. Gentlemen, we did endeavour to act on the Government and to produce an impression on the House ; but the House—and I do not find fault with it—was unwilling to enter into matters which, though important, were secondary to the main question at issue. You have heard something this year about meetings in my sitting-room. We had meetings in my sitting-room to consider seriously whether we should venture this year to ask the vote of the House of Commons on the state of the public expenditure, and we deliberately decided that we should not, because the answer would have been this—It would have been felt impossible to interfere with the progress of the Reform Bills, and we should have procured from the House of Commons an adverse vote on questions of expenditure, which would have been given probably from motives extraneous to questions of expenditure, but which would have been damaging to the permanent prospects of the cause of public economy. I say, therefore, that on this great question we went as far as we could—as far as we dare, as far as we should have been justified, with regard to your interests, to go—in declaring our opinion of the conduct of the Government. It is idle and untrue to say that these views and proceedings of the Government were not questioned, as anyone can satisfy himself who chooses to consult the records of Parliament, while it is quite true that the sum total of the public expenditure depends on these greater subjects. It is also true that there are many subjects less important, but not altogether unimportant, on which it may at times be possible to question or challenge the proceedings of the Government. With respect to these minor subjects, I beg to assure you that we saw the opportunity—we did question them, both by debate and division. And here I come to my answer to Mr. Turner, and my answer to my friend the working man, and it is that whenever we did question them, there was Mr. Turner in his place to vote against us. I will give you an example. We had a very good opportunity offered us last year. What you have to fear when you raise these questions of economy is that the supporters of the Government will denounce them as party questions, and will in that way envelope them in a cloud of prejudice. But we saw on the notice-paper this year a notice which would have saved the country a certain sum of money—I think some £20,000 a year—perhaps more. It was to the effect that the expenses of certain Commissions relating to copyholds, enclosure, and tithe which had been charged on the Consolidated Fund should be borne, not by the State, but by the persons who took benefit from the operation of those Commissions. This

motion, which we thought a very rational motion, was made by Mr. Goldney. Mr. Goldney is a man of much intelligence, who sits on the Government side of the House. Thus we had an opportunity, because, Mr. Goldney being the mover of the motion, and not acting in concert with us, it was not possible to cast upon it the discredit of being a party motion. Well, what did we do? We supported Mr. Goldney. And what happened? We carried our motion by one—not by sixty-five, let my friend the working man observe. We carried our motion by one. The noes against the vote were 105—that was in favour of Mr. Goldney's motion; and the ayes, 104 in favour of the Government. So keen were the Government to resist this reduction of expenditure, that, after being thus beaten in a division, some rumour went abroad that one or two members had come into the House that they might, if they divided again, obtain a different issue. They divided again, and again they were beaten by one. In the first division we were 105 to the Government's 104; in the second division we were 106 to the Government's 105. Gentlemen, I need not tell you I was among the 106. But who was among the 104 of the first division and the 105 of the second?—Mr. Charles Turner, member for South Lancashire. Therefore I tell Mr. Turner, with all possible respect, that one of the reasons why we could not operate the reductions we desired was that he was always in his place to oppose them. But there is another form of proceeding. I have given you one specimen because I think one practical specimen is worth a great deal of vague and general statement. I will now go to another point connected with the same important subject. I told our friends at Warrington that there appeared to me to have grown under the present Government a system of what I called, in regard to the public expenditure, making things pleasant all round. That means going from town to town, granting what this community wants, granting what that community wants, granting what the other community wants, and leaving out of sight that huge public which unfortunately has not got the voices and the advocates ready always to defend it against these local and particular claims, but of which it is our highest boast that we seek to be the advocates and the champions. I told you that was the system pursued. I told you of a case where a candidate in the Government interest this moment goes to a constituency, and complains that he could not get a Liberal Government to surrender for £2,500 a debt due to Government of £20,000, but that when a Conservative Government came in, then, indeed, the weather had changed greatly in his favour, and he found there was no difficulty at all in arranging the matter. Thereupon he says, "Return me to Parliament, and not a member of the Liberal party." That is the operation which is constantly going on, and that is the operation which I call on you to baffle and defeat. But even since yesterday week I have had the clearest proof, which I will now give, of the truth of what I then said. What I then said was that this Government and its adherents are constantly endeavouring to create electioneering interests by means of local expenditure defrayed out of the public purse. This is my charge. I stated that on Monday week, and what did I hear before the week was out? There came to me a letter from Whitby. Whitby is a town

in the politics of which I take great interest at this moment. Whitby is a seaport on the eastern coast, and the Conservative party in Whitby not having a chance of winning the election by any fair means, or a chance in any way whatever, I believe, in their desperation immediately publish a placard, the purport of which has been sent to me, but not the thing itself. It says, "Who prevented the creation of a harbour of refuge at Whitby? The Liberals. Who wanted to spend four millions in making harbours of refuge on the eastern coast? The Conservatives." That is the sort of thing going on from time to time, aye, and pretty constantly too. (A voice: "We'll stop it.") I am much obliged to you, Sir; and let me add, if it be an allowable mode of speech, you are very much obliged to yourself, because by sending my friend (Mr. Grenfell) and myself to Parliament you will be doing that which is good to the public and that which is good to you as an individual member of the public. Now, I had never said that it was wrong to assist in the foundation of harbours of refuge. Those Conservatives at Whitby ought to have known, if they knew anything about it, that the Government of Lord Palmerston passed through Parliament a Bill for giving judicious assistance instead of wild extravagance and lavish assistance for such purposes. At Newcastle and down to the mouth of the Tyne are probably the most magnificent marine works that were ever undertaken by a local community, and they have never run to such an absurd extreme as to say that under no circumstances will the State recognise the public interest in the formation of local works. It is proper that local works should be properly assisted, but what I do say is this—that it is an unjust plan to stimulate local cupidity to feed upon the public purse; and that that plan, supported and sustained by the Conservative party generally and by many of her Majesty's present Ministers, was resisted by the Government of Lord Palmerston; and that, although the House of Commons adopted it by an address to the Crown, we refused to act on the address of the House of Commons. It is well to get the people of Whitby, who are acting on local interests, to find fault with us because we stood up for the public interest; but what is said by our friends Mr. Turner and Mr. Cross of their friends the Conservatives of Whitby, who are boasting of the expenditure of many millions of money, for the fancied and supposed purpose of doing good to one, or two, or three, or four, or five ports, on the surface of the coast of England at an enormous and almost extravagant charge to the country at large? If you want to be served you must draw the distinction between those who want to serve you and those who don't, and if the electors of South Lancashire and of the country generally are contented to allow this method of expenditure to go on, this Continental system of feeding the desires of classes and portions of the community at the expense of the whole—it is idle for you to satisfy yourselves with vague and general promises, such as everybody can give you by the bushel, of being desirous to promote all reasonable economy. If that is to be the system on which public finance is to be administered, you must be prepared to resign all hopes of remission of taxation, even in good years, and in bad years you must look for a steady augmentation of the income-tax. That is the state of the case as far as it is necessary to

enter into it with respect to the public expenditure. Gentlemen, I am afraid you have of late years suffered from the vicissitudes of trade, and I am told that there are found those who think that trade has suffered in consequence of the Treaty of Commerce with France. If that be so I should not scruple to say that my solemn duty is to prosecute in all matters of trade and commerce the interests of the country at large. There were places—at all events there was one place, the town of Coventry—with regard to which it certainly happened that the French Treaty did arrive at a moment which, in many respects, was a moment of severe pressure. The great cause of the pressure was the stoppage of the American demand in consequence of the civil war in that country. France exports silk goods to the American markets much more largely than we do. France being stopped from sending her goods to America when there was comparatively no demand, did avail herself of the Treaty of Commerce to throw considerable portions of goods on the British markets. But what goods were they? As far as I can understand, they were not the goods in which you deal; you are not producers, like the dealers of Coventry, of light fancy goods. You are not the makers of riband. You are not, like the weavers of Spitalfields, the makers of goods of another class, the richest velvets and highly-figured silks. If I am rightly informed, your trade is rather like the staple trade of Manchester, consisting of solid and substantial goods. You are not importers from France, but exporters to the world in general; and if France had the power of competing with you in their markets without any difference in your favour, it is not to the admission of her goods that you owed the distress under which you suffered, but to this, that the door was bolted against you in America through which you had been accustomed to find vent for your productions and the fluctuations of trade. That is a question of argument as I understand it, and scarcely can be discussed as if it were a matter of simple fact. It is not possible to escape the fluctuations of trade, but this it is possible to point out, that the fluctuations of trade are much less under a system of freedom than under a system of monopoly. Of this we have proof in our own history. Many of us are old enough to recollect the crises of trade brought about by trade causes. Before free trade was established, very frequently distress in the manufacturing districts used to follow bad harvests and monetary crises. You have this advantage under the system of freedom, that you can form calculations with better security than when you trusted to artificial restrictions. You know not what causes may arise to bring distress upon you, but it is experience by which in the long run these questions must be determined; and I speak in the hearing of those who are able to judge when I affirm confidently that for the last 20 years, setting aside the cotton famine, which is a matter of a different character—neither free trade nor any other trade could prevent civil wars—but speaking of the ordinary revolutions of trade, the vast extension of our commerce which we have seen throughout the country has been attended, not with an increase of fluctuation, but with an increase of stability not less remarkable than the increase of scale.

I have hardly left myself time to say a few words on the question of the Irish Church, which never can be omitted at an election meeting

like this. I cannot do more than state a summary of the leading propositions on which I have presumed to dwell at other places. I made it my first duty to point out to the people of this county that the substantial question which you have to determine is this, whether you will have one Established Church or none, or whether you will have many Church Establishments in Ireland or none. I think I showed that when the Government proceeded to disclose deliberately its policy for Ireland, that policy did include a regular increase of endowments to the Presbyterian Church in Ireland, the establishment of a Roman Catholic University at the expense of the State, and a plain declaration that there was no objection to place the Roman Catholics on nearly the same footing as the Church now established, provided it were done at the public charge, and not by withdrawing the property of the present Church Establishment. Since I spoke Her Majesty's Government has got a new ally in the person of the *Quarterly Review*. Many of you will recollect that about this time last year there was a remarkable paper in that review, entitled "The Conservative Surrender," in which any words used by the Opposition or Liberal party are watery and faint compared with the blasting, withering, and scorching scorn which this writer in the *Review* bestowed on the Government. But now the Conservative surrender itself has surrendered: there is a new article in the *Review* in which having blackened the Government twelve months ago with every epithet the ingenuity of man could extract from the vocabulary to destroy the last rag of its character and the last hope of prosperity and success, the article winds up by saying that now that an election is taking place the result will be the return of a decidedly Conservative majority for the Government. This is the state of things at which we have arrived. I may refer to it because I do not think the judgment of that or any other review, or the judgment of any man or of any united body of men, can contravene the judgment of public opinion, and because this *Quarterly Review* itself has been for so many years one of the loudest and most open-mouthed advocates for paying the Roman Catholics in Ireland, and, of course, the Presbyterian clergy along with them. I will not raise any prejudice against any portion of my fellow-citizens in respect of religion; as long as they are good citizens they ought to be dealt with in the same manner; but this had been the favourite nostrum of that particular political review which has been an organ of great importance, and has spoken in past years for the mass of the Tory party. And, gentlemen, this is your choice. Now, you will observe, on the part of the Government no plan is opposed to our plan; our plan is to remove and put an end to the Establishment, the plan of the Government is to resist our plan and nothing else. The Government of the country has no plan and no policy to offer you. I say it is utterly useless to talk of what is called reforming abuses in the Church of Ireland, and the report of the Commissioners that has lately been presented proves and demonstrates the total inutility of any such scheme. I have ventured also to show this—that under that system which we have maintained for the last 300 years, and especially during the last 100 years, though we have been removing by degrees the pressure of the unjust and even cruel laws by which we kept down for some time the population of Ireland, Protestantism has been dwindling away, not-

withstanding that we maintained our Church Establishment in possession of all the ecclesiastical property of the country. Gentlemen, this, in my opinion, is a matter of the utmost gravity, because it appears to me that it is perfectly idle to call those who would put an end to the Establishment in Ireland the adversaries of Protestantism unless it can be shown that the maintenance of the present system has resulted in benefit to Protestantism. We assert the direct contrary, and we support our doctrine not by vague and still less by unmannerly exclamations, but by showing, from the public records that are accessible to us at different periods, that the number of Protestants in Ireland relatively to the Roman Catholics steadily diminished for a century or more, and that if that diminution has been stopped within the last few years, it has been stopped owing to the operation of that fearful visitation of Providence, the Irish famine, which decimated the Roman Catholic population, and owing to those social agencies which carry them by hundreds and thousands to the shores of the United States. Gentlemen, every other plea that has been set up is as idle as those pleas. When it is said that the maintenance of the Church Establishment in Ireland mitigates religious animosity, I contend that it inflames religious animosity. There is no country where men of the Irish race are placed side by side with men of the English race, and where they do not get along tolerably except in Ireland. Then it is said that the Roman Catholics would never be satisfied, and would demand the repeal of the Union. Why, gentlemen, that was the reason that was always urged against every moderate and rational plan of Parliamentary reform. It was said, "The people will not be satisfied without universal suffrage and without their having a republic." In point of fact, it is the old principle on which our antagonists systematically ask that you will refuse a request which is reasonable because it may be followed by one that is unreasonable, whereas the principle on which we desire to act is this—grant our requests which are reasonable, and then you will have greater power to resist the requests which are unreasonable. In saying this do not let me be supposed to insinuate, for I do not believe, that there is that disposition on the part of the people of Ireland to make these unreasonable requests. It is in my opinion cruel to say that the people of Ireland, alienated as a large part of them may now be, cannot be mollified, cannot be conciliated, by justice. I know of nothing that warrants us for a moment in treating them as unworthy to be associated with us. We have never thought them unworthy of serving the purpose of our convenience. Lancashire has not been ashamed to profit by their labour. England has not been ashamed to profit by their valour. In the best time of your army one-half of its ranks have been filled by Irishmen, and after thus turning them to account—after thus getting out of them all we can, are we, forsooth, brave and chivalrous England, to cast upon them a look of scorn and say, "Reason and justice have no empire over you. You are the creatures of passion and caprice, and therefore we will deny to you the rights of equality and freedom"? I repudiate with all the force of which I am capable doctrines so unjust to them, so unworthy of yourself, so unworthy of that glorious past of our history on which our Conservative opponents are sometimes fond of dwelling, and so unworthy of the glorious future towards which, as I hope and trust, and believe, with your aid, the Liberal policy will lead us.

SPEECH

DELIVERED IN THE

TOWN HALL, ORMSKIRK.

OCTOBER 21ST, 1868.

I WILL follow the example of my friend Mr. Hill, and without preface upon matters of form or ceremony, at once proceed to say that I address you as that portion of the South-West Lancashire constituency which perhaps may best, upon the whole, be taken to represent the important agricultural interest of this county, and I do not think that either my hon. and respected friend Mr. Grenfell or myself have any cause to feel abashed in appearing before those of you who are connected with the agricultural interests of the land. There has been, indeed, a class of politicians in England who have been called the farmers' friends, and their great characteristic has been this, that they have always encouraged the farmer to lean upon props that broke under his hand and pierced it, and to call for remedies for his difficulties that were totally unattainable. On the other hand, there has been a class of persons known as the adherents of free trade, who have ever held this language to the agricultural and various other interests, that no one of them had any right to be supported at the expense of the rest of the community. But, at the same time, amidst much unbelief and much mockery, they told the agricultural interests of this country—and I am bound to say that I don't believe the agricultural interest of Lancashire ever wanted much telling—they told the agricultural interests of the country in other parts, where more delusion prevailed, that the true source of their strength, as of the strength of us all, was in the utmost possible freedom of industry and commerce. You know the state of things in this district. You know the markets on which you depend. You know whether the great market of Liverpool, with which the whole of this neighbourhood is so much connected, is or is not now a larger market than it was in times of monopoly and restriction. It would be idle, for

it would seem to argue a supposition on my part of your being ignorant of matters which you know perfectly, if I were to enter into details on these subjects, interesting and profoundly important as they are. In considering matters that are of practical importance to the county ratepayers, the mind of Parliament has of late years been very much turned, and I think very naturally and properly turned, to the question of local expenditure. Now the local expenditure of this country is very considerable, and not only has it always been very considerable, but of late it has been subjected to great and rapid increase. I am by no means prepared to pass any general censure upon the needs and purposes for which the additions have been made to the local expenditure, and so far as my very limited knowledge goes, I do not believe that you have any reason to feel dissatisfied with the spirit in which the local expenditure, and the county rate particularly, is administered in this county, or in this portion of the county; therefore it is by no means in the way of censure that I have in my address to you ventured to tell you that I think the time has come when there ought to be a change in the law. Our law with respect to local rates and expenditure is, like many other of our laws, far from being symmetrical or scientific in its construction. In the parishes we all must agree that the ultimate burden of the rates comes upon the landlord. Whether they be parochial rates or borough rates, they will at last find their way to the landlord. However, the sole power of voting you know in the parish vestries is with the ratepayer, and if the landlord happens not to be an occupier, he has no control whatever over the rates. Well, I do not know that there is any very great evil in that, although it appears to be a somewhat anomalous arrangement; but, as regards the county rate, the case is notably inverted, because there, although again the rate ultimately finds its way to the landlord, yet in the county as in the parish, the rate comes in the first instance upon the occupier, who is apt to feel the pinch at a time when the rates are growing, but he would get the first benefit when the rates are diminished. The persons who administer the rates are the magistrates of the county, in the choice of whom he has no share or part whatever. Now, gentlemen, I own that I am of opinion that representation in all these matters of expenditure is a good and sound principle. It is the old principle of our Constitution generally, both Imperial and local. I am friendly to it, not because there is no clamour on the subject, but I am friendly, because it would give a control to the ratepayers in the choice of their representatives, over the expenditure of the rates by those who pay them. It implies no disparagement of those who have exercised their discretion, but I believe the operation would be good, and would tend to enlighten the public mind on some difficult and threatening questions that are coming forward as to the relation between the local and the Imperial expenditures and the expediency of throwing the local rates upon the public treasury.

I now pass from that subject, and will address you upon another—one of great public interest in the present contest—that which relates to the condition of Ireland, and particularly of the Church of Ireland. Often as I have had the honour of addressing my constituents upon this matter,

the subject is by no means exhausted, for here I must own that our opponents endeavour to make up for the want weight in their objections by the number which they make. Therefore it is necessary for us to make draughts on your patience to bury those objections, in the full confidence that the result of these discussions will be the establishment of truth. I wish to say a few words as to the view I take of the attitude held at this time by the different influential bodies, and more especially the different religious bodies, as to the future of this great question. If you look first at the House of Commons, you cannot but see the manner in which it has been treated by the present House of Commons, which seems to many a clear indication of the events that are about to arise; and at this moment I am not addressing you as Liberal politicians—although nearly the whole of those present may probably be Liberal politicians—but I am endeavouring to lodge an appeal to the good sense of my countrymen, independently of political distinctions. The Parliament that is now sitting was elected in a period of extraordinary calm. The moderation of sentiment by which it was characterised in some instances may have been justly thought to proceed from lethargy and torpor, and yet that Parliament, upon receiving the appeal that was made to it, and, in spite of the opposition of the executive Government, has passed at once by large majorities a Bill, I will venture to say, by far the most important of any Bill which upon a constitutional subject has ever been passed by any Opposition in any period of our Parliamentary career. And observe, gentlemen, the mode of opposition that was adopted. The other day there was sent to me, among many documents that reached me, a lecture delivered by a gentleman—I believe a clergyman from the sister island—against the disestablishment of the Irish Church. He had migrated to this country for the purpose of lecturing on that subject, and you will not be surprised to learn that the general colouring of his lecture was warm. We, gentlemen, were pretty smartly dealt with, so far as epithets would go, in the course of the lecture; but the climax of the lecturer's eloquence and of his indignation was arrived at when he came to consider, not the conduct of the assailants, but the conduct of defenders of the Irish Church. He did not scruple to say that if our object was attained, it would be owing, not to the skill or determination with which we had made the assault, but to the half-hearted, feeble, and cowardly manner—these are not my words, gentlemen, they are the words, or the equivalents of the words, of the lecturer—in which what was called the defence was conducted. Now, observe what has happened. The highest authority—the Prime Minister—has said, in a written document, that the consequences of the disestablishment of the Irish Church would be much more formidable to this country than those of a foreign conquest. These are the written words of the present Prime Minister. My Resolutions, therefore, proposed something more formidable than foreign conquest. And how were they opposed? They were met by a motion which was the deliberate result of all the counsels and examinations of the Cabinet, moved by Lord Stanley, to the effect that a question of so much importance had better be postponed till next Parliament. Now, when, on the one hand, you are told by the Government that the matter was more ruinous and destructive than that of foreign conquest, and when the

only remedy they had to offer was the suggestion that this question, more formidable than foreign conquest, should be dealt with early in the next Parliament, instead of at that time, every man of sense may see that there is a half-heartedness, and perhaps an uncertainty of counsel, a want of concord as to what should be the course of action on the part of those who call themselves the defenders of the Irish Church, that would, as my friend the lecturer says, be fatal to any cause on the face of the earth. After speaking of the House of Commons, I must say that I do not look with any dismay to the attitude of the House of Lords upon this question. I may regret, and I do regret very much, the attitude taken by some particular peers, and even by one or two who have been considered and consider themselves as faithful adherents of what they call the old Liberal creed. Lord Overstone, for example, a gentleman of conspicuous skill and talent in the disposal of all monetary questions, has felt constitutional scruples with respect to the Irish Church. Far be it from me to question for one moment the honour or character of any man. If I did so I should only expose myself to most just blame; but this I think it fair to say, that when gentlemen claim your assent in opposing us upon the ground that they adhere to the Liberal creed, I very naturally, who have certainly no better claim to the title of Liberal than other men, and perhaps a worse claim—I very naturally look back to those former facts of public life and history in which my name has been associated with Liberal measures: and, as I recollect very well, at the time of the Treaty of Commerce with France, and at the time when we made great onward strides in the commercial and financial policy which has received the approval even of the present Government since they came into office,—at that time Lord Overstone thought it necessary to declare in the House of Lords that he looked upon the manner in which the commercial legislation of this country was conducted as fatal to the credit and prosperity of the country; and therefore if the prophecies of Lord Overstone were so very considerably baulked of their effect upon that great occasion, it is excusable in me, at any rate, who was then, as now, the main object of the censure, to console myself a little by looking back to the period, and to the results which have since followed, and to say within my own mind, "As it then was, so it now will be, and the present prophets of ruin and disaster will hereafter be compelled to smile upon the beneficial results of the policy that was then opposed." Gentlemen, I come now to two bodies, which I shall take together—the Nonconformists of this country and the Presbyterians of Scotland. I do not include the Wesleyans, because I will refer to them separately. I think there never was a time when the Nonconformist body of this country and the Presbyterian body in Scotland were more heartily and cordially united than now in the support of the policy which we profess in reference to the Established Church of Ireland. I mention this for the purpose of saying that I feel that the assent and adhesion of these bodies are like an unassailable bulwark and wall built up around us to fortify us, if we wanted fortifications, against those who accuse us of being the enemies, forsooth, of the Protestant religion. They pay a very bad compliment to the instinct of the Nonconformists of England and the shrewd and canny Presbyterians of Scotland, who think that they have not got the power of scenting enmity to Protestantism; for

I apprehend, if Protestantism has determined, devoted, thorough-going uncompromising adherents, these men—seven or eight millions of them—are the very men to whom that title belongs, without any disparagement to the others to whom it also belongs. Now, gentlemen, the Wesleyans likewise, I believe, have assumed an attitude upon this subject on which I may remark with some satisfaction. I will not presume to say that there is the same unanimity among them—the same approach to unanimity—because I think that would be too much to say; but when you recollect how very stiffly the Wesleyans in former times have as a body adhered to the principle of national Church establishments, we must not be amazed if they do not all of them at the same moment open their eyes to the grave and weighty considerations which make it impolitic and unjust to maintain a State Establishment in Ireland. Great progress has been made among them, and my belief is that the majority—probably the great majority—of that very influential body will be found supporting the candidates of the Liberal party at the elections which are now about to be held. I do not feel that I come upon at all more tender ground when from the Nonconformists of this country I pass to the Irish bishops and clergy, for I do not pass to them with the view of expressing any disappointment at the conduct which they have in general pursued; on the contrary, it appears to me—although, of course, there have been exceptions—that we have considerable reason to anticipate that a large portion of that body will be disposed, and disposed while there is yet time, to take the path that wisdom and prudence dictate. A very considerable number of persons—aye, and some very eminent persons—in the Church of Ireland have opened their eyes to the certainty of that which is about to arrive, and, as I believe, are carefully, soberly thinking in what manner they can best meet the crisis. Now, gentlemen, no one can be more determined or uncompromising in the character of the language he uses than I am when I speak of my hostility to the Irish Church as a National Establishment. There are no words too strong, provided they be within the limits of decorum and propriety, to state that hostility. I draw a broad distinction between the Establishment and the Church, but, even as regards the Establishment, this I feel—that we are bound to consult in our mode of procedure the dictates of equity and fairness. And there is one thing, gentlemen, that I will be no party to doing, and that is to destroying the Irish Church Establishment by what I call, or what the doctors would call, the method of depletion—bleeding it to death. I believe that is one of the most cruel kinds of death to which you can put a living creature. I rather think, but I have not time to look at any books, that in the persecutions of the most cruel periods of the Inquisition bleeding to death was one kind of punishment that was invented, and unless I am much mistaken, we have had a great discussion in the newspapers, not many months ago, as to the method of preparing veal for the tables of the rich, in which likewise the process of depletion was adopted, and that is a most cruel method of operation. Gentlemen, if the Irish Church does not take care, that is the method in which she will be dealt with, that is the method in which her friends are disposed to deal with her. Forty years ago the Irish Church had 22 bishops. Now the Irish Church has 12 bishops. The Commissioners recommend

that the Irish Church shall have eight bishops, but the Commissioners' recommendations are not thought strong enough, and it is probable that the Government will improve upon that a little, and they will most likely suggest six, or five, bishops. I ask you, gentlemen, if that is not a process of bleeding to death. Now, that which cheers me and that which pleases me in the attitude of the Irish clergy—and I do not exclude the bishops, at any rate not all of them—is this, that I think that they are beginning to see under the pressure of events the clear distinction that it is in their power to draw between the national Establishment and the spiritual Church, and that this idea is gradually planting and forming itself in their minds, that they will not for the sake of the national Establishment have the spiritual Church bled to death. Consequently, gentlemen, I believe we may look forward to a considerable amount of concurrence on their part in meeting that which I believe is inevitable, whether they concur or not, but that which undoubtedly will be effected with much greater satisfaction to us all in proportion as those who are the immediate subjects of the operation shall be willing to deal with us in an amicable manner for the adjustment and settlement of its details. Gentlemen, I have spoken of the Irish Church, and there are certainly some strong declarations which have been made by eminent men—among others by the present Archbishop of Dublin—against the removal of the Irish national Establishment of religion. His language is very strong. His arguments from astronomy are particularly pointed, and altogether his conclusions are of a somewhat appalling character. Now, I want to quote the dead Archbishop of Dublin against the living Archbishop of Dublin. There was a very fine story of a man who was once famous—the great Duke of Ormond—whose son was dead, who said that he preferred his dead son to any living son on earth. And in this way I will match the dead Archbishop against the living one. Archbishop Whately, a man whose name was highly respected, did not admit that in the sense of political economy the Irish Church was a burden. I think he was wrong. But, however, that makes his declaration the more remarkable; and this is his declaration taken from his life, published by his daughter:—"The establishment of a Protestant Church in Ireland should be viewed, though no burden, yet as a grievance,—as being an insult." And now for the method of bleeding to death. If you were to cut off three-fourths of the revenue and then three-fourths of the remainder, you would not have advanced one step forward towards conciliation as long as the Protestant Church is called the National Church; and my belief is, gentlemen, that there are many of the clergy in Ireland, and that there are some of the dignified clergy, perhaps some bishops in Ireland, who are not very far from agreeing with that sentiment of Archbishop Whately. Gentlemen, in the same way it is not difficult to say that I look hopefully, though that may appear bold, at the attitude of the English clergy with regard to this matter. It is quite true that in the last Session of Parliament the body of the Bishops of England voted against the Bill which was introduced to stop all new appointments in the Irish Church. There were two exceptions, two marked exceptions, at the least Some might have been absent from other causes, but there

were two whose absence must have been deliberate. One of them was Dr. Thirlwall, the Bishop of St. David's, one of the most masculine, powerful, and luminous intellects that have for generations been known among the Bishops of England. The other was a bishop of this diocese, the Bishop of Chester—a man who is best described by a monosyllabic epithet—that epithet is "wise"—a man whose wisdom, however, and whose caution, are not greater than his loyalty, and whom the longer he remains among you the more you will esteem and love. It is impossible not to perceive that the attitude of the English clergy in general—though I am thankful to say, not only with many exceptions, but with many marked exceptions, of persons who are among the best and among the ablest of their number—the attitude of the clergy of the Established Church in general—is hostile to this measure, and it is hostile, in my opinion, not because a very large portion of those who oppose it can, to their own minds, justify the existence of the Irish Church Establishment, if it stood alone, but because they apprehend the consequences of its fall upon the Established Church of England. Now, gentlemen, don't let me pretend to say that if the consequences of this measure were to be injurious to the Church of England, I should on that account for one moment feel myself justified in withholding from my fellow-subjects, the people of Ireland, what appeared to me to be their clear rights. That is not so. I am persuaded that such a course as that would indeed, in the long run, be most detrimental to the Church of England; for I believe the existence of the Church of England to be of necessity associated with no injustice, and very sorry indeed should I be to see it placed on a foundation that would involve its passing over to a different character. But I wish to point out to you that this idea—that because the Irish Established Church ought not to exist, therefore the English Established Church is to be done away with—is an idea which may have been honestly prompted and propagated by the fears and prejudices of some, but has no foundation in the solid judgment of the community. I cannot go as far as those who say it is necessary to maintain an Established Church in order to secure the possession of religious liberty. That I look upon as an idle and baseless doctrine. The foundations of religious liberty are laid with perfect certainty and solidity on the principles of universal toleration and equality of religious rights. And this is no mere opinion of mine; for we have only to look across the water, to look at the United States of America, which have no Established Church either connected with the Federal Government, or connected with the State Governments, and where, at the same time, it is entirely undeniable that the most perfect religious liberty is enjoyed. But if there be some who have a prejudice against the United States because they think it is not fair to quote the example of a Republic—though for my part I am always ready to quote the example of any Government whatsoever on points where it can be made available for our instruction—but if that be their feeling, let them with me simply cross the St. Lawrence into Canada. Canada is under a monarchical Government. Canada has no semblance of an Established Church. Canada has passed Acts of Parliament, the very preamble of which recites that it is desirable

to put an end to all semblance of connection between Church and State in that country, and has acted on those principles. Yet, who is there that for one moment will pretend to say that religious liberty does not prevail in Canada? That was a country somewhat resembling, but far less aggravated—somewhat resembling the case of Ireland. Resembling it in this important point—that the members of the Church of England formed a very small proportion of the whole community. And here, gentlemen, I must digress for one moment to revert to what I stated just now about the case of many eminent and excellent clergymen, and even bishops, in connection with the Anglican Church, who are favourable to the policy which we, the Liberal party, recommend. Among them I can't fail to notice one, little known probably to you, for his sphere of action was far distant—Bishop Fulford, of Montreal, the Metropolitan of the Anglican Church in Canada—a gentleman I had the honour to know, and whom no one could know without respecting or revering, or without perceiving that he was a man of most solid and piercing understanding and of most commanding qualities. That gentleman, who died but two months ago, is the bishop under whom the Canadian Church has undergone this process of disestablishment. I had the honour of seeing him in London during the past year, and of hearing his opinion from his own lips. About a fortnight before his death I received a long letter from him stating in detail what had occurred in Canada. He had seen his Church flourish under the operation of disendowment, and had it been in his power to reverse the proceedings nothing would have induced him to make a single retrograde step. Leaving Canada, I ask what is the true state of the case of the Church of England? And here I may observe that at Southport Mr. Cross recently delivered a challenge to me. At another place I mean to remind him that he has carefully avoided a number of challenges that I have given him. In order to set him a good example, and encourage him to walk in the paths of virtue, I will take up his challenge. He wants to know whether I will pledge myself, come what may, to support the Church of England. I shall use my own language in answering that question, but I will answer it so that any intelligent man may be satisfied. I think these two things—first of all, the Church of England cannot be disestablished; and, secondly, I think it ought not to be disestablished; and these two propositions taken together are my answer to the challenge of Mr. Cross. It would not be difficult for me to tell you in a few words why I think it cannot be disestablished. Even the disestablishment of the Church in Ireland, when you look at it in the face, is like what a little man is sometimes called upon to do in the working operations of a big job. I do not think it is beyond our power. I think it is within our power, and I think that, if you will support us, and put Mr. Grenfell and me and 300 or 400 more Liberal members into the House of Commons, we shall be able to manage that. But I own that if I were a member of the Liberation Society, which I am not, or if I agreed with the principles of the Liberation Society, which I do not, I should still look two or three times at the business of disestablishing the Church of England before I set about it. I ventured to point out in the House of Commons that if we attempted to disestablish the Church of England

on the same principles as we ought certainly to proceed in Ireland—that is, with a perfect regard for vested interests, a careful regard for property rights, and for private and recent endowments—the effect of that would be that the Church of England, in commencing her existence as a voluntary society, would, if they took stock, commence with £80,000,000 or £90,000,000 in her pocket. I have met with no one who is prepared to establish a voluntary religious society, with a capital of 80 or 90 millions to start with. But in my opinion the Church of England ought not to be disestablished, and certainly not on account of any argument drawn from the Church of Ireland. It is impossible to conceive a greater contrast than that between the cases of the Church of England and the Church of Ireland. One exception I will make; I grant that they are all alike in this—and I am thankful that they are alike in this—that they both have bishops and clergy who are earnestly devoted to their sacred calling, but in everything regarding their position and situation they are not only unlike, but are directly the opposite. Look to the past of the Church of England. All of us who are Englishmen, who are members of the Church of England, and many who are Non-conformists, know that the history of the Church of England has been bound up with our national history, and that he who is in sympathy with the Church of England founds that sympathy in a great degree upon the honourable and noble recollections connected with it in former times. But what is the case of Ireland? Can the Church of Ireland open up her past? The very object of every champion of the Church of Ireland is to avoid it, and the first words that proceed from his lips are these, "Forget the past." He cannot, he dare not, open the book of history. There is not a doubt that the Church of Ireland has been art and part all along for two or three hundred years, throughout past generations—and I do not speak of the present generation—she has been art and part in all the worst and most shameful matters of English policy towards Ireland. When the penal laws were passed, where were the Irish bishops? In the House of Lords passing those penal laws, and not only consenting to them, but forming a large portion of that House of Lords when they were adopted. Then remember the tithe war, when the people were shot down for the collection of dues which were indeed legally to be exacted, but which were to go to the ministers of an alien religion. Is it possible you can venture to call up these recollections? No. You are compelled to exclude the whole of the past from the case of the Church of Ireland, in order to be able to argue for it at all. Whereas, in the case of the Church of England, we know very well that she has been the spiritual nurse of ourselves and of our fathers, and of even now a very large proportion of the people of the country, but in former times of a proportion much greater still. The past, then, of the two Churches is totally different. Then, with regard to the future, I cannot help feeling sanguine as to the fortunes of the Church of England, notwithstanding—what I do not at all conceal—all the difficulties arising from the internal divisions, and from scandals that are given and offence that is taken here and there at particular spots in the country. Still, I am quite satisfied that with an instructed and devoted clergy, labouring from generation to generation in their work, as the clergy do, there is every reasonable hope that the

clergy of England will continue to discharge in an increasingly satisfactory manner the responsibilities of their office. I will not trouble you with a repetition of what you may fairly call a demonstration, in the case of the Church of Ireland; but I say that figures fully demonstrate that the number of Protestants in Ireland, notwithstanding the removal of the pressure of the penal laws, has diminished, and has not increased. For the last few years, during which that diminution has been standing still, it has been owing entirely to the fact that, of the Roman Catholic population, a large proportion have been removed from the country, or, unhappily, removed from life, through causes which, we trust, are of a wholly exceptional character. Neither the future nor the past of the Church of England, however, can be for one moment compared with the Church of Ireland. The arguments in favour of Church Establishments are all available for the Church of England. In many portions of this country the Nonconformists would consider, and gladly consider, that the Church of England is the sole spiritual teacher of the people. Nor is it only so, but between the Nonconformists and the Church of England many kindly, social, and religious relations continue to subsist. This is not so in Ireland, where the popular sentiment is altogether against the Church and against everything that belongs to the Church. But look, I say, at the relative strength of the two Establishments. I lay down this proposition, that the weakest part of the Church of England is stronger than the strongest part of the Church of Ireland. The weakest part of the Church of England I am more or less conversant with. It is in Wales. In Wales the Church of England is in a minority; that minority has never been ascertained, but in some limited districts of Wales it is very small, while in other parts of Wales, and particularly where English is spoken, the case approximates more to that of England. But I will assume that the Church of England does not count more than one quarter of the population of Wales, while the Church of Ireland counts quite a quarter of the population of Ulster. Wales, then, may be taken as the weakest part of the Church of England, and Ulster as the strongest part of the Church of Ireland. One-half the proportion, or more than one-half the people of Ulster, are Roman Catholics, and are wholly and entirely set against the Church of Ireland in that province. One-half of the people are wholly opposed to the Establishment, but that is not true of the people of Wales. There is no hostility of that character to the Church Establishment in Wales, and there is nothing to produce painful and irritated feelings, speaking as a general rule, between the clergy and the Nonconformist portion of the population. It is now long since the mass of the Welsh were Church-people. The Dissent of the people is owing to the past neglect of the clergy. But it does not amount to a decided religious hostility. But I will give you another proof: look at the work of education, at that great work which, had it not been for the pressure of other subjects, I should have been glad to have remarked upon concerning its bearing upon the whole country. Now, I ask of the whole English people, who are the class that have for the last 30 years borne the burden and heat of the day in England and even in Wales, with respect to the education of the labouring classes of the community? I say they are the clergy. I do not mean to say

that the schoolmasters have not done their duty, but I mean that the education of the labouring classes has been conducted under the superintendence of the clergy, and with the co-operation of the clergy—aye, and in a considerable degree at the personal cost of the clergy—and it is owing to their devotion and zeal that the children have been collected in the day-schools throughout the country. The overwhelming portion of that work has been in their hands—that is the great moral strength of the Established Church even in Wales. But what is the case in Ulster? The case in Ulster is this—that that fatal antagonism which associates, in the mind of the Irish peasantry, the Establishment of the country with everything that is odious and distasteful to it—that fatal antagonism which affects the tenure of land, which affects the direct administration of religion, has gone also into the province of education; and that when the Whig Government of 1831, aided happily at the time by Lord Derby, endeavoured to introduce into Ireland a more liberal system, which would not be odious and offensive to the Roman Catholic population, the great opponents of the system, who would not allow it to gain one inch of ground in any portion of the country where they could keep it out, were the bishops and the clergy of the Establishment. Gentlemen, it is not for me to condemn them—they were acting according to their consciences, and they had a right to do so; but I may point out the hopelessness of their relation to the masses of the country, even in the part of Ireland where their position is the best. I am comparing it with the hopelessness of the position of the clergy in that part of this kingdom in which the position of the clergy of England is the worst. If you proceed to survey the country at large, that disparity between the two cases, which is strong enough even as between Wales and Ulster, becomes almost ridiculous, at any rate so glaring that it would be a waste of time and no great compliment to your understanding if I were to dilate upon it. Gentlemen, the truth is, the argument of our opponents seems to be, that between the Church Establishment which does its work in the main and has the hope of doing it in much in which it may now fall short—between such a Church Establishment on the one hand, and a Church Establishment on the other hand that does not do its work, and that has not the smallest hope of doing it, there is no perceptible difference whatever. Now that is the argument of our opponents, and they say if you remove the Church Establishment of Ireland, which does not do its work, has not done, and cannot do it, the contagion will be so fatal that you will immediately proceed to remove the Church Establishment of England, which to a very large portion of the community does its work already, and which its friends are sanguine enough to believe will, through the zeal and devotion of its clergy and of its laity, make its usefulness more and more felt from year to year, and from generation to generation. Gentlemen, it is true that affairs of mankind are not always governed by reason. But it is not true, on the other hand, that they are always governed by madness; and you really must, it appears to me, introduce idiocy into the high places of the land before you can say that because you have thought it right to remove the Church which is hostile to the people, you will, therefore, take away a Church which is loved and respected by the people; because you have

thought it right to remove a Church Establishment which aggravates every social evil and political difficulty, and which itself will thrive all the better for being so removed, and removed from the hatred of the masses of the people, therefore you shall remove a Church which, on the contrary, is bound up with the sympathies and the recollections of that enormous mass of the people that belong to its communion, and of no small portion of those who do not owe to it a direct spiritual allegiance. Now, gentlemen, these are not inflammatory topics; they may perhaps even be rather heavy—at any rate, they are of a character that make an appeal, not to the passions, but to the understanding. I have not exaggerated, gentlemen, the case of the Church of Ireland. It is not possible to appreciate all the features of that case without entering too largely into the history of the country, but it is summed up in this, that every step and period of that history it has been in conflict with the Irish nation, and has exhibited the consequences of this conflict in a thousand lamentable deformities; for I think Mr. Cross, in a speech which I hold in my hand, declared a night or two ago that "he did not hesitate to say with the deepest regret that he believed the Government of Ireland had been one great mistake for years and years"; that is the mode in which Mr. Cross opens his case. What he promises is apparently a total metamorphosis. Well, but these great transformations do not ordinarily occur, and the promise of them is far beyond the power of human strength to fulfil. It is impossible, gentlemen, that the Irish Church Establishment ever can perform the duties attaching to an Establishment of national religion. It is of no advantage to that Establishment to be kept in the enjoyment, or at least in the possession, of emoluments which are given for services they cannot perform. You must look also to the view that is taken of these matters by the people of England; their mind is quite made up, and depend upon it the position of this question is enormously altered, or is, I should say, enormously advanced, by the proceedings of the present year. The proceedings of the British House of Commons in 1868 have constituted a virtual pledge and engagement to the people of Ireland. Your representatives, gentlemen, have taken a very solemn step in your name—a step which may be called rash and hasty, but which has been taken upon long, serious, and grave deliberation. At any rate, the thing is done. The representatives of the people have passed a Bill which aims at putting an end to the abusive system that has existed for centuries in the sister country. That Bill has been taken by the natives of the sister country as a promise of better times and better doings for the future. It has gone forth, as the dove might go forth, bearing the olive-branch of peace. But we are an expiring House of Commons. We, the present House of Commons, have no power to renew our action or to fulfil our engagement. The responsibility now rests with you to say by your conduct at the coming elections whether the fond expectations of Ireland are to be gratified, or whether once more her hopes are to be crushed and disappointed, and another chapter added to the long annals of her woes.

SPEECH

DELIVERED IN THE

ROYAL MUSIC HALL, SOUTHPORT.

OCTOBER 21ST, 1868.

MR. GASKELL AND GENTLEMEN,—You have been pleased, by a vote most gratifying to my feelings, to acknowledge that in the Parliament which is now about to expire I have endeavoured to serve you faithfully, and have not disappointed those pledges or professions in which at the commencement of the Parliament I solicited your support; but, gentlemen, you have given a practical acknowledgment to the effect which, if possible, is still more gratifying to me and I believe to my hon. friend. You have manifested, as you manifest to-night, a zeal in the cause, and a determination that that zeal shall not evaporate in mere words. You have shown it in the Registration Court, you have shown it in all your proceedings, and we have only to ask you to persevere in the exertions you have made to ensure that success which is alike necessary for the fulfilment of our common aims. Surveying the wide field of politics, we are necessarily compelled to dwell in the main upon those matters which form the subject of present contention, and I trust of early settlement. I for one have endeavoured during this controversy to avoid imputations and indiscriminate onslaught upon the Government. I think nothing can be more worthless than the method of warfare which has been so powerfully exposed by Mr. Grenfell—vague, general imputations, most mischievous in character, unproved by facts and unsupported by evidence, resting entirely on reference to the names of the parties with which invidious feelings and suspicions are associated, and endeavouring to poison or darken the atmosphere of controversy, which it ought to be the desire of every honest man to keep clear of every such imputation and suspicion, in order that we may deal clearly and conclusively with facts.

We have had much controversy during the election upon the subject of finance, a controversy which I did my best to light up by a charge of a specific and definite nature. I was so far successful in the object I have in view that a correspondence began between Mr. Cross, the Conservative candidate for the county, and Her Majesty's Chancellor of the Exchequer, of which we were permitted to see the

results in the public prints. Thereupon I endeavoured to supply Mr. Cross, at a meeting at Warrington last week, with fresh matter for a further correspondence; and my belief is, although I cannot tell you as a matter of fact, that the further correspondence has been actively prosecuted, but that it has been thought better not to put the results in the newspapers. However, our opponents have been active, and I hold in my hand a tidily-printed pamphlet which assures us that one of the most numerous meetings during the contest was held a few nights ago in the Town-hall of Southport. And, gentlemen, considering that the Amphitheatre of Liverpool accommodates 4,000 people, and that we have had the honour of attending other meetings where 3,000 at least have been present, I marvel at the capacity of your Town-hall, which I understand to be a building of more moderate dimensions, but which, under the enchanter's wand of some scribe connected with the electioneering meetings of the other party, has thus been expanded to convey to us an overpowering idea of their activity and power. I read in the London newspapers a day or two ago that in the great metropolis an elderly gentleman presented himself before one of the police-magistrates, and his object was to induce the police-magistrates to interfere to prevent his neighbour's cock from crowing. The police-magistrate sympathised with the feeble nerves of the applicant, and promised to do all he could. Now, it was very natural, I think, for a candidate for South Lancashire to draw a kind of similitude between the circumstance in the London police-court and the circumstances in which we are placed, but I do assure you that I am not in the smallest degree anxious to prevent our neighbour's cock from crowing. My object is not to do as the opposite candidates have done—that is to launch out into vague and undefined statements incapable of being confuted, because incapable of being understood; but to give clear, distinct, and definite propositions upon which the intelligent electors of this county may each for himself deliver an aye or a no with a view to guiding his conduct at the election. Now, I think we have had enough of discussion on the question of expenditure for me to sum up very briefly the main propositions that have been propounded, and in some cases not challenged at all, in other cases made subjects of discussion. It was stated on the part of our opponents that they prepared moderate Estimates in the year 1858. Our answer was, "Those Estimates were the Estimates of the Liberal Government which preceded you; you found them prepared when you came into office, and you added to them as the expenditure of the year." Their next statement was that we proposed high Estimates in the years 1859 and 1860. Our answer was that the high Estimates of 1859, which we found upon entering office in the month of June of that year, were the Estimates of our predecessors, and, therefore, pre-charges which had been already incurred when we came into office. We did not deny that we were responsible along with them because we adopted for the remainder of the year Estimates of that description; but we showed how absurd it was to make that a matter of charge against ourselves. The next charge was that in 1860 those Estimates were increased. We showed, without entering into any question of praise or blame upon the policy of the proceedings, that the Estimates of 1860 were incurred in consequence of the China war, and that war had broken out in the shape of a disaster to the British fleet at the mouth of the Peiho, a few days after we assumed office in London, under instructions which

were distinctly and solely the act of our predecessors. Well, gentlemen, so far for these matters. It has been said, that if it be true that three millions were added to the expenditure in two years, we, says Mr. Turner, ought to have objected to it. Now, gentlemen, as regards the main charges of the country connected with the defensive services, Mr. Turner's political experience should have taught him this, that it is impossible for you to keep the Government in office and at the same time to reduce by votes of the House of Commons those amounts of force which that Government believes to be necessary for the defence of the country. A motion to diminish, for example, the army or the navy proposed by an Administration, is, in effect, a motion for the removal of the Administration. Had we made the motion, we should have made a motion for the removal of the Administration. Was it right that we should have made that motion? Gentlemen, in my opinion it would not be right, because the Government had been engaged in matters more important even than the question of a greater or less expenditure, and it would have been factious on our part, for the sake of any subject which, though important, was yet secondary at the moment in comparison with the great object, to endeavour to impede them in their career. That is, as regards the great services of the country, from which the principal increased charge has resulted. To the increased charge we have objected in our places. We have endeavoured to point out in many particulars how erroneous the policy has been, and the mode of proceedings under which it has been incurred; but as I tell you, if you want to have economy with regard to the navy and army of the country, there is but one way of getting it, and that is by having an economical Government. Well, gentlemen, a challenge has been thrown out to me by Mr. Cross, and it is this. He says that between 1852 and 1866 there was an increase of expenditure from 17 millions to 30 millions, and that during almost all the time Liberal Governments were in office. Now, gentlemen, I am very sorry that Mr. Cross—misled, no doubt, by some of those authorities in London who practised upon his simplicity—is not accurate in this and in several instances in the statements which he makes. I am quite sure this inaccuracy of his is unintentional. There has been a great increase in the expenditure of the country, but the increase of the expenditure for defensive purposes between 1852 and 1866, when we left office, was not 17 to 30 millions, but from 17 millions to between 24 millions and 25 millions—certainly under £25,000,000, or say, in round numbers, £25,000,000. It is not desirable that the little odd sums of £5,000,000 should be laid on when they do not exist: and I observe the same matter again, because Mr. Cross says that Lord Palmerston's Government spent £10,000,000 upon fortifications. Again, Mr. Cross's authorities in London—whose letters, as I have said, we have not seen in the newspapers this time, but it can hardly be the Chancellor of the Exchequer—have misled him. Lord Palmerston never spent £10,000,000 on fortifications. I do not know whether, when Lord Palmerston died, much more than three millions had been spent; but the plan adopted contemplated, and the Act authorised, an expenditure of about £5,000,000, a little more or a little less, or just one-half the sum mentioned by Mr. Cross. But Mr. Cross asked me why there was an increase between 1852 and 1866. Well, gentlemen, I will not now go into the question as to whether every particular of that increase has been justified; but this is a self-govern-

ing country, and you all know that in the interval between 1852 and 1866 there was at times a great sense of insecurity in the public mind, and a great call for increase in the defensive resources of the country. It will be found that these causes concurred in point of time with scientific inventions which led to transformations more than once of the whole of the munitions of war, and likewise of all the ships that compose our fleet, and it is not the question now whether these things were in all cases precisely right or not. My answer to Mr. Cross is very simple. What was done between 1852 and 1866 was not the act of the Liberal Government in office; it was not even the act of the Tory Opposition, which always wanted them to do more and to spend more; it was in the main, whether rightly or wrongly, the demand of the public opinion of the country, and I tell you plainly that when the public opinion of the country thinks fit to set itself in favour of expenditure there is certainly no other power upon earth which can possibly resist it. That, I hope, is a fair answer to Mr. Cross's challenge, and I will now point out to you the challenges which I have given, and to which no answer whatever has been made. My first challenge was this,—that the increase which has arisen from 1866 to 1868 has not been called for by any demands of public opinion; the Ministers have turned the tide from an ebbing to a flowing tide of expenditure, and they have done that by their own act and from their own view, in spite of many remonstrances on points of great importance from the Opposition, and without the slightest pressure from the people at large. Therefore this is an augmentation which is in no sense to be referred to the public opinion of the country; it has been the pure act of the present so-called Conservative Administration. My second challenge was this—that whenever we had a high expenditure setting in under Liberal Governments all the efforts of the Tory Opposition were efforts to make that high expenditure higher, and that proposition I was not content to state in general terms, but I quoted particular instances in which it had been attempted, in regard to fortifications and with regard to other matters, by the members of the Opposition, availing themselves of what they thought a current of opinion out of doors favourable to expenditure, to force us into greater outlays, and into laying greater burdens on the country. To that challenge no answer has been given, and no notice whatever has been taken of it. When we were told that we never objected to the extravagance of the present Government—I speak now with regard to its civil expenditure—my answer was by an instance that I have given when a motion was made, happily by a member on the Conservative side of the House, which gave us a favourable opportunity, inasmuch as it could not be called a party motion. We voted for that motion and carried it by a majority of one. The Government divided twice upon it, and were twice beaten by one; and among those who voted against us was Mr. Charles Turner, the member for South Lancashire. It does appear to me to show very considerable courage, on the part of those who have done their best, by their implicit obedience to the Government, to keep up that high expenditure when the Opposition endeavoured to reduce it, to throw a challenge in the face of the Opposition, and say, "Why did you not keep it down?" Well, gentlemen, I have also stated this,—that ever since we went out of office the present Government, for what purpose I will not say—I think in some instances in consequence of the disposition that there always is to endeavour to create local political interests for the

purposes of elections at the expense of the public purse—and neither Mr. Cross nor Mr. Turner, nor their informants in London, will venture to question what I say—that from that time to this her Majesty's present Government has been granting, at the solicitation of individuals and classes, sums of the public money that we had steadily refused, and has been increasing in cases which we have granted. Now, gentlemen, I think that all these are tolerably definite charges. I have supported them in each case by one or more particular instances, which I cannot now endeavour to repeat, for the fidelity of our friends below us has already placed them on record. These challenges have not been taken up, and it has not been attempted to answer them, and I say, therefore, gentlemen, as we are now approaching to the close of these electioneering controversies, that the charge of a needless and wanton expenditure is effectually fastened upon the heads of Her Majesty's present Government and of those who supported them in the House of Commons. Now gentlemen, as I have said, I do not make indiscriminate charges against Her Majesty's Government, nor do I say that in every department its conduct of public affairs has been without credit. It is more pleasant to me—though perhaps there are some would not believe it—to notice their good deeds than their bad ones. The conduct of foreign affairs has certainly drawn down from me no censure and no reproach. I believe that Lord Stanley has been actuated in his administration at the Foreign Office by good sense, by quiet moderation, by a love of constitutional freedom in all parts of the world, which we always expect from our Foreign Minister and from every Minister, and, lastly, by a steady regard for the rights of other nations and governments as the only condition on which we can expect our own rights to be respected. I think that the reputation of Lord Stanley as Foreign Minister, is in no danger at all except it be from the extravagant eulogies of men who ascribe to him the powers of magic and enchantment, and who tell us that the peace of Europe has been preserved—the peace for instance, between France and Prussia has been preserved—entirely by the authoritative interposition of Lord Stanley. These eulogies, gentlemen, are extravagant caricatures, and I have not the least doubt that a man of his good sense laughs at them in his sleeve; they are among the expedients which are brought into play at election times, when such things, and a number of other odd things, too, are supposed to pass muster. Gentlemen, I have in the House of Commons had the satisfaction of acknowledging that the whole of the executory detail of the Abyssinian expedition, as far as we are competent to judge of it—which is only in the same degree as you, the public—was conducted by the Government and by the Secretary of State for India in a manner that did credit to his administrative abilities. These things, gentlemen, are pleasant to acknowledge. There is no such a desperate love of the element of strife and contention in the minds of public men as outside observers sometimes suppose. But it is not because some of the departments of the country are unexceptionally conducted that we can afford to overlook those great questions of cardinal policy which go to affect, not the mere routine of affairs, not the subject of a little more or a little less expenditure, but which descend to the very root of our social and our political being; for the question, gentlemen, of the peace, security, and satisfaction of Ireland is a question which touches the unity and the integrity of the Empire.

Now, gentlemen, there are one or two points connected with this great subject of the national Establishment of religion in Ireland which I have yet to open, and which I will endeavour now to bring before you. At a recent meeting I said that I would not discuss, inasmuch as it is not possible to discuss with great advantage all things at once—I stated that I would not discuss one plan that has been proposed for dealing with the religious question in Ireland—viz. the plan of creating a number of Established Churches. Gentlemen, that has been at various times a popular plan, and a plan supported by Government authorities, and it was supported in March last by Her Majesty's Government, but the emphatic expression of the displeasure of this country has driven it into the shade. But as we never have had from the members of the Government any disclaimer upon principle of that which they adopted and declared as a corner-stone of their policy for Ireland when Mr. Disraeli became First Minister, it is quite possible that, under favourable circumstances, it may be reproduced. So I think it desirable that we should look for a moment at the merits of that plan. The object we have in view is, as my friend Mr. Grenfell has said, to exclude from this debate all considerations of theological contention. These subjects are not to be idly sneered at. They are of the deepest importance to the happiness of man, and they touch the inmost feelings; but it is fatal to the hopes of satisfactory political discussion if we allow these considerations to come between us and the fulfilment of the principle of civil justice, and that is the plain answer to those who, because the Roman Catholics are in a minority in England, and because their religion is considerably different from that which prevails with the majority, endeavour by creating a prejudice and outcry against them to prejudice plans which have no connection whatever with the merits or demerits of their religion, but are founded solely on the recognition of their religious equality. I ventured to say the other day in another place that the Church of England could not be disestablished, and that it ought not to be disestablished—two propositions perfectly distinct from one another; and so I venture to say that the plan of all endowment, the plan of meeting the difficulty in Ireland by multiplying the number of churches in that country by extending the narrow grant to Presbyterians into a sufficient endowment, and by granting a small endowment to the Roman Catholics —I say that this plan, which was shadowed by the Government in March, is a plan which cannot be carried into execution, and ought not to be carried into execution. You know that pretty well yourselves; you know that the Episcopalians of England, the Presbyterians of Scotland, and the Roman Catholics of Ireland are all opposed to it, and in a self-governed country it is a difficult matter to pass a law to which all the three countries are opposed; but I am bound to say that, although I am not prepared to censure Mr. Pitt and other great men who looked with favour upon a plan of this kind, I think the Roman Catholics in objecting to the plan have judged wisely as well as for their own interests. I do not mean for the narrow and sectarian interests of their religion; I mean for the establishment of peace and goodwill between them and their neighbours, and between them and the State. If large sums were given for the endowment of the Roman Catholic Church in Ireland there would be an expectation that in return for that endowment conces-

sions should be made by the Roman Catholics and a power of interference be allowed by the British Government in the internal affairs of that Church, which would be a perpetual source of dissension; and because I think that the existence of such subjects of discord would be equally injurious and mischievous to them and us, and alike fatal to the purpose we have in view of establishing harmony in Ireland, I am of opinion that the plan of all endowment, which the Government choose as the proper method of dealing with the Irish Church, while it cannot be adopted is a plan which ought not to be adopted. There are those who say that the plan never was intended by the Government. I am going to read a paragraph from a newspaper published in Rome—and no newspaper is published in Rome without the authority and approval of the Government of that city. I wish to show the view taken by that Government of the declaration of the British Ministry. The newspaper is the *Roman Observer* of March, 1868, and the article in question is a review of the debate on Mr. Maguire's motion. It says:—"Mr. Disraeli recognised the necessity of endowing the Roman Catholic Church in Ireland, and that it might not be supposed that he wished to give stipends to the Catholic priests he declared that he rejected the idea of what is commonly called paying the clergy. He declared accordingly that the Catholics should have the right of property in Ireland as elsewhere. If together with the Catholic Church Mr. Disraeli wishes that the Anglican Church should have property, we must not forget that he is the Minister of a Protestant Government." That was the attitude of the Government now in power, which has raised the premature cry of "No Popery," which is the promoter of the cry of "Defender of Royal Supremacy," and the proclaimer of all kinds of mischief from the policy of freedom and equality. That was the aspect of the policy of the Government in March last, and you may rely upon it that the person who wrote that paragraph did not do so from his own opinion, but from inspiration conveyed through other channels and from higher quarters. So much, gentlemen, for the subject of what I call the all-endowment system. But one of the most popular charges against us is that our policy is addressed to the encouragement of Ultramontanism—a long word, gentlemen, a difficult word, a word of which the significance has caused a good deal of trouble to the world in former times, and may yet again. It is not for us, I think, in this place to pronounce any opinion at all upon religious questions affecting the internal condition of the Roman Catholic Church. But the question of Ultramontanism is partly religious and partly political. I look at the political part of it exclusively. In that light—as I understand it—I may be wrong, and I have no authority to speak—it is that system of opinions which includes a great number of political and civil questions that are the very opposite of those on which we act in these matters. In this country we say that religious opinions ought not to be made the ground of disabilities for civil office. Ultramontanism, if I understand the matter aright, says that they ought to be made such a ground. In this country we think that the circulation of opinion should be free. Ultramontanism, if I understand it, is a system which states that the circulation of opinion should not be free. And so on through a long string of propositions, nearly the whole of which were treated of some few years ago in two documents emanating from the Roman Court, not referring to matters of faith or belief, or I would not touch them here

if they did. I do not look upon them in that point of view, but as containing undoubtedly an enunciation of opinions of which I will only say that they are entirely opposed to the practice of this country. The charge against us is that we are favourable to these Ultramontane opinions, and that we are about to promote them. My answer is double. In the first place, I say if you want to favour Ultramontanism among Roman Catholics —among the hundreds of thousands of Roman Catholics in this country, and among the millions of Roman Catholics in Ireland—I will give you a recipe to do it, and it is this: treat them with civil injustice; compel them to view themselves, not as members of this great and noble country, having common interests and brotherly feelings with you, but as members of a confederation apart, as men who are oppressed or discountenanced on account of their religion, and who, being men of honour and spirit, on that account cling to it or cling to everything that comes to them in its name with the greatest fondness and tenacity. That, gentlemen, in my humble opinion, is the true way to promote Ultramontane opinions. But again, if you will allow me, I am going to give you another short passage from the same source. The *Roman Observer* of March, 1868, reviewing the debate in the House of Commons on the motion of Mr. Maguire, gives an opinion expressed in Rome under authority. Referring to the two documents that I have already mentioned to you, and which are known in Rome and in the Roman Catholic community as the Syllabus and Encyclical Letter, the writer says:—

"Among the speeches pronounced on this occasion is conspicuous that of the First Minister, Mr. Disraeli, who pronounced so many noble truths in defence of the proposition set forth in the Syllabus and Encyclical of Pius the Ninth as should raise a blush on the faces of those pigmies in Italy and elsewhere who pretend to be great men while they resist decisions of the Pope, which have been justified, acknowledged, and proclaimed even by a heretic of the highest genius and the widest reputation, such as the First Minister, Mr. Disraeli."

Now, gentlemen, I am going to put to you a question—Suppose that out of that paragraph you strike the words, "First Minister, Mr. Disraeli," and put "Opposition speaker, Mr. Gladstone," and suppose the Roman newspaper under the Pope's authority had written of me that I had pronounced so many noble truths in defence of the Encyclical and of the Syllabus as to make those pigmies blush, who refused to admit truths acknowledged by a heretic like myself—suppose there had been such a paper, I ask you whether it would not have been placarded on every wall in this country as a damning demonstration of the Popish intentions of myself and the Liberal party? Oh, gentlemen, what a plume that would have been for Mr. Turner! Why, it would have been a stock-in-trade enough to carry the Conservatives through the whole election; and now I should like to know what they will say to it when they meet next in the Town-hall at Southport or elsewhere. What will they say of the Encyclical and the Syllabus? Ah! let there be equal dealings in these matters. Suspicions are thrown out against us—daringly thrown out—with not a jot or tittle of evidence to back them, and when you hear those suspicions, or find them in circulation, refer gentlemen to the reports which will be made to-night of the passage I have just read to you, and ask Mr. Turner and Mr. Cross for their explanation. Gentlemen, Mr. Turner and Mr. Cross

are to be felt for in different degrees; Mr. Cross is a fortunate man, because, unlike the Church of Ireland, he has no past for which to be called to account. Mr. Turner is an unfortunate man, because he has got to explain that which never can be explained—namely, that having been elected as an anti-Reformer in 1865, he steadily joined in every measure to resist Reform in 1866, and then in 1867, that his own friends might be kept in office, gave his voice in favour of a plan agreeable indeed to the views which prevail among us and within these walls, in its main principles as it was ultimately shaped, but most disagreeable to the professions, and tastes, and inclinations of himself and his party. Now, gentlemen, I am going to do a very bold thing: I am going to suggest to Mr. Turner the material for a speech. It is taking a great liberty, but it refers entirely to a department which Mr. Turner is loth to open—namely, that of the past, and it is not a speech of my own invention, or I would not venture to suggest it to him, but it is a speech which, comprised in one sentence, is stated to have been made by a gentleman of the name of Baggallay—I believe, a distinguished lawyer, who, for his merits, has been made Solicitor-General by the present Government, and who has presented himself for re-election, I believe, to his constituents at Hereford. At any rate, what I wish to call your attention to is a sentence which, as far as I can judge, would suit Mr. Turner to a T. Mr. Baggallay says, "Gentlemen, I am going to make it plain to all. I came here in 1865 and told you I would do one thing, and I have been and done another." Now, in my opinion it is impossible to nourish resentment against men who use plainness of speech; it makes very short scores; it shows the people of England that no attempt is to be made to hoodwink or delude them, and on this account I am serious when I say, and I think you must be of the same opinion, that it would be greatly to the permanent interests of the Conservative party and of Mr. Turner, if he would simply take into his own mouth and publish the short speech of Mr. Baggallay. But, gentlemen, I go on from our opponents to the last topic upon which I shall trouble you, and that is the present condition of Ireland, with regard to which though I said I had entirely done with our opponents personally, I will say I see in this speech that the same gross delusion, the same thick darkness, if without disrespect I may so speak, overspreads the minds of Mr. Cross and Mr. Turner as has been said in former years to overspread the whole counsels of the Tory party with respect to Ireland. Now, gentlemen, in my opinion, our friends of the Conservative party entirely and absolutely misunderstood the condition of that country. Mr. Cross speaks of it as having undergone very great improvement. He states that things have been very bad in Ireland in former times, but he thinks now they are so much better, and, to use his expression, so much good has been done in Ireland, that the result, as he says, has been comparative happiness; and his audience, I was almost going to say his victim, greeted that statement with cheers; and it is their opinion that Ireland is now in a state of comparative happiness. It is only fair to them to say that they are echoing the opinion pronounced by the Prime Minister at a civic festival of the City of London given three months ago. Now, if that is their opinion of the state of Ireland, what I say is that our Conservative friends are in a deep sleep. I do not mean as to electioneering manœuvres. Unfortunately, sometimes people walk in their sleep, and I

consider that their electioneering activity is that of men walking in their sleep. The electioneering activity refers to the question of the poll; the sleep in which they are involved means a total incapacity to discern the signs of the times and the real causes of danger to the empire. Ireland we are told is in a state of comparative happiness at a time when for three years, in order to maintain the peace of the country, it has been found necessary to suspend the elementary guarantees of personal freedom. That is the doctrine of our opponents, and I am justified in saying they are asleep; and I will tell you more: the most friendly service you could do them is to give them a good, hard, and rough shake to awake them. Some hope I have that that operation will be performed at the time of the election; and really I feel that it would be not less for their profit than for ours. I had the honour of addressing you in this hall some ten or eleven months ago, and then told you before the meeting of Parliament, the view that I could not but take of the condition of Ireland and the Fenian manifestations; and then I signified to you the opinion that the time had in my view arrived when we must set about the establishment of religious equality in Ireland. Now, what is the doctrine of our opponents? Mr. Cross says it is true that the Habeas Corpus Act has been suspended, but not as against the people of Ireland. He says, "I deny that the Habeas Corpus Act was suspended in Ireland against Irish people." Well, there is the city of Rome, and the feeling of the bulk of the Italian people is, that the inhabitants of that city are not well affected to the civil Government of the Papacy. I speak without touching upon any of the controversies in the matter, because I am using it merely for the purposes of illustration, to endeavour to show truly how this matter stands. Well, but when the volunteers of Garibaldi invaded the Roman States the Roman people did not rise, and the explanation given was this:—They were too prudent, and they dared not; they knew that an overwhelming force would be used to put them down; and they determined not to shed their blood to no purpose. I speak of that as the explanation of what has occurred among us in this country. Apply that to the case of Ireland. The people of Ireland have not risen; the people of Ireland are divided in sentiment, and so probably are the people of Rome; but this we know, and upon the highest authority, that a large portion of the Irish people are either hostile in their relation or neutral to the British Throne and Government. We know that upon the authority of the Ministers of the Crown; we know it by the manifestations that occur from time to time in Ireland when criminals are tried for political offences; we know it by the processions which were held in Ireland and in London after the execution of, I think, three Fenian offenders who had murdered the policeman Brett. We know it by every kind of symptom that can meet the eye of intelligent men; and yet still our friends—for I call our opponents also our friends except in the political sense—will cling to their delusion that Ireland is thoroughly British in feeling, sensible of the countless blessings which they derive from our invaluable Constitution, and that it is only the troublesome agency of the United States of America which renders it necessary to suspend the Habeas Corpus Act. Now, gentlemen, I want to go to that point, because this is a subject of vital importance, on which I am certain you will not grudge me a very few moments. The language which is held by our opponents is this—Fenianism is a plant of foreign growth. Ireland is not disaffected,

though Lord Mayo stated that as regarded a large portion of the population it was; but that can't be admitted during the elections. Fenianism is a foreign importation into Ireland, and the true origin of the hotbed of Fenianism is in America. Now, gentlemen, isn't it a most extraordinary thing that Irishmen should become more hostile to their own country in consequence of leaving it than they were when they dwelt in it? Did you ever hear of such a case? Did you ever hear of men who lived contentedly under a Government, and then, because they happened to go under another Government, become in their own breasts hostile to the Government they had left? No such case ever was known or heard of. Now, gentlemen, I want you to understand what is the view that the Americans take of Fenianism; it is quite time that you should hear them upon that subject. Our opponents are under the gross delusion of believing that America has a love for this pestilential plant, and fondles and rears it with the utmost care in order to make it an instrument of annoyance to us. That is their creed. I tell you, on the contrary, that Fenianism is a plant of Irish growth, and the only reason why it is suppressed and smoulders in Ireland and is loud and noisy in America is that it is suppressed in Ireland through the fear of an overwhelming power, and that when the shores of America are reached the fear of that overwhelming power has ceased. This is just like what happens in many cases when there is a fire in a mine: they close the mine to stop it, and the fire is not observed; but if the air be let in the fire blazes up. The Fenianism of Ireland is the fire smouldering in the mine; the Fenianism of America is the fire, with an abundant supply of fresh air. And, moreover, it is most unjust to the Americans to accuse them of loving, and fondling, and caressing this evil growth, with which it is we who annoy them. I hold in my hand a letter which is well worth your hearing. I am not sure that I should be justified in mentioning the writer's name, simply because it is a private letter sent from America and supplied to me by a dignitary of the Church of England, who is entirely of our mind with regard to the Church of Ireland, but it expresses opinions which do not require a name to authenticate them, and I am sure when you know that it is an American's view of the Fenian question you will say that the two or three minutes occupied in reading it are the most important portion of time I have spent since I began. I am not quite certain as to the date of the letter, but it is a recent one, having come within the last six months. The writer says:—

"The Irish come to our country by millions, and bring with them the hate of the British Government so intense that to gratify it they would gladly die. Every tried friend of Great Britain ardently desires that some wise and sufficient measures may be devised to conciliate the Irish people and make them friends of the Government by which at present they think themselves so deeply injured. I wish English statesmen could see this question in the light in which we regard it from our stand-point. There is nothing so important to our country, as well as yours, as the maintenance of peace between them, and even more than that—the most kindly relations. The Irish already constitute a most influential portion of our voting population, determining to a very large extent the policy of our Government. This population is led and controlled almost absolutely by able and unscrupulous politicians who are themselves well known among

us as being unfriendly to your country; these men can at any moment command the enthusiastic devotion of the entire Irish population among us by a promise to inaugurate a policy of unfriendliness to Great Britain. I am sure I speak the opinions of all the better part of our people when I say that we wish to see your country prosperous and strong and her people happy. At present we think Ireland adds very little to the power of your nation, but regard it as an element of weakness in the event of a war with any strong naval and military people. We are sure that the proposed mode of dealing with the Irish Church would go far to placate the Irish people, and, followed by other wise measures of conciliation, would go far to reconcile the Irish to British rule. There is no more ardent Protestant than I am—than we are whose views I have endeavoured to present—but we feel confident that the Irish in this country, as well as in yours, will always be hostile to your Government, and will devise mischief to it in every possible way, without the adoption of some measures which they think justice to Ireland demands. That God may guide you and all your countrymen in the course best adapted to promote the interest of your nation and the happiness of your people, is my sincere wish."

Now, gentlemen, I don't hesitate to say that that letter presents the matter from the true point of view. The people of America wish to stand well with us, but we discharge upon their shores every year 100,000—perhaps more—of men into whose breasts we ourselves have instilled a deep hatred of ourselves; and these men, finding themselves in a country abounding in resources and in power, and carrying with them the passionate recollections with which they have set out from their native shores, naturally enough seek to turn the energies of America into channels hostile to us. And what is our miserable policy? To say that these feelings are of American growth. It is flying, gentlemen, in the face of facts; it is closing our eyes against the noonday. These passions are passions born and fostered in Ireland, and they are the unhappy children of our own misrule, and until we can by some means awaken the minds of the English people to the perception of these great essential facts, bearing as they do upon all the permanent prospects of peace and of security for this empire, we never can stand in the face of the world acquitted by the general opinion of civilised mankind of gross injustice; nor can we have that firm, immoveable position which we ought to have for our own defence in times of danger as a strong, because a united, people. Now, gentlemen, I endeavour in these words feebly to present to you the great work which we have in hand in this election. Is it not idle, in the face of facts like these, to talk of being governed by party motives and the desire of office? It is not difficult to meet such reproaches with silence on the part of those who know they do not deserve them; but it is difficult with patience to think that it is by means of instruments and pleas like these that men are content to practise on themselves the grossest self-delusion, to encourage the Government of this great and noble empire in a course of injustice and wrong. Gentlemen, we invoke you in the mass—you individually, every elector among you—if the interests that I have endeavoured to place before you really touch you as British citizens; if you really prize and cherish that which has been to us all a dear and a sacred name, we invoke you to assist us in an enterprise which, however it may be blackened by calumny, or more frequently by ignorance—we believe, and I think I may say we know, to be the enterprise of justice and of truth.

SPEECH

DELIVERED IN

HENGLER'S CIRCUS, WIGAN.

OCTOBER 23RD, 1868.

MR. LANCASTER AND GENTLEMEN,—I avail myself with the utmost promptitude and pleasure of the introduction which you have been pleased to give me, and I will endeavour to state my views on some points of interest to the vast assemblage which I have the honour to witness before me, with only this preliminary observation, that as the constituency of the county has greatly favoured me with like opportunities at other places of importance, I shall endeavour to avoid, as far as is in my power, repeating the observations which it has been my duty to offer to other portions of the electoral body, and you will, I trust, accept my apology, growing out of the necessity of the case, if I rather endeavour to convey to you with clearness and fairness, as much as is in my power, one or two points of great importance, than attempt to travel over the whole wide field of the political interests of the country at large. There are two subjects connected with and forming branches of the great question of the Irish Church —which, as you know, absorbs at this time, far beyond every other single topic, the general interest of the country—there are two branches of this great question on which I have not said a word, but with respect to which, any attempt to discuss the question in the face of the country would be incompatible unless some endeavours were made to deal with them. One of the allegations that are often made by the friends, or, at the least, those who call themselves, and I have no doubt believe themselves, the friends of the Irish Church, is this,—that it operates with great power in the mitigation of religious animosities. Well now, gentlemen, I meet that statement with one directly opposite, and I hold and contend that the effect partly of the Established Irish Church, and partly of the general system of ascendency of which that Irish Church is an important and a leading

part, has been not to mitigate but to inflame religious animosity in that particular country to a point higher and hotter than it has reached probably in any country in the world—certainly in any portion of Her Majesty's wide and almost boundless dominions. I will endeavour to supply you with an illustration of what I have said, and I begin with an anecdote from the House of Commons. In the course of last Session, a highly respected friend of mine, an Irish representative, Mr. Cogan, gave notice that he would ask from the Government an explanation with respect to a speech that had been delivered in Ireland by a gentleman whom I need not name, connected with Trinity College, Dublin, and which he considered to be a speech directly tending to a breach of the peace; and, undoubtedly, in that speech the speaker did appear to contemplate pretty distinctly the use of force as a means of resisting any measures that Parliament might adopt with a view to the destruction of the Protestant ascendency. That recital by Mr. Cogan appeared to produce a considerable impression, for, in point of fact, I defy you, gentlemen, in the whole length and breadth of England—unless it be within the charmed circle occupied by a certain Murphy, who I believe is now somewhere in these parts, and whose proceedings we really cannot recognise as belonging at all to the character which marks the laws of English debate—I defy you to find from ordinary English debate and controversy, though we naturally are free in our language, anything to compare to the passage to which I now refer. But a great impression was produced upon the opposite side. There was considerable alarm from the obviously inflammatory, not to say seditious, tendency of the speech of the gentleman connected with Trinity College, Dublin. But what was the mode of defence adopted? Not to explain the speech, not to retract the speech. The mode of defence adopted was this:—Another gentleman on the other side of the House went and found another speech just as inflammatory from the other side of the question, and he came down and read that violent, inflammatory, and seditious language on the other side of the question amid the triumphant acclamations of the supporters of the Government. They did not in the least degree think it necessary to show that their man had not used language tending to a breach of the peace; it was quite enough for them to show that similar language had been used on the other side. But this is not the way, I am thankful to say, in which discussion on political measures is conducted in this country. I hold in my hand a published pamphlet relating to the parishes in the North of Ireland; I have never seen a contradiction of the statements it contains, and I think they are such as will put you in a position to judge whether we are right in contending that religious animosity is inflamed, and not mitigated, by the existence of the Established Church in Ireland and by the system with which that Church is connected. You will all remember that the present settlement in Ireland was reached at a period of revolution, not as in England, peacefully, happily, and by the spontaneous action of the mind of a free people, but in the manner of an English conquest over the inferior forces of Ireland. The battles of William III. and his forces put down what was undoubtedly the sense and will of the mass of the Irish people. I am finding no fault with that at this moment—it is a question of historical discussion; but I think you will ageee with me that after a civil war of that nature was over, it was

an odious and dreadful thing to keep alive by periodical processions, by constant party dinners and celebrations, and by flags flouted in the face of the general population of Ireland, the memory of bloodshed by which the will and voice of the majority had been put down. You may remember that for a great length of time we did commemorate in this country by a religious celebration, the anniversary of what was called the Gunpowder Treason. That was a totally different matter; that was not a question of civil war fought out in the open field between two great parties in the country. It was a question of returning annual thanks to the Almighty for the deliverance of the Legislature from a terrible and execrable plot aimed at its destruction. And yet there is no man who does not feel that when we ceased a few years ago to maintain the usage for that annual celebration we had done an act of justice and kindness to our Roman Catholic fellow-countrymen. But in Ireland, where it is a question of civil war, of which the Orange flag is the emblem, the wretched memory of former feuds is kept up year by year, by men banded together for the purpose—sincere men, conscientious men, I doubt not, but misguided men. But how misguided? They are misguided, to a great extent, by that which gives countenance to a system of ascendency, keeping them in the blindness of delusion under which they are labouring, But where do you suppose there is a favourable receptacle for the Orange flag? It is in the House and Temple of God. In the North of Ireland, within the very walls where men meet to lay aside their passions, and confess their sins, and give thanks for their mercies; even there this unhappy flag is hung. The pamphlet to which I refer is written by the Rev. John Robert Greer, incumbent of Kilderton, in the diocese of Armagh. He speaks as a man who was on the best terms with his parishioners until he differed from them on the matter of the Orange flag. He does not say that they did a thing without example, but, on the contrary, he says that Kilderton Church was the only church in his neighbourhood where the law had not been previously defied. He goes on to say, "You as representatives of the principal families, did, against my express wishes and request, and well knowing my determination that I would not go with the multitude to do evil by officiating in my church while such emblems were upon it, you did secretly, and in the dead of night, desecrate my church and profane its precincts by indulging there in strong drink and revelry, while attaching to its very walls, and even actually over the Lord's Table, these unholy emblems of strife." And he proceeds to say that, in consequence of the resistance thus offered to the will of his parishioners, a large number determined no longer to attend on his ministry as a clergyman. We are tempted to cry "Shame," but let us pass. I want to know if there is not something to be said for these men. When they see that the laws are violated, when the wealthy few are set up to remind them of wealth and civil superiority, do not things of this kind excuse or account for proceedings such as I have detailed? and are we not in some degree responsible for exhibitions and manifestations of this kind so long as we continue to maintain the system of ascendency and the Established Church in Ireland? But I must give you another proof of the manner in which the Irish Church tends to mitigate religious animosities. Gentlemen, I am now about to quote some words used in the debate in the House of

Lords of the Session just expired, and used, according to report in the public journals, and, therefore, I presume substantially correct, by a person of the highest eminence—the present Primate of Ireland. He was discussing the Bill called the Suspensory Bill, which, as you are aware, was passed by the House of Commons during the last Session, but which did not succeed in passing the House of Lords. Now, this was the view which he gave of the state of matters in Ireland, he being a prelate at the head of this Church, whose office and whose effect, we are told, it is to mitigate religious animosity,—and I must say, in justice to him, being, I believe, also a good and a kind, as well as an earnest man;—but this is his view of the condition of Ireland and of the Protestants and Roman Catholics of Ireland respectively:—"Don't imagine that if you overthrow the Irish Established Church there will not be, as there was in earlier days, a very extensive emigration of Protestants, comprising many of the best, the soundest, the most loyal, and most industrious of her Majesty's Irish subjects. You will put before the Irish Protestants the choice between apostasy and expatriation, and every man among them who has money or position when he sees his Church go will leave the country. If you do that, you will find Ireland so difficult to manage that you will have to depend on the gibbet and the sword." Now, gentlemen, you have heard these words probably with some astonishment. I look upon them as the too direct and legitimate fruit, not of personal intemperance—for I don't believe the speaker is personally intemperate—but of a bad and inveterate system which has been maintained up to the present day, and which you, together with the rest of the electors of this country, have now to determine upon, either that you will still maintain it, or that you will bring it to the ground. I now pass on from the point to which I referred. I think I have given you some evidence that the allegation that the Irish Church tends to mitigate religious animosity is a statement not only untrue, but ludicrous, when the view taken by the head of the Protestant Church of that country is that if the Protestants were to leave it the means of governing the Roman Catholic population would simply be by the gibbet and the sword. There is another charge that is made, and a plausible charge, which I beg you to consider with me for a little. It is this: we are told that the Irish never will be satisfied. We are told that they invent one demand after another, and that any concession that is made to them only makes them keener to agitate for the next. Well, gentlemen, there is some truth in the statement that the concessions hitherto made have made the Irish people agitate more keenly for what they thought still remained due to them; and I ask of any of you who might happen to be a creditor what you would do if you had a solvent debtor, and if your solvent debtor, having full means to pay you the whole of your just claims, attempted to put it off from time to time by 2s. or 3s. in the pound. You might take the first 3s. if you could do no better, but you would very soon demand another, and when you had got six, perhaps you would try to have ten, and when you had ten you would begin to think of 15. You would say, "It is want of will;" and that is what Ireland has a right to say to England, and Ireland is entitled, in my judgment, to ask of England, not 5s., nor 10s., nor 15s., but 20s. in the pound. Now, gentlemen, our opponents would have you believe that this matter of religious equality in Ireland is a new subject

invented for the purpose of the present hour, and what they say is, First of all, we began by repealing the penal laws; then they wanted the elective franchise, and they got it; then they wanted to come into Parliament, and they got it; and now they are not satisfied with anything but the destruction of the Established Church and the attainment of religious equality; and after that they will demand something else more formidable. This is no novel demand at all, and no novel policy. I beg you to attend carefully to that which I am about to say. The statesmen of two generations ago, with Mr. Pitt at their head, when they were parties to investing the Roman Catholics with a portion of their political rights in the shape of the elective franchise, knew perfectly well what they were doing; and knew perfectly well that that must be followed, and ought to be followed, by their admission into Parliament, and likewise knew that it must be followed by the concession of religious equality. The difference is this, and the only difference is this. At that period the intention undoubtedly was to grant religious equality, not by disestablishing the Church established, but by creating Roman Catholic and Presbyterian Churches by its side. There is no doubt at all about that. The mode of attaining the end was different, the end itself was the same; and I affirm that the Irish Roman Catholics, in now demanding religious equality, are making a demand, the fairness and equity of which have been allowed by the greatest statesmen who dealt with the affairs of Ireland 50, 60, and 70 years ago. But do not let that, inasmuch as it is important, rest on my mere dictum. I want to give you an answer to make to those who assert that the project of establishing religious equality is a novel invention. Mr. Pitt himself, in proposing the Act of Union, used these words:—"When the conduct of the Catholics should be such as to make it safe for the Government to admit them to a participation of the privileges granted to those of the Established Church"—and that related to the endowment of their Church and of their clergy—"and when the temper of the times should be favourable to such a measure, when those events should take place, it was obvious that such a question might be agitated in a united Imperial Parliament with much greater safety than it could be in a separate Legislature." But it does not depend alone upon the declaration of Mr. Pitt. Lord Castlereagh, some 20 years afterwards, said that the reason why the policy of England with respect to Ireland had failed, was because she had chosen to adopt nothing but a series of half measures. As to the mode of attaining religious equality, the views of the Roman Catholics themselves, and the views of the people of this country also, are different now from what they then were. It is quite possible, too, that at that time there might have been no objection to establishing these three Churches, the one by the side of the other, in Ireland; but now, on the contrary, we know that the voice of the three kingdoms is against that method of procedure. But what I want you to observe is that the Roman Catholics' claim to religious equality is no new claim; it was recognised by Mr. Pitt, and by Lord Castlereagh too, shortly after the Union, and recognised as a necessary part of the policy on which that Union was based. There are many other points connected with the Irish Church with which I will not attempt to detain you, as I have fully explained myself at other places. I have pointed out that those persons are wrong who think that, because we take away a bad Church Establishment in Ireland, we therefore desire to take away the

good Church Establishment in England. The Church of England, like the Church of Ireland, must be judged by its works; and so long as, in the judgment of the bulk of the people of this country, the Church of England can abide, she has no fears to entertain for herself from allowing justice to be done in the sister country. Your real choice is between having no Establishment and several Church Establishments. You cannot maintain the Church which now exists and maintain it alone. If you choose — which you do not choose — to adopt the policy of creating a number of religious establishments in Ireland for all the denominations by which that country is peopled, you may do so. But the idea of maintaining the present Establishment alone is wholly out of the question. We may dismiss the plea that the Establishment is maintained for the sake of Protestantism, because we have shown that Protestantism has dwindled under its action. We have heard much within the last 10 or 20 years of several parishes in the west of Ireland where several thousands of Roman Catholics have come over to the Established Church, but it is a most extraordinary fact that that conquest, which appears to be the only one to which the opponents of our course can look—that conquest was made, not by the agency of the Irish Church Establishment, but by a missionary propaganda, established and working from England as its centre; in fact, by the agency of the voluntary principle, and not by the agency of the Established Church. Now, gentlemen, you are here an assembly of Liberals, but do not suppose you can on that account have no interest in the well-being of the Conservative party. So long as England is England there will be a Liberal party and a Conservative party. Ay, even if it were possible to do what I do not think we wish to do—alter the form of the Government of the country—even if we had a republic, we should still have, as there is to so great an extent in America, a Liberal party and a Conservative party, the one wishing to move on more freely and fearlessly, and the other more apprehensive as to the mischief sudden changes might do. Therefore, gentlemen, we have a great interest in the Conservative party. It is for the interest of each party that the other party should be truthful and honest in its proceedings, and firm in its principles. You may rely upon it that you cannot have great demoralisation in one party without that demoralisation tainting and infecting the other; and, therefore, although we are the foes of that party, yet, always presuming they do not so far succeed as to impress their policy on the Government of the country, I wish them well. In my opinion, they have been pursuing a suicidal course; they have forgotten the sources of their strength, they have sought to create a new and fictitious strength in an awkward affectation of liberal methods of proceeding. What is it that we have a right to expect from the Conservative party? Certainly not much instruction in the way of intelligible change, but we have a right to expect firmness and courage in the assertion and maintenance of its principles; and rely upon it that the Liberal party is all the better for being face to face with another party of different shades of opinion, making it its pride and boast to show courage and tenacity in adherence to its creed. That is the especial work of the Conservative party; and although it may be backward with regard to many objects of public utility, it is a useful element in the composition of political society, and such a party will never fail to attract my respect. They may expect from us that

we should be more active in advising a policy of improvement. We may expect from them that they should be more tenacious in insisting on consistency to creed—that is not what we have had at their hands. We have seen within the last two years an unparalleled manœuvre executed by the leaders of that party and by its followers, who perhaps had not much left to them except what is commonly called "Hobson's choice." I am not going to animadvert on the course of proceeding which has resulted in the adoption of political changes from which we anticipate great benefit to the country, and a great increase of strength to the Constitution, but I direct my view to the future, and I ask what is the Conservative creed at this moment? What are the prospects and intentions of the Conservative party with regard to the policy to be pursued in the coming Parliament? (Cries of "None!") A gentleman says "None." Let us see if we can gain any light on this subject, which is one of an entertaining character, if it did not suggest some melancholy reflections. It is really singular to observe how much elbow-room in the direction of Radicalism is allowed at this moment by the agents of the Conservative party to those who come forward under its banner. I read not long ago the manifesto of a gentleman who solicits the suffrages of the vast town of Birmingham in the Conservative interest. Well, now, what does he say? He begins with a legal definition of Trades' Unions, to which I do not object. He then proposes to abolish the law of primogeniture, that is the next article of creed of this Conservative candidate; and the third is to make the use of the ballot optional. Next he goes out of his way to introduce, by way of a side dish at the entertainment, the reform of the Prayer-book, and then he proceeds to state that the last Reform Bill does not at all correspond with his views as to the borough franchise; and the only thing that will satisfy him is residential household suffrage. And that is the man, gentlemen, who is put up, or was put up—for whether he has sunk in the political ocean or not I really do not know—under the colours of the Constitutional party, who, forsooth, oppose Mr. Bright as a dangerous man, who ought on no account to be admitted within the walls of Parliament. Now, gentlemen, one of the objections I have to this method of proceeding is the extreme confusion of ideas it produces. When I hear an address of this character I own to you I do not know whether I stand on my head or on my heels. Though he thinks there ought to be a wide and extensive reform in the Irish Church, yet he objects to the policy that we have proposed for its disestablishment and general disendowment. Well, now, gentlemen, we should see in investigation of this interesting question what is the Conservative creed, that, at all events, we had hit at least upon one article of that creed. The present Government, we will suppose, then, has great toleration and indulgence for all manner of purely political vagaries, but one thing it cannot stand, and that is tampering with the integrity of the Established Church of Ireland. Well, but is this so? Is that the ground that has been adopted by the Constitutional party? Is it the *sine quâ non* of admission into its ranks, or of admission to political office, that the integrity of the Irish Church shall be maintained? No, gentlemen, we don't require to go far for proof that it is not so. I believe our esteemed friend Colonel Wilson Patten has been challenged to say whether, if Mr. Disraeli proposes the disestablishment of the Irish Church,

he will vote against it, and that he has declined to give a reply. And the authority of Sir Stafford Northcote, Secretary of State for India, has been asked whether, under the circumstances, he will resist the disestablishment of the Irish Church, but he says he refuses to go to Parliament with a pledge of that kind. What is it, gentlemen, what will-o'-the-wisp, what phantasm is it that this Constitutional party is proposing to you? We thought that the article of maintaining the Irish Church was really written in their addresses, and on their understanding, and in their hearts. But it does not appear that that is the case with those gentlemen in high authority. I will take another case relating to a person whom I cannot but name with unfeigned respect—the younger son of Lord Derby. What kind of allegiance does he profess to the Irish Church, which it is our wickedness that we are endeavouring to tamper with? He says, "In the legislation which will presumably follow upon the proceedings of the Commission, there must, I conceive, be some considerable departure from the plan of simply rearranging within the limits of the Established Church the endowments of which she is now the recipient, and it is impossible to avoid seeing that the present temper of the country is against making, on the one hand, any further charge on the revenues of the United Kingdom in aid of religious bodies unconnected with the Established Church, while, on the other hand, there are means which in many instances are undoubtedly superfluous for uses for which they had been originally intended." Now, that cuts a pretty large hole in the remaining article in the Conservative creed, for it appears perfectly possible, without losing any title to be a Conservative in North-West Lancashire, for a man like Colonel Wilson Patten to decline to pledge himself what to do, if Mr. Disraeli gives the word of command, against the Established Church, and perfectly possible for the younger son of Lord Derby—it is not necessary to ask what the elder son of Lord Derby is disposed to do—plainly to proclaim to you that in his opinion the property of the Church of Ireland cannot be, and ought not to be, confined to the uses of that Church. So much for that half of the one article of the Conservative creed. But there is another half to it, and it is this. You have heard an infinity of outcry about Popery and about the Liberals and the Nonconformists of this country, and the Presbyterians of Scotland, as being the insidious agents and friends of Popery. The meaning of that is a charge that they intend to give the Church property taken from the Church to the religious uses of the Presbyterians and the Roman Catholics. That is the charge that is insinuated under these words. You know perfectly well how untrue it is; you know that we who, as public men, have taken part in this movement, have from the time when the Government glanced at a plan of that kind declared our insurmountable objection to it; and you know also that even if we had not declared that objection, even if we had been so unwise as to fall in with that policy, the determined resistance of the people of the three countries would have made it impossible to carry it into effect. But I am now testing the Conservative creed, and I have shown you the Conservative creed allows of taking away money from the Established Church. But let us see if it does not also allow of giving money for the

purposes of the Roman Catholics as well. I find in the address of Captain Stanley these words:—"I should strongly resist any plan which tended to secularise any part of revenues which have been solemnly and deliberately devoted to religious purposes by their donors." Now, observe those two things, gentlemen. On the one hand, money is to be taken from the Established Church of Ireland; on the other hand, the money is not to be secularised. Now, as to the meaning of the word "secularised." I should like to give you one sentence. Some gentlemen have asked me if I am in favour of secularising this property. I should like to ask them what is meant by to secularise Church property. If they are governed in the exposition of the term by history and law, they would find it rather difficult to explain, because, gentlemen, you ought to know in ancient times in the greater part, if not the whole, of Europe, the law of the Church divided the Church property into four parts. Of those four parts, one, I think, if I remember rightly, went to the bishop, one went to the clergy, one went to the fabric, and one went to the poor. Well, but if the ancient ecclesiastical law and the ancient canon law of Europe in the Middle Ages recognised the needs of the people, especially the poorer part of the people, as being within the legitimate application of Church property, then I think I have a right to ask those who ask me whether I am for secularising the property of the Irish Church, what they mean by the word to "secularise;" and whether they intend to establish a new foundation of Church law, and to impose a stricter definition on the uses of Church property than our forefathers in Roman Catholic times—six or eight hundred or one thousand years ago? But there is no doubt what Captain Stanley means by secularising Church property. He thinks that money ought to be taken from the uses of the Established Church and given, not to the uses he calls secular, but to the direct purpose of teaching religion outside the Established Church—that is, to the uses of the Presbyterians and Roman Catholics in Ireland. Well, therefore, gentlemen, so far as Captain Stanley is concerned, is it not perfectly idle that the men of North-West Lancashire should be stirred up in the name of the Constitution, in the name of Church and State, in the name of the Queen's supremacy, and I know not what, but probably in the name of "No Popery" too, to support a man who is going to do for religious bodies in Ireland that which his opponent and my noble friend Lord Hartington steadily refuse to do? And is this only an examination of the creed of an individual? Certainly not. The son of Lord Derby never can be unimportant as an individual, and the son of Lord Derby is not merely the son of Lord Derby, he is the latest addition to the official phalanx of Her Majesty's Government. And in the very crisis and heat of this election a man who undisguisedly and manfully proclaims his intention to take the property of the Irish Church and to give it to other religious bodies for their purposes as religious bodies—that very man is at this moment brought forward, and not only put forward and adopted by the party in North-West Lancashire, but is taken into the body of the Administration which has declared that our plan of disestablishing the Church will inflict upon the country consequences worse than those of foreign conquest. Now, gentlemen, is it possible for inconsistency, for absurdity, for mockery to public understanding, to go further than

this? Well, gentlemen, we cut down the Conservative creed to one article, then we cut off half of that article, and now we have cut out the remaining half. And what is the Conservative or Constitutional creed? Why, it is this, gentlemen. It is not to support any one measure or any one institution; it is not to be bound to the maintenance of any one principle. It is simply this—to this article I believe there will be a rigid adherence—it is to intend to vote for maintaining Her Majesty's Government in power.

Having spoken of the Conservative party, I will now, if you will allow me, say a few words upon the position of the Conservative Government, which is undoubtedly a very peculiar one. Gentlemen, I am not here to say that I think the principles upon which that Ministry has acted are compatible with what is called political honour, but I am here to say, without the smallest doubt, that great advantage has been derived from the laxity of their creed and practice—I will not say now with regard to the question of Reform, which is for the moment, as to most of its points at all events, set aside; but immense advantage has redounded to the country with respect to this great question of the condition of Ireland and the disestablishment of the Irish Church, from the fact that the Conservative Government have been in office. I am thankful from my heart, on public grounds, that at the commencement of this year it was they and not we who held the reins of State. Being in office they were under responsibility; when in office it was impossible for them to overlook the fact, however little they may now try to make of it, that for three years constitutional and personal liberty had been suspended in Ireland as an absolute necessity for the maintenance of the public peace and the security of life and property. They could not avoid announcing an Irish policy, and in that they could not escape the question of education and religion. They were compelled to declare their intentions, which were wholly foreign and opposed to the general and deliberate decisions of the people of this country, who, with the people of Ireland, would not accept the policy which was shadowed out by the First Minister of the Crown and by the Minister of Ireland. According to that policy we were now, for the first time, to maintain out of the public purse a University for the purposes of a particular religious denomination, and two new Established Churches were to be created and endowed in Ireland. An enormous strength was given to us and to our cause by these extraordinary intentions, and by the adoption of this policy by the Government it gave us a vantage-ground which we have never lost. It prevented Her Majesty's Government from appealing, as they might otherwise have appealed, to the religious passion of the country with boldness and with effect. But suppose we had been in office and they had been in Opposition, it would have been our duty to propose the very same thing that we have proposed now; but we should have heard nothing then about the willingness of the Prime Minister and his colleagues to establish religious equality in Ireland. We should have heard nothing of the Roman Catholic University, and there would have been nothing but an animated, passionate, spirit-stirring appeal to the Protestant feeling of the country by 280 gentlemen in Parliament, bound together for a sacred principle, firm and chivalrous in their adherence to that principle, and deter-

mined to defend it to the death. That would have been an opposition much more formidable for us to confront than the half-hearted, indecisive, paltering opposition—that paltering opposition that we have met with, watered down to the extreme of debility: the Government telling us, in a great Constitutional battle, that we should wait until the opening of a new Parliament—sometimes flying to the seventh heaven of rhetorical exaggeration, and telling us that we were proposing that which was worse than foreign conquest. All these absurdities—all these refusals to be bound and pledged in matters elementary in the creed of every practical statesman—all these declarations that it is necessary to reduce bishops, to remodel the Church—all those declarations, like those of Lord Stanley, that portions of its revenue must be given to other religions—what do they show? They show the voice of the Tower of Babel. There are scarcely two men who speak in the same language. One man is for one policy, another man for another; and it is amid these disordered ranks, I am thankful and happy to say, that the great Liberal army of the country, knowing its own mind and purpose, approaches it from stage to stage with the firm determination that, so far as depends on human strength and courage, our end shall be attained. I sometimes hear it said that it is the intention of the Government to give way, and that they will produce at the commencement of Parliament a plan larger, more comprehensive, more sweeping than that which up to this time we have been accustomed to consider comprehensive enough, and which is now before you in the name of the Liberal party. Now, do you think there is any foundation for that, or do you not? I cannot tell, but it is a legitimate subject for political speculation. There is nothing new under the sun; and after what has happened in former days, this may happen in the days that are about to come. Our business is to be prepared for all contingencies, and it is impossible for me to express a confident opinion whether, when the new Parliament meets, the language of the Government will be that the disestablishment of the Irish Church is worse than foreign conquest, or that their objection to our mode of proceeding was merely that it was too limited and narrow a method; that, instead of legislating, instead of devising great and statesmanlike schemes, we merely pottered over the production of a miserable abortion, but that they are the men who will make a clean sweep of the whole concern. On that ground we challenge the adhesion of the Liberals of this country; these are the two alternatives, and I am not bold or confident enough to tell you which will be presented to you; but I wish to make this observation. I have said that I am thankful the present Government were in power when we were able to produce this great question, and bring it to a position so advanced; but I cannot allow this method of the passing of measures by men who, in principle, are utterly opposed to them, to be dismissed from view without a remark.

Unfortunately, a very large number of the great measures of our time have been passed by those parties. The repeal of the Test Act of 1828 was forced on the Government of the Duke of Wellington. Roman Catholic Emancipation, in 1829, was forced upon the same Government. The first plan of Reform in Parliament, which took effect in 1832, was resisted by the Tory party of this country until they were compelled

to read the whole question in the lurid light of the fires of Bristol and of Nottingham. That is not all. After that came the controversy on the Corn-laws. Sir Robert Peel determined not to wait for a popular convulsion, and what was his reward?—that he left political life as a man proscribed by the party which he had led. This does not exhaust the catalogue. The same course was unfortunately pursued with regard to the second chapter of the history of Reform. Reform was stoutly, tenaciously resisted throughout the Session of 1866, until we were ejected from office, and it was again rejected when the population of London, indignant at the manner in which the subject was paltered with, began to meet in great assemblies, claimed the right to go to Hyde Park and make known their grievances, and when the world was astounded at hearing that in the centre of the English metropolis the railings of Hyde Park had been torn down. You see the policy of the party opposed to you. It is not that you will not get from them the measures you get from us: it is that you will get them at that stage at which, instead of enlightened conviction, a slavish fear has become the motive. Now I aver, without fear of contradiction, that this Constitutional party, by waiting, strikes a blow at the Constitution such as we have never dealt to it; that it destroys faith, destroys confidence, destroys the ties which bind man to man in public as well as in private life, and undermines at once the belief of the people in the fidelity and sagacity of their rulers and their disposition to respect even the sternest resolves of the Government; when we know from a long and repeated experience that all which is required of them is to be a little more violent, a little more menacing, to take steps to violate the laws of the country, and then that all they desire will be conceded. Do not for one moment suppose that I mean to compare the proceedings of the Duke of Wellington and Sir Robert Peel with regard to Roman Catholic emancipation with the proceedings we have recently witnessed, for when the Duke of Wellington and Sir Robert Peel, foregoing their deep and cherished convictions, frankly told the country that they accepted emancipation, not as a good, but as the lesser of two evils, and that if the people of this country were not prepared to accept it they must be prepared for the risk—when the Duke of Wellington and Sir Robert Peel made that avowal, however painful to themselves or whatever disparagement it might imply to their political sagacity, at least they acted the part of honest and straightforward and truth-speaking men, and that was a great mitigation of the evil; but the climax of mischief is at last arrived when those who execute these extraordinary changes of opinion and of conduct, instead of frankly confessing, after the manner of those distinguished statesmen, that they have seen cause to change, and therefore have changed, have to invent far-fetched and flimsy notions about their own long-cherished opinions, about the "education" of their party, and I know not what, and by palming upon the public all those miserable pretexts, convert that which would at any rate be an honourable retreat into a retreat which is utterly ignominious. Gentlemen, as I have said that, allow me to except from the scope of my proposition one statesman. There is one statesman connected with the Government who was a party to that great change of opinion and of policy, but who has not attempted to disguise it—and I am thankful to

say that he is a Lancashire man—I mean Lord Stanley. Lord Stanley descended to none of these subterfuges. At the Conservative banquet at Bristol, he said to the assembled guests, "Rely upon it, gentlemen, we shall not abandon the posts we were appointed to defend without having first arrived at the clear conviction that it was necessary for the public good." That was an honest and a manly declaration, and I respect the man who made it. It is in my power to do little towards placing you in a position to form enlightened judgments on public affairs, but I rejoice to think how abundant are the aids and instruments now supplied in every shape to the masses of the population in this country, and especially to that which is not the least intelligent portion of our population—I mean the people of Lancashire. So, that, however I might regret my own defective power, I feel satisfied that you will be well supplied with adequate opportunities and means of judging the right. And, gentlemen, it is needful that you should, for you have a great responsibility before you. The Duke of Wellington in 1829 glanced at civil war, and said, "You must take the policy recommended, or else as honest men and courageous men you must be prepared to face the consequences." I have only to point to the actual state of Ireland to show that in Ireland you have been obliged to put an end to personal freedom, and that the liberty of the people depends upon the will of the Executive Government, instead of the firm foundation of the law. You may judge from that, and I trust you will judge, whether there is or is not a necessity for dealing boldly and resolutely with the case of Ireland, be it by the present Government, or be it any other. Let the present Government propose the policy of resistance or the policy of concession, I feel certain that I may presume to say, on the part of the bulk of those professing Liberal opinions, our course will be governed by no mere avidity for office—which we have on a former occasion known how to sacrifice when we thought it would serve the interests of the country—but simply by a desire to discern in what way, of all the ways that shall be opened to us, we ought to walk in order to promote our internal welfare. It is clear the Church of Ireland offers to us indeed a great question, but even that question is but one of a group of questions. There is the Church of Ireland, there is the land of Ireland, there is the education of Ireland: there are many subjects, all of which depend upon one greater than them all; they are all so many branches from one trunk, and that trunk is the tree of what is called Protestant ascendency. Gentlemen, I look, for one, to this Protestant people to put down Protestant ascendency which pretends to seek its objects by doing homage to religious truth, and instead of consecrating politics desecrates religion. It is upon that system that we are banded together to make war. So long as that system subsists, our covenant endures for the prosecution of that purpose for which we seek your assistance; and because although, as I said early in these remarks, we have paid instalments to Ireland, the mass of the people would not be worthy to be free if they were satisfied with instalments, or if they could be contented with anything less than justice. We therefore aim at the destruction of that system of ascendency which, though it has been crippled and curtailed by former measures, yet still must be allowed by all to exist. It

is still there, like a tall tree of noxious growth, lifting its head to heaven and darkening and poisoning the land so far as its shadow can extend; it is still there, gentlemen, and now at length the day has come when, as we hope, the axe has been laid to the root of that tree, and it nods and quivers from its top to its base. It wants, gentlemen, one stroke more—the stroke of these elections. It will then, once for all, totter to its fall, and on the day when it falls the heart of Ireland will leap for joy, and the mind and conscience of England and Scotland will repose with thankful satisfaction upon the idea that something has been done towards the discharge of national duty, and towards deepening and widening the foundations of public strength, security, and peace.

LONDON: R. K. BURT, PRINTER, WINE OFFICE COURT, FLEET STREET.

Read July 25th
R. H. Wainwright

THE IRISH LAND BILL.

BY THE AUTHOR OF

"*WHAT SCIENCE IS SAYING ABOUT IRELAND.*"

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THE IRISH LAND BILL.

THE Irish Land Bill is vague. Mr. Gibson called it practically, though not openly, the same as the three F's. Perhaps the three F's plus unlimited litigation would be a better description.

In the following pages I propose to point out a few things in the Bill that seem to indicate a certain confusion of mind on the part of its authors.

Mr. Bright a rank Protectionist.

First, then, Mr. Bright and Mr. Gladstone have passed their long lives teaching the Free Trade doctrine, that special protection of certain classes, and of certain forms of industry, is wrong, and *must* be followed by national loss and disaster. But now in this Irish Bill they teach us that certain special classes and certain special forms of industry ought to be protected by special legislation, and that doing so will make everybody contented and prosperous. In fact, each of them has become a rank Protectionist, which may or may not be a good thing to be; but that is not the question. Now, does this arise from confusion of mind, or what?

An old judge used to give his friends the following advice, "Never go to law, unless you wish to be

ruined." The Irish Bill, introduced *for the good of the Irish* people, *must* lead to an enormous quantity of *ruinous* litigation. Is this confusion of mind, or what?

The Irish Bill is brought forward in obedience to the bidding of the Irish agitators, in order, says the Government, *permanently to settle the Irish question, and make the people of Ireland contented for ever;* and yet these very Irish agitators openly assert that they only want the Bill as a stepping-stone to more disorder, more discontent, and thence more destructive legislation. Is this confusion of mind, or what?

Free Sale. Hitherto any poor man who wanted a farm in Ireland has only had to get money enough to work it. But the new Land Bill, introduced *for the benefit of the poor in Ireland,* provides, under the head of Free Sale, that no one can enter upon a farm without paying a heavy lump sum of money in *addition.* If this is not confusion, what is it?

Perhaps a concise heading for the Irish Bill might be "a Bill for the better prevention of the poor in Ireland from becoming tenants of farms."

"The Bill," said Mr. W. H. Smith, "takes from the labourers of Ireland all chance of ever getting a farm unless they place themselves in the hands of the money-lender."

The one thing that has steadily been mending the condition of the poor in Ireland has been improving landlords spending money on their estates. All this improvement the new Bill *must* put a stop to, and yet this is a Bill *to improve the condition of the poor* in Ireland. If this is not confusion, what is it?

Mr. Mahoney said in the *Times* (April 23) that every landlord he speaks to tells him that if the Bill

passes he will never spend another farthing on his property. And how can he say anything else, when every such farthing is confiscated? It has been stated that the Land Bill of 1870 confiscated thirty millions of the landlords' property, and that the present Bill, if carried, will confiscate fifty millions more. How much the Bill of 1890 will confiscate can of course be only conjecture.

"The majority of landlords in Ireland," says Mr. Gladstone, "are good landlords, but a few are bad ones." Therefore the Government brings in a Bill to do away with the land laws. Surely there is some confusion here? A few husbands are bad. Must, then, matrimony be done away with?

The best hope for Ireland, and what has for years been slowly and surely working for good, is the presence in that country of educated intelligence, of a civilised class of men, and of capital to encourage good farming, the use of the newest machinery, and the most improved breeds of cattle. One other hope was the gradual doing away with those small holdings Mr. Gladstone in his speech condemned as being the cause of so much poverty and misery. This being the case, the Government brings in a Bill *for the benefit of Ireland*, which Bill ensures the certain removal, to a great degree, of the civilised class who possess educated intelligence, and the loss to the country of the capital necessary to encourage good farming, of the use of the newest machinery, and of the most improved breeds of cattle. It also ensures the perpetuation, by fixity of tenure, of those small holdings Mr. Gladstone in his speech condemned as being the cause of so much poverty and misery. If this is not confusion of mind, what is it?

Tenant-right.

Agriculturists know that, except for the manure left on a farm, payments for tenant-right are a dead loss to the incoming tenant so long as they remain on the farm.

"One chief cause," says Mr. E. Cayley (*Times*, April 23), "of the pauperised condition of Ireland is the customary tenant-right in that country." "The Irish Bill," he goes on to say, "increases this tenant-right (in consequence of this competition, a heavy increase), and this must become injurious to the very class it is intended to benefit."

Thus the Free Sale Clauses ensure that an enormous quantity of farmers' capital that would otherwise be available for farming shall be taken away from the soil; and this with the intention of *improving the agricultural prospects of Ireland.* Surely all this must be confusion of mind.

The Irish Bill is a Bill to prevent eviction. But landlords are not such fools as to evict good tenants, therefore this Bill introduced *for the good of Irish agriculture* is a Bill to ensure the permanent continuance in the country of bad farmers and bad farming. How much confusion is there here?

Peasant proprietary.

A peasant proprietary has been tried for many years under the most favourable possible conditions in France, and has, we are given to understand by Mr. Ville (the first authority, perhaps, in Europe on farming), miserably failed. Want of capital and of machinery, together with permanent debt to money-lenders, render the production little more than half what it should be, thus causing a loss to the country of untold millions. Besides which, the peasants (with exceptions, of course,) live lives of slavery for man, woman, and child. Their sur-

roundings are sordid, and they live, for the most part, on sour bread and sour wine. Some of the more honest Irish nostrum manufacturers aim, as the *summum bonum* for Ireland, at the British taxpayer buying all the land of the present landlords at a cost of some 270 million pounds, and selling it to the poor people in Ireland, who have nothing to buy it with, thus turning them into peasant proprietors. I wonder how the British taxpayer will like this? Something very similar has been done in Russia, and most of the money is lost for ever. The farmers are so poor they could not pay the interest, and the Russians are, it seems, giving up all hope of ever seeing their hundred millions again. Political science knew beforehand that it must be so. But communistic theorists are hopeless people. Nothing can teach them.

The legislation in Russia of twenty years ago for establishing a peasant proprietary, has ended in misery, poverty, ruin, exhaustion of soil, destruction of capital, nihilism, and crime without limit; and now the Russian Government is at its wits' end to know what to do with these wretched agricultural paupers, whose nature seems to be of the same happy-go-lucky order as that of the West-Irish Celt. Almost the only thing the Government can think of is to transport the population, at an enormous expense, to new, unexhausted soils. (See Janson, Vasilshikoff and other writers on the condition of agriculture in Russia.)

How can anybody be so simple as to expect farming to answer without capital and machinery any more than cotton-spinning and wool-spinning? In Russia the peasant proprietor of a farm which he has not paid for, and cannot ever pay for, thrashes his corn in the good old antediluvian way of treading it out with

beasts; and in France the peasant proprietor has been seen scratching the soil with a crooked piece of wood for a plough, pulled by his wife and a donkey. We read that formerly, in the days when machinery and capital were unknown things, and people spun their own woollen goods at their cottage doors—we read that in these days when a small Scotch peasant proprietor lost his half-starved horse, he married a wife (if not married already) to take the wretched creature's place. The wife cost him less than a new horse. Such is the agriculture of the pre-machinery and pre-capital ages of the world, and such is the agriculture some of our brilliant legislators want us to set up again.

At the present day we see a little of the sort of thing amongst the poorest West-Irish farmers who (we are told by Mr. Terence M'Grath) lounge about all day, smoking, drinking, and playing cards, whilst their wives dig the potato patches. In many negro tribes the women do all the work, whilst the men adorn themselves with buffalo horns and cow tails, and drink palm toddy.

The clever Americans laugh to scorn small peasant agriculture, calling it "behind the age." They say that in these days farming cannot answer without machinery and capital, and that for machinery to answer, a farm of less than 150 acres is no use. Now if a peasant proprietary fails in France, with a sunny and perfect climate and soil, a sober, industrious population, and one child to a family, what can we expect will be the result in Ireland, with a wet, bad climate, bad soil, a population such as the low-type West-Irish population is, and half-a-dozen children to a family? Potato-eating pauperism, perpetual famines, and terrible misery. There can be no other result

Potato-eating.

possible. In the face of all this the Government brings in a Bill with the professed object of leading the way to a peasant proprietary in Ireland, *in order to make the Irish happy and prosperous.* Is it possible for confusion of mind to be carried farther?

Irish bulls.

Now considering all these astonishing confusions and bungles—bungles that look so like what are called Irish bulls, it is impossible to avoid wondering who are the real authors of the Bill. Are they not Irishmen? No talent or genius seems to save a man with Irish blood in him from making confused blunders. The celebrated Burke once made one in a speech. "How can you account for this?" Charles James Fox was asked. "Well," said Fox, "you see, the fact is, there never yet was born an Irishman but he had a piece of potato in his head." Is it possible that the Irish Bill has emanated from a piece of potato? But here there is another difficulty. Mr. Gladstone is undoubtedly not an Irishman, and he in his speech seemed strangely confused.

Mr. Gladstone on justice.

Mr. Gladstone, in his speech, said, "Justice, and only justice, is to be our guide." Then, before two hours had passed, he had proposed, according to the best interpretations,

(1.) That because taking property from Irish landlords to a great amount without compensation in 1870 did no good, therefore a still greater amount must be taken from them without compensation in 1881.

(2.) That because the legislation of 1870 had completely failed, as political science said at the time it must do, therefore—what does the reader suppose? That the legislation of

1870 should be repealed? Nothing of the sort. Mr. Gladstone proposes that *to mend matters* a new Bill should be passed built on the same lines as the Bill of 1870, only carried much farther.

(3.) That all improvements made by landlords, who had made no charge for such improvements, must be taken from such landlords without compensation, and given as a free gift to the tenants, who had done nothing to deserve or earn them.

(4.) That the rent of every farm is to be fixed, founded on the testimony of neighbouring farmers. [I wonder whether Mr. Gladstone would say that the price of meat should be fixed, founded on the testimony of neighbouring butchers.]

(5.) That to quote Judge Longfield: "a tenant farmer without a penny shall, immediately the Bill has become law, be able to sell his lease, and get several hundred pounds for property merely because he has threatened to commit murder if he is kept to his engagements."

(6.) That the reason for all this exceptional legislation is the "land-hunger" that exists in Ireland, and yet for the money-hunger and property-hunger that exists amongst the enormously larger population of idle poor and criminal class people in England there is to be no corresponding legislation.

(7.) That "the Government," to quote Mr. Agar-Ellis, "having allowed such a state of anarchy

to prevail that it is impossible to get the rents paid, therefore the easiest way out of the difficulty is to give a portion of the landlord's property to the tenant to bribe him to pay *some* rent."

(8.) That crime and rent-embezzlement having become very general, the best way out of the difficulty is to make it *lawful* to commit crime.

(9.) That upon landlords who have bought up the tenant-right on their farms, it is to be reimposed without compensation.

And Mr. Gladstone said *justice* was to be his guide! Now if this strange inconsistency does not arise from confusion, from what does it arise?

Confiscation.

Mr. Gladstone in 1870 said that to confiscate the property of landlords without compensation would be dishonourable. Mr. Gladstone in 1881 proposes to confiscate, without compensation, an enormous quantity of property belonging to landlords. But Mr. Gladstone "is an honourable man." I think most people will allow that there is something rather complex here, even though it may not come under the head of confusion. There is a certain quantity of wealth in agricultural Ireland. After the Irish Bill has passed, the tenant is to gain more of this wealth than he has now, and nobody, says Mr. Gladstone, is to lose any. Is this confusion, or what?

The complaint about confiscation in *this* case, says Mr. Gladstone, is without grounds, because people often have complained about confiscation without grounds in *other* cases. I wonder whether the prophecy that it is going to rain in *one* condition

of the atmosphere is certain to prove false, because people have often prophesied that it was going to rain when it did not in *other* conditions of the atmosphere? I suppose this is confusion again.

Mr. King Harman tells us as a matter of fact (*Times*, May 23), that since the legislation of 1870, money lenders refuse to lend money on the security of Irish property; and Mr. Gladstone says that this legislation added to the value of land in Ireland!

The modern doctrine is that confiscation (expropriation seems to be the botanical name) is justifiable when it is for the public good. But this Irish Bill means confiscation for the public harm. Mr. Herbert Spencer says that meddling legislation for the public good almost always turns out really legislation for the public harm.

Political science.

Careful observers have been for hundreds of years making records of those kinds of legislation that always are followed by misery, loss, and disastrous results in some form. These records are called "political economy," and the men who are acquainted with them are called political economists. Now Mr. Gladstone in his speech said that these records were only good for the inhabitants of the planet Saturn. But the observations on which they are founded were not made in the planet Saturn, but in this planet on which we live!

This confusion is like the confusion of a man who might say that it is no use going to a surgeon because the *surgery* of the day is only suited to the inhabitants of the planet Saturn. Of course more observations and study may develop more facts. Still, at present we must go by the proved surgery as it is, simply because we have nothing else to go by.

Mr. Bonamy Price is perhaps the highest authority on political science in England. Mr. Bonamy Price.

"Fixity of tenure," says Mr. Price, "would deprive agriculture of capital and intelligence, and it would perpetuate the small holdings, the sub-divided tenures, and the bad farming, which are the misery and shame of Ireland." "The purchase-money," says Mr. Price, "under a system of free sale, would be worse than the heaviest of rack-rents, and with capital diminished by such payments, the farmer would be robbed of his resources, and compelled to live for ever on the verge of starvation." "The determination of fair rents," says Mr. Price, "otherwise than by free contract, would strike at the root of all improvement in the agriculture of Ireland."

Of course we all know why political science is said by Mr. Gladstone to be only suited for the inhabitants of the planet Saturn, inasmuch as the thing lies in a nutshell. Political science condemns class legislation and curtailment of liberty. But the ignorant labouring man wants legislation for his own class, hates liberty of competition, and cannot see, what science sees, that communistic legislation in favour of equality, at the expense of liberty, is, in the long run, ruinous to his class. Furthermore, under the present dispensation the excellent, but undoubtedly somewhat ignorant working man, is the august potentate, before whom every right-thinking Prime Minister trembles in his shoes.

How refreshing it would be to see a Prime Minister going to his working-man supporter, and saying to him, in a straightforward way, like an honest man, "My most excellent and very ignorant friend, this special communistic legislation for your class that you

are always crying out for has been proved, by ages of careful observations made by able men who have devoted their lives to the science, to be always followed by results disastrous to that class. So if you *will* have it, you must go to somebody else to do the dirty work. My hands are clean, and I mean to keep them so."

Communistic legislation.

But how, the working man may ask, can class legislation (so long as it is my class) do me harm? In many ways. In the first place, special class legislation means legislation for one class at the expense of other classes. Now the working man depends for his existence upon the capital of capitalists, so that if capitalists suffer, working men must suffer just in the same proportion. Of course I am not talking of any Utopias of communistic dreamers, but of real men and women as they are in this world. Secondly, special legislation for the working classes leads to the destruction of their self-dependent energies, to helpless looking for Government assistance, to deterioration of character increasing with every generation, to survival of the unfittest in the struggle of life instead of the fittest, and thence to such inferiority in the quantity and quality of the work they turn out that they are out-competed and ruined by other countries, like America, which do not interfere with free competition, but which leave everybody free to come to the top and survive, if he is the fittest to survive.

American competition.

Perhaps we see something of this British deterioration already. At any rate, in America there is no special class legislation interfering with free competition contrary to the law of political science, and the Americans are out-competing us in many things. It is said that their artisans do more and better work

than ours do, and turn out better goods in quality and more in quantity, so that in Australia and other parts of the world these goods are preferred to ours for quality and cheapness. No doubt, the working man may say, "Never mind, when England is ruined we will go to America." But I am speaking to those men who have not lost all patriotism or love of their own country, for in fact nobody else is worth speaking to. If a man does not care for his country, the odds are he does not care for his family, or, in fact, for anything except himself and his beer.

Again, the working man is always crying out "Tax the rich directly, and don't tax me at all, either directly or indirectly." Yes, but until the kingdom of Utopia is discovered, the working man depends, as I have just said, solely on the capitalist to save him from starvation. So, ruin the capitalist, and the labouring man is ruined too. The first becomes poorer, but the last is starved to death, wife, family, and all. Besides this, the greatness and nobility of a country depends solely on the greatness and nobility in character of each individual person who lives in it. Now freedom from taxation means a man deriving benefits at the expense of others, for which he has paid nothing. It means perpetual charity to him, or his being just by so much a pauper, without the responsibilities of citizenship, and thence must come inevitable deterioration of character. Nature's workings are infinite in complexity, so the sufferings that must follow from injustice cannot with accuracy be traced out. But such hints as the above may be given. Injustice must be paid for by the country that is unjust. Every cause must have its effect.

If a ship is lopsided from want of true and just

distribution of ballast, she goes to the bottom. If a country is lopsided from want of true and just distribution of taxation, she, perhaps, some day may find herself going to the bottom too. Thus it seems that in spite of what has been said and done by shallow politicians, the British working man ought, after all, to pay his minute tax on the things he buys just as he does in every other civilised country.

One more suggestion (old as the hills, of course, as most true suggestions are) as to a way lopsided taxation may tend to send a country to the bottom, rich and poor all drowning together; one more suggestion as to one of the innumerable ways this form of injustice may breed the retribution that inevitably follows every injustice.

In an advanced democracy like ours, the working man has immense voting power. But if he pays no taxes, direct or indirect, and is too ignorant to understand that taxation of capital alone injures himself, there will be no prudential considerations to prevent his voting for any reckless or even ruinous public expenditure that may be in accordance with some popular feeling of the moment.

In contrast with the Americans, who, though they talk about equality, really worship liberty and freedom of competition at the expense of equality—the richest men in the world are Americans—in contrast, I say, with the Americans, the French have, since the great Revolution, aimed at communistic legislation for equality at the expense of liberty, that is, at the expense of the free course of Nature's economic laws. And the inevitable results have followed—the inevitable retribution or Nemesis of periodic revolutions, loss incalculable of wealth, communism rampant,

historical buildings in ruins, agricultural produce half what it should be, deterioration of national character, survival of the unfittest, invasion, defeat, enormous war indemnity, and finally a permanent subjection to immense taxation.

Communism is of all degrees. But we may say that in proportion as a man wants meddling legislation for the sake of equality at the expense of equality's implacable enemy, liberty, or the natural working of Nature's economic laws when left alone, in that degree a man is a communist.

Political economy, put broadly, means the science which teaches the doctrines of liberty and freedom. And these are the doctrines only fit for the planet Saturn!

A Prime Minister of the present day always gives me the idea of a man in a never-ceasing state of pitiable trepidation lest some measure may lose him more votes than it gains. Instead of thinking whether it is right, he is only hoping it will be popular. What a man *is*, means what are the springs of his actions. Thus such a man cannot be called a Christian, but only a Comtist; for whereas Christianity says "Do right, whatever the consequences, popularity or no popularity, and be crucified sooner than do wrong, Comtism, "living without God in the world," says that no motive for conduct can be so high as "the praise of men"—that is to say of humanity in general, past, present, and to come, including all rogues, savages, Carib Indians, Chickasaws, Choctaws, aboriginal Irish Celts, and Hottentots, but I believe not the Anthropoid Ape.

Another manifest maxim of modern legislation is *après moi le deluge*. Legislate from hand to mouth. Look before you the length of your nose, and not

From hand to mouth legislation.

even that if it is a long one. Never mind future disaster, however great and however certain to come. It is like the quack doctor who soothes the pain and kills the patient, and who knows, too, all the time that it probably will kill the patient. Disaster *must* follow the infraction of Nature's economic laws. Wrong doing and foolish doing *must* be followed by suffering or loss. Every cause *must* have its effects.

Land Bill of 1870.

The Irish Land Bill of 1870 was a Bill full of that kind of legislation that has always been observed to lead to loss, misery, and disaster; that is to say, to what the Greeks called Nemesis, what the old Hebrews called the wrath of God coming on the children of disobedience, and what modern science calls Nature's inevitable retribution for ill-doing—for doing, that is, things contrary to the natural economic laws, or, in fact, to *any* laws of nature. The wise political economists, therefore, condemned the Bill of 1870. And now we see what reason they had for doing so. First, the Bill was specially intended to help small tenant farmers. And how has it helped them? "The Act of 1870," says Mr. Agar Ellis, in the *Times*, "obtained credit for the small tenant farmer *which has been the ruin of him*. The banks now would sooner lend to a beggar than to him, so reckless has the misplaced charity made him." Promiscuous charity proverbially ruins the objects of it. "Put a beggar on horseback and he rides to the devil." Secondly, the Bill has failed to do what it was intended to do. Thirdly, it has directly led to the fearful state in which Ireland has been for many months—anarchy, lawlessness, brutal barbarities, murder, torturing, arson, burning people alive, maiming of cattle, &c. &c., to say nothing of enormous loss of property, driving

landlords out of the country, and thence misery to the poor labourers who depended on landlords for their wages, and for food for themselves and their families. "Nemesis" this, with a vengeance!

The Conservative Government, whatever its faults, was a governing Government. So the Irish and American-Irish destructives knew their time had not come for action, and West Ireland remained peaceful, as any half-barbarous people always will if *really* governed.

But the present Government came in. Now the present Government, whatever its merits, is not a governing Government. So at once the Irish and American-Irish destructives saw their time had come. Acting upon the encouraging information that if only they would bring about murders and crimes in sufficiency they would bring their demands within the range of practical politics, they set to work, and so successfully, that the "Nemesis" came even sooner than might have been expected, for though the proverb says, "God's mill grinds to powder," it also says that it often "grinds late." Terrible indeed has been the results of the teaching that crime in sufficiency will pave the way to the realisation of what the doers of the crimes wish for. But we only see the beginning yet, for "when a tiger," as Lord Lifford said, "has once tasted blood, it always wants more." And so we see now, and so those who live long enough *will* see for many a long day, if a half-barbarous people are to be governed according to their half-barbarous ideas. Our non-governing Government, after encouraging crime for months in Ireland—for as Cato the elder said, "the Government that permits crime that it can prevent encourages it"—

our non-governing Government, I say, after encouraging every kind of brutal lawlessness and crime for months in Ireland, are now puzzling their heads over this strange hotch-potch called the Irish Land Bill, instead of just doing their duty. Oh but, they say, anything in the world is better than bloodshed. But which is worst, a little bloodshed now, or the certainty of a great deal of future bloodshed, revolutions, anarchy, pauperism, and famine, if a new stepping-stone is to be built for the accommodation of the Irish communists and destructives? I wonder where in the history of the world turbulent savagery was ever put down without bloodshed. Besides, there is sad bloodshed now, though no doubt the blood is only that of peaceable and well-behaved people, so perhaps it does not count. Sooner or later, says history, anarchy must end in bloodshed and military law. But "a stitch in time saves nine."

Blood-guiltiness.

So easily are low-type half-barbarians cowed, that if, early in last autumn, the Government had in West Ireland simply adopted the American plan in Irish districts, where they know that juries are of no use, of trying offenders by three judges, without any jury, and had every crime been summarily dealt with in that way, the nine stitches, and nobody knows how many more, would probably have been saved without bloodshed. And why did they not do this?

There are two possible answers to this question. The first is what the Germans call the impenetrability of British Philistinism, or narrow and insular commercial-mindedness, to novel ideas. According to this explanation, the gentlemen engaged in trade in provincial districts, and who are supposed to exercise most influence in the Government, having, like their

fathers before them, sucked in with their mothers' milk "trial by jury the safeguard against tyranny," "trial by jury the palladium of British liberties," and all that sort of stuff without ever qualifying it in any way by any knowledge of history or science, were actually unable to take in the idea of judicial proceedings being carried on in any other way under any circumstances whatever. The other explanation is that these people who pulled the wires did not wish the stitch in time to be taken. No third alternative seems possible.

Whichever of these explanations may be the true one, one thing is quite certain, namely, that the record of the exhibition of inaction, imbecility, and abdication of duty manifested by the English Government for months together in the autumn, winter, and spring of 1880 and 1881, will be looked upon by future generations as one of the most disgraceful pages ever written down in the history of England or of any other country.

Our non-governing Government.

Governing means putting down all crime that *can* be put down. For months in the autumn crime was rampant in West Ireland. At any time during those months it could have been put down in a fortnight. Who doubts that the British Radicals' own hero Cromwell would have done it? But the thing that calls itself our Government refused to move. That is to say, the members of it, just because they themselves were out of personal danger, and eating their boiled eggs and toast every morning in peace and safety, waited for months with callous heartlessness whilst men and women were being murdered and tortured in every conceivable way, without moving a finger to save them. Nor is it even as if many of the sufferers

were landlords. In that case this criminal inaction would have been more comprehensible, when one considers the ridiculous class malignity of narrow-minded people towards landlords. But the sufferers were mostly small farmers and other poor men, whose only offence was being a little more honest than their murderers and torturers. What is the British public about, the respectable artisan class, that is, who elected these men to govern for them? I know that the working man is comparatively ignorant, inasmuch as a man who gains his livelihood by manual labour has not time to become anything else; but he is not dishonest, he is not heartless, he is not a money-embezzler, he is not like the low-type West Irish and all savages, a sympathiser with crime and against law; he is not incapable of indignation at cruelty and at those they have elected to put down crime refusing to do so. Surely if they could be got to realise the atrocities that have been permitted to take place, and to all appearances connived at, they would never rest till they had made a clean sweep, bag and baggage, of the impostors who have thrust themselves into office on the false pretence that they would govern the country, and then week after week and month after month acquiesce, with every appearance of the calmest complacency, in these horrible West-Irish atrocities, never making an attempt even to govern, until at last they looked in the newspapers and saw symptoms that if they waited longer they might be losing popularity. Duty was nothing, right was nothing, terrible sufferings of innocent people were nothing, money embezzlement was nothing, revolutionary lawlessness was nothing; but at last came personal fear of losing popularity. Then they began to move, too

late to do any good, no doubt, in the way they did it, but still they moved at last.

We call the artisan class uneducated, and so they must be in a considerable degree; still they are perhaps, when once roused, more capable of righteous indignation at wrong-doing, or at anything like cruelty and heartless apathy, that outrage the natural feelings of men, than many more-cultured people who think themselves very superior.

Human life is so complex that even the most horrible and sickening crimes will sometimes suggest to an active-minded man some ludicrous recollection or association. Now when I thought of our legislators calmly eating their boiled eggs and toast in peace, quietness and comfortable self-satisfaction, whilst all these terrible cruelties were going on within such a short distance, I was involuntarily reminded of something I once saw in a country fold-yard, where a pig was being killed. Now no one who has not been present on such occasions, can form an idea of the frightful screams the poor creature makes whilst it is being repeatedly and violently hit on the head with an iron hammer. But what struck me so much on the occasion of which I am speaking, was the way all the other pigs in the yard went on calmly eating their barley meal in apparently complete unconsciousness that anything unusual was going on.

What was the object of the Government in encouraging (as Cato put it), for so many months, crime in Ireland? Well, motives cannot be proved, for people never confess to evil ones. But the opinion of most people one meets is that the idea of the Government was that the more terrible the state of Ireland became, the more the Irish question would

come within the range of practical politics, and the more easy it would be to pass a Land Bill, which though certain to impoverish or ruin Ireland, would gratify class hatred and party fanaticism, as well as fulfil the dreams of sundry narrow-minded, well-meaning, and enthusiastic theorists. But it will be said, how could a man like Lord Hartington consent? The way to answer this question is to analyse Lord Hartington. Lord Hartington, then, is a somewhat phlegmatic, easy going man, whose recreation (people say) is politics, whilst his real interest is racing. Somebody once said, "What I admire about Lord Hartington is the '*You be damnedness*' there is in him"—meaning that he is a man who pooh-poohs things. Viewing him, then, in this light, it is easy to imagine him saying, on being consulted about Ireland, "Pooh-pooh, do what you like, if something *must* be done. Throw your tub to your whale, if the creature must have something thrown to him. At any rate it will get over the difficulty for a time, only don't bother me about it, for I am just starting off for Newmarket." But how, it may be asked, about some other members of the Government? The answer to this is that the majority of the members of any government must be men chosen for special qualities and clevernesses, such as debating powers, but who have little real wisdom, power of judging for themselves, or seeing the truth.

Lord Hartington.

In the matter of seeing truth, the man of common sense beats the man of only one-sided clevernesses hollow.

Clever foolish people.

One thing that leads to much miserable legislation is the common idea that because a man is clever he must be wise. There cannot be a greater mistake.

Indeed, Archbishop Whately says that any abnormally extraordinary talents, such as for rhetoric, for languages, for figures, for details, &c., are always observed to be accompanied by a deficiency in what the archbishop calls that "grasp" or "totality," which leads to wisdom and to seeing truth. This latter power is in fact more connected with genius than with special talents and clevernesses. Genius understands human nature; mere talent knows nothing about it. Genius is wise; and knows; mere talent is clever and talks. To give one or two illustrations. The man of genius, H. Heine, foretold, in so many words, years before it took place, that the Communists in Paris would destroy the Vendôme column. He also foretold Russia's doings in the East. On the other hand, Thiers, the merely *clever* man, of immense *talent*, but *only* talent, prophesied on a great many subjects to Mr. Senior, but in every instance his prophecies turned out false. Coming to Great Britain, the successful prophecies of the man of genius, Lord Beaconsfield, are allowed even by his bitter enemy, the *Spectator* newspaper. On the other hand, Mr. Gladstone, the man of great talents only, prophesied during the American Civil War that the South would succeed,* whilst in 1870 he prophesied that his Irish legislation of that year would be successful, and would settle the Irish difficulty.

Lord Beaconsfield.

Another instance. That very honest, excellent, short-sighted, and narrow-minded man of great talent, Richard Cobden, prophesied that war was at an end in the civilised world, and also that if once England established Free Trade she would become the workshop

* Mr. D'Israeli believed throughout the American Civil War that the North would win.

of the world. England did establish Free Trade, and now, after a good many years of it, we find that the world has become its own workshop, and in a great many instances turns out better and cheaper goods than England does. Cobden also prophesied that English agriculture could never have anything to fear from American competition, and said that Free Trade would do English agriculture so much good that if he was a landowner he would raise his rents as soon as all Protection was swept away and Free Trade reigned. I have been told that Cobden's friend and fellow-worker, Colonel P. Thompson, who was a landowner, *did* raise his rents as soon as the Corn Laws were repealed.

Again, Cobden (who seemed to look upon all virtues and greatness as being wrapped up in the term "worldly prudence") prophesied that the example of England would soon convert all other nations to free trade; the truth being that all other civilised nations go farther away from free trade every year. And uncommonly well some of them seem to thrive on doing so.

Grattan's Prophecy.

One more instance of prophecy. Many years ago Grattan, the celebrated Irish lawyer, said of the union between Ireland and England, "In the course of years this union that you think so much of will send into your Houses of Parliament in London a number of the greatest scoundrels in Ireland." I am not in Parliament myself, so I am not in a position to give an opinion as to the truth of Grattan's prophecy.

Men of great talents are admirable instruments in the hands of people who know clearly what they want, and are determined to get it if they can; but they should never be commanding officers. "*The cleverer*

a man is," says Archbishop Whately, "*the more harm he does if he has not wisdom to match, for he is the better able to carry out the short-sighted measures to which he will be inevitably inclined.*"

"Wisdom," "totality," "grasp," "insight," are nearly related, and are rarely seen in connection with extraordinary special or one-sided clevernesses and talents. "Common sense" is much the same faculty, but the term is generally limited to the more ordinary matters of life. Mezzofanti, the wonderful linguist, was a man absolutely without judgment; and Jedediah Buxton, the wonderful mental arithmetician, could do nothing else in the world *but* count numbers.

The man of wisdom takes broad views; the man with talents for detail and minutiæ takes narrow ones. He cannot see a tree for the leaves on it, and even of these he prefers to fix his attention on certain minute and exceptional ones. On a political question he will, from want of "grasp" and "totality," be full of some exceptional hard cases to the exclusion of the question as a whole, like a man who would condemn the institution of matrimony and stand up for polygamy, because now and then there is a case of conjugal infelicity. The man with talents, but without common sense or "totality," never knows the difference between a big thing and a little thing.

Mr. Gladstone's name will most likely go down to posterity as that of an excellent, well-meaning man, with some extraordinary special talents, but without the grasp and power of seeing truth which is necessary for a leading statesman. He will be called the sort of man who in a perfect political system would hold the permanent office of Chancellor of the Exchequer, whatever party was in power; as a man for

Mr. Gladstone.

a leader to employ as a special pleader, and to investigate and explain details to any degree of minuteness; as a man with such a ratiocinating intellect that he could at a moment's notice prove to himself the truth of any proposition whatever that was put before him plausibly and strongly by some one of his party, perhaps infinitely more ignorant, narrow-minded, and stupid than himself, but who had strong permanent and inflexible aims; as a man who lent himself (of course, as he persuaded himself, conscientiously) to do the work of unscrupulous persons, whose one aim in life was to bring society down to their own social, moral, and intellectual level, whatever might be the consequence to the country of doing so; as a man with general knowledge of almost everything except human nature, of which he knew very little, and therefore with little power of foreseeing the future, where the actions of men were concerned. Finally, as a man who in the latter part of his life became so bewildered by the endless antagonistic argumentations and ideas crowding each other in his prolific brain, that his old sense of right and justice became confused, and there was nothing for it but self-stultification and public confessions, that the political ideas of his whole life up to his attaining the age of sixty-three or sixty-four years had been totally wrong. Then in his perplexities he allowed himself to become an instrument in the hands of strong-willed, narrow-minded, semi-communistic fanatics behind him, who knew what they wanted and never changed. Fanaticism never does change. It is reason proof and wisdom proof.

As a general rule, nothing is more objectionable than to make personal remarks that may get to the

ear of the object of them and cause pain. But this does not hold good with regard to leading public men. They are in a responsible position, and they must pay the price of being there. It is of the utmost importance for the public to know by what kind of men they are governed, and any one who has the capacity to impart this knowledge ought to do so.

The remedies for Ireland contained in the Government Land Bill can of course end in the long run in nothing but pauperism and miseries illimitable. The true ones I have already mentioned in a pamphlet "What science is saying about Ireland." I will only add to what I have said there, that what are called the sentimental grievances of Ireland should be attended to when doing so is consistent with the public good. For instance, if an office in Ireland is open, the appointment should be given to some one who is called an Irishman, if a fit person can be found. I say *called* an Irishman, for if he was a thorough-bred aboriginal Celt of the West he hardly could be a fit person.

Also there are, I believe, drainage works wanted in Ireland. Government facilities for borrowing money for such works could not do much harm, and might possibly be well enough managed to do good without loss to the country—that is to say, loss to the British and Irish taxpayer.

A few more words about the Irish Bill. The Bill is introduced to cure the ills of Ireland. Now it is confessed that the two prime ills are the semi-barbarous character of the West-Irish Celt and over-population. But how will the Bill cure these evils? The Irish "destructives" say that the emigration clause must be struck out, and if they say so no doubt it will be

struck out. But what will there be then in the Bill to bring about a removal of the surplus population? Perhaps fixity of tenure is to do it. But how? Or is there a little confusion of mind here?

More confusion. A tenant in Ireland does not pay his rent. Just the same as all over the world in such cases, he is forthwith evicted by his landlord, who is murdered next day for doing so, our non-governing Government looking on apparently with indifference. After a time, however, this Government brings in a Bill ordaining that after a so-called fair rent is settled and the tenant does not pay it, the landlord may evict him. But the tenant shoots his landlord or his agent for evicting him now, so what reason is there to suppose that he will not shoot his landlord or his agent for evicting him then? No doubt the simple-minded supposition is that passing the Bill will make the tenant so virtuous that he will never shoot another landlord again as long as he lives. But this must be confused ignorance. How can passing a Bill through two Houses of Legislature alter all at once the mental and bodily confirmation of a West-Ireland semi-barbarian aboriginal Celt? On the contrary, it will not alter his low-type conformation in the slightest degree. Foolish legislators have always thought that their last new patent communistic contrivance was going to turn Ireland into a heaven on earth, and then, when they found it was the same old—well, not heaven, as ever, all they could do was to gape with astonishment, like the very foolish people they were. Many years ago, after one of these tinkering bouts, an uncle of mine—an enthusiastic Radical, said to a friend of his, "Now is the time to invest capital in Ireland. It will pay six per cent." "You old fool," said his

friend, "what is the good of six per cent. to a man with a dozen slugs in his stomach?"

Political science knows beforehand that communistic legislation must end in disaster.

Political science means proved facts in politics. But the present Government professedly abjure these proved facts, and launch out in new experimental legislation in the teeth of them, on the chance of their bringing life to Ireland instead of the death science says they must bring. The Government is like the botanist who was asked whether funguses were good to eat. "Well," he said, "universal experience has shown hitherto that they are poisonous; still, the best thing would be for you to try some. If you live, it will show that they are good for you; if you die, it will prove they are poisonous."

Peasant proprietors.

More confusion. The confessed object of influential members of the present Government is to substitute in the end a peasant proprietary for the landlords. But the Irishman's passion is to be an "indeepindent jhintleman" living on his rents. "Every Irishman," says even Mr. Bright, "who has 100*l.* a-year, wants to spend all his time driving a jaunting-car." Thus the present low-renting landlords, if removed, would only make room for a vast number of semi-pauper, rack-renting squireen landlords. So the Bill to diminish the number of landlords seems to be a Bill to increase the number of landlords. "Shure," says Paddy, in *Punch*, "whin the Bill has passed there's to be no more landlords—we're all going to be tinnants." Now which is most confused, this bright genius or the above-mentioned influential members of the Government?

Blood-guiltiness.

We are told that any Bill whatever is better than bloodshed and "the wickedness of blood-guiltiness."

But which is worst, as I have already asked, a little bloodshed in 1881, or the certainty of frightful bloodshed, famines and miseries in 1890, when the next bad seasons come, and when the Irish "destructives," having got so much in 1881 by crime, turbulence, and organised savagery, expect to get everything they ask for, whatever it may be. Long-inherited commercial-mindedness *cannot* understand that low-type man is a turbulent and thieving animal, and that if civilisation does not put down savagery with a strong hand, savagery will put down civilisation with a strong hand, that is when they come in contact. History knows nothing of any nation's life-time being passed without bloodshed. God forbid, said one of the earlier American Presidents —"God forbid there should not be a revolution every twenty years." In fact he thought occasional bloodshed and revolutions neccessities to clear away accumulated evils, and then start afresh. But we need not go so far as that.

Our present non-governing Government, with its commercial-mindedness, its insular narrowness, its hesitating little pusillanimities, and its half-connivings at treason, turbulence, and rent-embezzlements in Ireland, for the sake of peace, economy, and landlord-baiting, are living in a strange fool's paradise, from which there must some day be a terrible awakening if the thing goes on long enough. I wonder what they or their successors of the same school will say some day after Holland (with perhaps Belgium) has become part of Germany, and after the expenditure for national armaments and defences have been cut down to Quaker requirements,—I wonder what they will say when they come up some day from their cottom-

spinnings and woollen-spinnings in their provincial districts to the opening of parliament, and find, on their arrival in London, half the public buildings destroyed by communists, and the town in possession of 300,000 Germans, with their Generalissimo installed at Buckingham Palace, who tells them that he will take all his soldiers back again to Germany on being paid 800,000,000*l.* down, together with the whole of our South African possessions. I suppose they will say, "Well, it is a good deal to ask; still, anything is better than blood-guiltiness, and after all I suppose we shall be able to go on with our cotton-spinning and our woollen-spinning the same as before."

Just two instances more of confusion, and one charming one of cool impudence.

The Irish Bill provides, in opposition to the laws of political science, a gigantic system of outdoor relief, and miscellaneous charity, for the poor tenant farmers in Ireland. But in his speech (May 6), Mr. Bright says that nothing can be done for the poor labouring man in Ireland beyond trusting to the laws of political economy, which teach that all infraction of these laws does people harm instead of good. Surely there is a little confusion here, though undoubtedly there is one alternative, namely, that Mr. Bright's object is not good to the poor, but harm to the rich at the expense of the poor. Now which alternative is the true one? "The Puritans," says Macaulay, "put down bear-baiting, not because they pitied the bears, but because they hated the Cavaliers who enjoyed the sport."

Since writing the preceding pages a new feat, in what must surely be confusion, has appeared on the

part of Mr. Gladstone. Some foolish landlords and tenants in 1870, believing the Government assurance that the Irish Bill of that year was final, arranged, on the strength of this guarantee, that somewhat higher rents should be paid; *therefore*, says Mr. Gladstone, *this new Land Bill will lead, at any rate, to no diminution of rent.* What poet is it who says "For idiots only can be cozened twice"?

Perhaps in the natural history of human impudence nothing ever came up to a feat in the House of Commons (May 3). By outrages and lawlessness of every sort, from murders, roasting bailiffs alive, and butchering inoffensive servants, down to thievings, rent-embezzlement, and mutilation of animals, the peasants of West Ireland have driven landlords and capitalists away from the country. They did this deliberately, and with the avowed intention of striking such terror into the minds of the richer classes, that they would never return to Ireland again. Such being the case, an Irish member got up in the House of Commons and asked the British Government *to provide for those unfortunate peasants in the West of Ireland who have been thrown out of employment by the land agitation, and who have been reduced to beggary through the departure of the landlords from the country.*

"In Ireland," says a leading article in the *Times* (May 17), "it is certain that the contemplated changes in the land laws will withdraw the landlords' expenditure of capital, and will diminish the demand for labour. But a discontented body of labourers who have lost their employment will be as dangerous as a dissatisfied class of peasant farmers." And nobody knows this better than the Irish destructives.

How these sharp American Irish land-leaguers must be laughing in their sleeve at the way Government is allowing itself to be led by the nose by them. I should think their game will be to be quiet for a short time after the Bill has passed, and then, when a rainy season comes and rots some potatoes, set to work again with improved organisation, augmented funds, "justice to the poor Irish labourer" for a battle-cry, and crime without limit to bring the thing "within the range of practical politics."

Put concisely, the objections to the three F's are as follows:—

Fixity fixes idle, drunken, semi-pauper, slovenly, bad farmers in their holdings, thus ensuring the survival of the unfittest, whilst the bad farming diminishes produce, and thus causes loss to the country.

Free Sale deprives the purchasing farmer of his capital, thus taking it away from the soil, and ensuring diminished production, loss to the country, pauperisation of the farmers, and glorification to money-lenders.

Fair Rents means Governments fixing the prices of things, and this the experience of ages and of experiments innumerable has proved to end in loss and disaster.

There is a strangely ignorant idea amongst short-sighted rule-of-thumb politicians that broad statements and general principles of right conduct are useless in politics, instead of the truth that they are far the most important things in politics. Indeed, it may truly be said that all the innumerable failures in legislation, and all the miserable consequences of these failures, come from not taking these broad statements and general principles of right and wrong as foundations

to work from. If trunk roots are rotten there will be little chance for the branches.

Opposing principles in party politics are always on the change, and English people are rather slow at recognising the changes. But there is no doubt now where we are. It is "liberty" on one side, and on the other side the destruction of liberty, for the sake of equality and communism. And what grander broad principle and battle-cry can a party have than "Liberty"?

Liberty and equality are for ever irreconcilable enemies. With liberty, equality could never last a week, and equality can only be gained by making despotic laws, taking away from the intelligent, energetic man liberty to become richer, wiser, better and more powerful than the indolent fool.

I will now put what I have written into the proverbial nutshell.

The Irish Land Bill, as it stands now, just after the second reading, is a Bill for the better prevention of poor men ever becoming tenants of farms; also it is a Bill for the expulsion of capital, agricultural machinery, good breeds of cattle, intelligence, and civilising influences from Ireland. On the other hand, it is a Bill for the encouragement of pauperism, bad farming, over-population, survival of the unfittest, famines, Fenianism, lawlessness, breach of contract, dishonesty, communism, crime, dirt, pigs, potatoes, and money-lenders.

In the foregoing pages I have sometimes expressed myself rather strongly, so that it is possible some one may think I must be personally interested. But this is not the case. I have not got (thank God!) one single rood of land in Ireland. Again, I may be

accused of strong party feeling. But this again would be wrong. I am not a party politician, and have voted for both sides at elections. My fundamental political idea is in favour of complete individual liberty, and against everything that may throw impediments upon this liberty, and thus lead to the survival of the unfittest in a nation, instead of the fittest.

I agree with Mr. Fiske, the excellent American writer, that "the individual does not exist for the sake of society, as the Positivists would have us believe, but society exists for the individual. The test of a complete and perfect social life being the opportunity it affords for complete free-acting *individual* life."

The American people have hitherto acted on this principle, and the consequence is self-dependent energy is cultivated, and increases every generation. The fittest, instead of the unfittest, survive, and America is out-competing the world in production of the material requirements of life. Of course I am speaking of the English races of men. To give liberty to low-type races like Carib Indians or West-Irish Celts, who have all the barbarian characteristics, such as idleness, want of steady energy, dirt, slovenliness, hatred of law, hatred of order, sympathy with the criminal in opposition to the law, hatred of all government, &c. &c.—I say to give free institutions, trial by jury, and complete individual liberty to such people is the extreme of absurdity, and, in fact, merely means ignorance of history, ignorance of science, ignorance of human nature, and encouragement of crime amongst such peoples.

"Have ye got a Government in this counthry?" asked the Irishman on landing at New York. "Of

course we have," was the answer. "Thin I'm agen it," said Pat.

"Aboriginal Irish Celt" is a general term for the semi-barbarous West-Irish. We learn from Mr. Skene's book ("Celtic Scotland") that the low type Irish of the present day have in them much blood of a pre-Celtic race still more animal even than the Celt of the low kind. We also learn from him that the original Celtic people of Scotland were never finally subdued till after the rebellion of 1745, and that in Ireland the subjugation is even now not complete. Now it is to this West-Irish mixed Celt and pre-Celt semi-barbarian that British "Philistine" Governments (to use the German expression for narrowness and want of wisdom) give, with honest stupidity and the best intentions, trial by jury, representative forms of Government, and exactly the same institutions as the higher civilised races possess. Can ignorance and foolishness be carried farther?

Trial by jury pre-supposes that the jury (that is, the people generally) are on the side, not of the criminal, as savage people are, but of the law. The English race is the only one in the world (criminal classes apart) that can be depended on always to side with law, order, and right against the criminal. And this is why the race is spreading itself over the globe more than any other. It is not the most intelligent race, but (without being righteous to any wonderful degree) it is the *most* righteous, and therefore the fittest to survive.

J. S. Mill said that men of all races lie, but it is only the Englishman who is ever ashamed of himself after he has lied.

The Hebrew prophets were inspired with such a passionate "hunger and thirst after righteousness," and

horror at things so contrary to the laws of nature (or as they much better put it, the laws of God), as wickedness and folly, that they prophesied the inevitable retribution for these things, and their prophecies of course came true. The Greeks, troubling themselves little enough about either righteousness or unrighteousness, were accurate observers, so they found out that "Nemesis," as they called this retribution, did as a fact always follow wrong or foolish doings. The Englishman of the better kind, without being often capable of the passion which inspired the Hebrew to pour out magnificent poetry of rejoicing and worship, as well as of denunciation of evil, combines with the Greek scientific or observing spirit so much of the Hebrew love of righteousness and justice that his race is at present the dominant one. Whether the Hebrew will "come again," (as the racing-men say) and take the lead in the world, as C. Kingsley and F. Maurice seemed to think possible, time will show. It is said that something of the kind is going on in Germany, and that the Germans don't like it much. At this moment the whole French nation is worshipping a Jew, M. Gambetta.

Dutch Boers.

A little more about myself. I am not so indignant at the things done in the Colonies as some people are. The Dutch Boers are not lawless savages, so it may be right to give them independence, if possible, till they are swallowed up by the (I believe) more rapidly-increasing English population, supposing, that is, that the latter turn out to be the most fit to survive. But the way the thing was done by our Government was contemptible; bouncing about putting down the insurrection till it was discovered that the insurrectionists were good shots, and then crawling in the

dust before them like a whipped dog at the feet of its master. I call this very contemptible. It is like the big bully newly arrived at a school, who, meeting a little chap, cried out to him, "Here, you young skunk, come and tie my boot-lace." "Mind what you are about," whispered his companion, "that little chap is the best fighter in the school." "Oh, never mind," stammered the hulking coward, trembling from head to foot, "the boot's all right, after all; here, would you like an apple? here's one."

Scuttling from Candahar.

About the "scuttling out" of Candahar, a Government can only go in such cases by the opinions of experts. And "who shall decide when colonels disagree" as to what *is* the best scientific frontier. So if the Government are wrong, they have something to say for themselves.

War.

About war in general, "Blessed are the peacemakers" is a very great truth. But every great truth in this complex world wants qualifications. Thus, this maxim does not mean blessed are people who make peace from cowardice, nor blessed are peacemakers when savagery is rampant. Neither does it mean blessed are peacemakers in a righteous war, when the only motive for the peacemaking is money-saving.

It matters little what my own opinions are, and I only mention these to show that my remarks about our present non-governing Government do not arise from political party feeling. In fact, I have none.

Some parts of what I have written in these pages, as well as in "What Science is saying about Ireland," will be called exaggerated. But truth, put clearly and concisely, is always called so. When foolish people are found out, they like the nakedness of their fallacies to be wrapped up more decently.

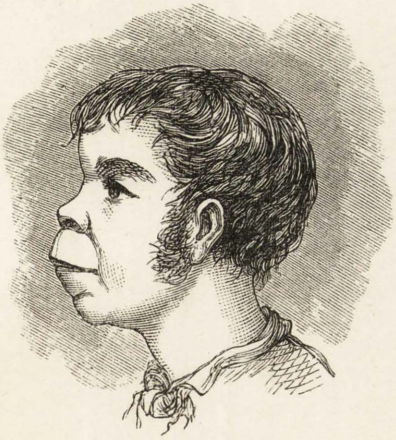
APPENDIX.

LET us for a moment "see ourselves as others see us." M. de Molinari in the "Journal des Débats" says that Ireland is in danger of dying of too many doctors—that we want a Molière to satirise "Social Quacks;" that there would be hope for Ireland if we would leave her alone; that the state of Ireland was gradually mending till the legislation of 1870 threw things back; that the Irish landlords as a rule are the most forbearing and benevolent ones to be found in the world, and that rents in Belgium are more than half as high again as those in Ireland where the quality of the land is the same. That term "Social Quack" is rather a good one. I suppose, by a Frenchman using it, that this kind is as well known in France as it is in England.

APPENDIX B.

SOME people will say that calling the West-Irish Celt a semi-barbarian is wrong, inasmuch as he is more sociable and chatty than an Englishman. So is a negro. Livingstone says that in Africa he is always talking and laughing at nothing.

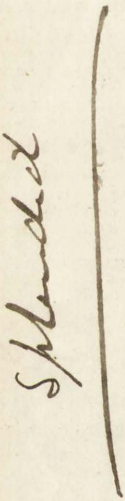
Englishmen are bad judges of character at best; but the average British politician, from want of imagination to enter into characteristics different from his own, may be said to be no judge of it at all.



ABORIGINAL IRISH CELT.

SIR ISAAC NEWTON.

NEGRO.



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IRISH LAND LEGISLATION AND THE ROYAL COMMISSIONS.

A SUMMARY

OF THE

REPORTS

OF

THE ROYAL COMMISSIONERS.

BY

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PREFACE.

In the summer of 1879 a Royal Commission was appointed to inquire into the condition of agriculture generally; and another Royal Commission was appointed in the summer of last year to inquire into the working of the Irish Land Act of 1870. In January of this year the first Commission issued a preliminary Report which concerns Ireland, and is probably a final one on Irish matters. It was signed by the Duke of Richmond and Gordon and twelve others, including Henry Chaplin and Professor Bonamy Price — the latter adding a memorandum of his own on the three F's. The remaining Commissioners, not entirely concurring with this Report, issued a separate one, which was signed by Lord Carlingford, James Stansfield, Mitchell Henry, Joseph Cowen, John Clay, and John Rice.

About the same time the Report of the second Commission appeared, signed by the Earl of Bessborough, Richard Dowse, a Baron of the Irish Exchequer, The O'Conor Don, and William Shaw. The O'Conor Don, not agreeing with the Report

as to proposals for legislation, issued a supplementary Report, stating his own views on the subject. Mr. Shaw also added a short supplementary Report. Mr. Kavanagh, the fifth Commissioner, wrote an entirely distinct Report of his own.

The following pages are nothing more than a series of extracts taken from these various Reports so far as they speak of the present condition of the Irish Land system and of the need for legislation. As to the proposals which they make for legislation, I have only given (Chap. III.) a *résumé* of the conclusions at which each Report arrives, instead of a number of extracts, describing those proposals in detail, and this partly for the sake of brevity, and partly because the interest in this division of the subject will soon be centred in the Land Bill rather than in the Reports of Royal Commissioners. But the first division of the subject, the circumstances which render that Bill necessary will not be the less interesting; and I therefore hope that this short summary of the Reports may be of some use to those who wish to know their contents, but have either difficulty in obtaining Blue Books, or disinclination for reading them.

I have endeavoured in collecting these extracts to do so impartially, and I therefore think it desirable to state that the Duke of Richmond's Report consists of only four pages, and that one of these is devoted to a summary of the Land

Act of 1870, because the very few extracts from his Report, and the very many from the supplementary Report of Lord Carlingford, might lead some to suppose that the former had been purposely neglected, as being less favourable to land tenure reform.

I have thought it better to abstain entirely from controversy on the subject—to put forward no private opinion, but only "authorized opinion," and to give no arguments and state no facts except those which are given and stated by the Commissioners, a few explanatory notes only excepted.

For all practical purposes every word of large type is a direct quotation from the Reports. Now and then a few verbal changes have been necessary, such as "the tenants" for "they," &c.; and sometimes connecting words such as "and again," "Lord Bessborough's Report continues," &c. have crept in, but they can easily be distinguished. When any doubt might arise quotation marks have been used.

The references in the margin will show from which of the Reports each extract is made; and the number at the end of an extract denotes the page of the Report on which it may be found.

HOWARD HODGKIN.

April 6, 1881.

CHAPTER I.

As to some points in which the Irish Land System differs from the one found in England, and as to the consequences of this difference.

THE Land Law of England, a country differently situated, and in which the social system has received a different development, has been, by force of circumstances, imposed upon Ireland; and in many instances, principally in connection with the law of ejectment, powers have been conferred upon the landlords in Ireland that have no existence in England. That law may have been beneficial in its operation in a country where it was merely the embodiment of existing relations, or the expression of prevailing tendencies; but when transplanted into a country where the relations between landlord and tenant were of a different character, and were being developed after a different fashion, not only did it fail to change those relations into the likeness of English traditions, but also, by its attitude of continual antagonism to the prevailing sentiment, it became detestable to tenants, and helped to bring the *Bess.*

Courts that administered it, and the Government that enforced it, into undeserved odium. (5)

Section I.

As to the general custom for Tenants to effect the Improvements.

Bess. It is not denied by anyone that in Ireland it has been the general rule for tenants to do more, at all events, than the mere agricultural operations necessary to insure them such a profit as could be realized within the time which constituted the legal term of their tenancies; and this, of itself, is enough to establish in their favour a presumption that they were morally entitled to a larger interest in their holdings than was ever recognized by law. (4)

Kav. The assertion, which is I believe a fact, that on the majority of holdings, the improvements, if such they can be called, if not altogether have been chiefly made by the tenants. (58)

Rich. It seems to be generally admitted that the most conspicuous difference between the relations of landlord and tenant as they exist in Ireland and in England and Scotland is the extent to which in Ireland buildings are erected, and improvements are made by the tenant and not by the landlord. (5)

A country like Ireland, where the dwelling-houses, farm buildings, and other elements of a farm, including often the reclamation from the waste of the cultivated land itself, have been, and must, in our opinion, continue to be, for the most part the work of the tenants. (20) *Car.*

Section V of Land Act of 1870 declares the presumption to be that all improvements, except as therein provided, have been made by the tenant.

Section II.

As to Tenant-Right in Ulster, and as to its partial existence elsewhere.

By a species of popular consent, almost universal, though without legal sanction, tenants in this position [*i.e.*, the small tenant-at-will] have been regarded as possessing an interest in their holdings, of which, so long as they paid their rents, it was thought unfair that they should be deprived. In Ulster this consent was embodied in the well-known Custom of Tenant-Right. (2) *Bess.*

Outside Ulster something analogous to these usages has existed, though fitfully and without general prevalence in any locality. Thus, a tenant who pays his rent is very seldom evicted. Again, the sale of holdings was a very common practice in all parts of Ireland. (3) . . .

The relations of landlord and tenant in Ulster differed from those in the rest of Ireland rather in degree than in kind. The interest of the tenant in his holding outside the limits of the Ulster custom was analogous, though not equivalent, to an Ulster tenant-right. (19)

And speaking generally the same Report says:—

In the result, there has in general survived to the Irish farmer, through all vicissitudes, in despite of the seeming or real veto of the law, in apparent defiance of political economy, a living tradition of possessory right, such as belonged, in the more primitive ages of society, to the status of the man who tilled the soil. (4)

O'C.Don. On every tenant-right estate, not only in the north of Ireland, but elsewhere, there practically exists at the present moment joint ownerships between landlord and tenant, and in many cases tenants have paid for their ownership as much as the landlords have paid for theirs. (50)

The Duke of Richmond's Report in discussing the question of transferring tenants from the crowded districts to other parts of Ireland says:—

Rich. Statutory powers would probably be necessary for acquiring from those transferrees their interest in their existing holdings with a view to consolidation; (7)

—thus unmistakably acknowledging the existence of such an interest.*

* Nothing can better prove that this interest exists than the fact (as above stated) that the sale of holdings is a very common practice in all parts of Ireland. It has taken place even when the landlord has endeavoured to prevent it. If, then, there is a sale, it is evident that there must be something to sell. That something is the interest or proprietary right which the tenant has in his holding.

Section III.

As to Freedom of Contract between Landlord and Tenant in Ireland.

When the rent is raised, the tenant must as a rule submit. The evidence shows that under a system of gradual small increases of rent, tenants have submitted long past the point at which they consider themselves to be unfairly rented. (9) *Bess.*

Evidence.

Mr. Joseph Alexander, co. Londonderry.

Q. The tenants prefer to submit to the increase of rent rather than go to law?—Yes. Q. Going to law means going out of your farm?—It does; and it also means going to a place that we don't know what will happen to us—no more than we do of a future state of existence. We never can tell what may be the result of litigation. (8)

Thomas Sanders, Esq., co. Cork.

Q. Supposing a man is in possession of a farm and you want to increase his rent, and he disagreed, how would you settle the

matter—does it end by having your own way?—I end it by having my own way. (9)

Bess. On this subject of freedom of contract we have a few words to say. The proposal of settling rent by authority is undoubtedly inconsistent with the ideal freedom of contract between landlord and tenant, which is by many imagined to exist. But what are the facts? The process of bargaining between landlord and tenant must end unless the tenant submits to the landlord's demands, with a dispossession of the tenant by the landlord, against which there is no resistance possible, and no appeal. An ejected farming tenant in Ireland has nothing to turn to, except the chance of purchasing another holding; the offers of which are limited, and the prices high. Not to come to terms with his landlord means, for him, to leave his home, to leave his employment, to forfeit the inheritance of his fathers, and, to some extent, the investment of his toil, and to sink at once to a lower plane of physical comfort and social rank. It is no matter to him of the chaffer of the market, but almost of life and death. The farmer bargains with his landlord, under sentence of losing his living, if the bargain goes off.

> "You take my life, when you do take the means
> By which I live."

We grant that it would be inexpedient to interfere with freedom of contract between landlord and

tenant, if freedom of contract really existed; but freedom of contract in the case of the majority of Irish tenants, large and small, does not really exist. (21)

Referring to the absence in Ireland of other occupations than the cultivation of the land—and to the fact that the farmers cannot endure to leave behind them the results of their industry and outlay in the shape of "permanent improvements"—Lord Carlingford's Report says:—

Under these circumstances we believe that even *Car.* the larger farmers are sometimes constrained to submit to very onerous and discouraging conditions, increasing the rent unduly, or contracting them out of the Land Act, while the smaller tenant will endure almost anything, or promise to pay almost any rent demanded, in order to avert or postpone the loss of his holding and home. . . . Without referring to the present deplorable condition of many parts of Ireland, we are convinced that, in ordinary times, freedom of contract cannot be said in any real sense to exist between the majority of Irish occupying tenants and their landlords.* (21)

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* In fact, the tenure of land in England is a commercial speculation which, if it fails, will be abandoned. In Ireland it means primarily a home, and secondly, the only chance of employment; and, more than this, to leave the land means an entire loss of proprietary right.

Section IV.

As to the connection between the peculiarities of Irish Land Tenure and the demand for Legislation to protect the Tenants.

Mr. Kavanagh, in recommending an extension of some of the provisions of the Land Act of 1870, says:—

Kav. I believe it would confer upon the tenants that practical security to which the majority, from the peculiar circumstances of their positions, are fairly entitled. (57)

Rich. 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 is at any time liable to have his rent raised in consequence of the increased value that has been given to his holding by the expenditure of his own capital and labour, the desire for legislative interference to protect him from an arbitrary increase of rent does not seem unnatural. (8)

After referring to the absence of freedom of contract and other peculiarities of the Irish Land system, Lord Carlingford's Report says:—

Car. The general conclusion that we draw from the facts thus sketched is, that legislation is required

for the purpose of further improving the tenure of land in Ireland, in accordance with the special conditions of the case, with the moral and equitable relations of landlord and tenant there, so unlike those which prevail in England, and with the best usages to be found in the country.

We think, therefore, that some public authority may legitimately intervene between the parties for the purpose of settling, upon the appeal of either of them, the question of rent.* (21)

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* The following quotation from J. S. Mill ("Principles of Political Economy," Bk. II, cap. x.) may not be out of place in considering this question:—

"Rent paid by a capitalist who farms for profit, and not for bread, may safely be abandoned to competition; rent paid by labourers cannot, unless the labourers were in a state of civilization and improvement which labourers have nowhere [? in Ireland] yet reached, and cannot easily reach under such a tenure. Peasant rents ought never to be arbitrary, never at the discretion of the landlord; either by *custom* or *law*, it is imperatively necessary that they should be fixed; and when no mutually advantageous custom, such as the *métayer* system of Tuscany, has established itself, reason and experience recommend that they should be fixed by authority."

Section V.

As to whether Legislation to protect the Tenants is also demanded by facts.

In reply to a demand for legislation on the grounds stated in the last section, the following reasoning might fairly be advanced:—"Granted that, owing to absence of freedom of contract and other circumstances, the Irish farmer is at the mercy of his landlord, and has not the power to protect himself, is it necessary for the law to step in? Are not the landlords sufficiently generous and just not to take advantage of this powerlessness of the tenant? If they are, there is no need for the law to interfere."

Facts, of course, are necessary to answer such a question.

On the one hand, the following extracts go to show that such justice on the part of landlords is very common.

Bess. The credit is, indeed, due to Irish landlords as a class, of not exacting all that they were by law entitled to exact. But their forbearance has been the result, not merely of kindliness of disposition, but also of common honesty, which forbade them to appropriate the results of their tenants' labour in improving the soil. (4)

Kav. The weight of evidence has, in my opinion, undoubtedly proved that the properties of the majority of extensive landowners have been well and humanely managed—that on them the lands are let low and the rents rarely raised. (55)

It is only fair to add that the evidence which has been brought before us shows that there are very many estates which are well managed, and upon which the tenants have no just ground of complaint. (9) *Rich.*

We find that upon many, and especially the larger estates, the rents are moderate and seldom raised, and the improvements of the tenants respected. (20) *Car.*

On the other hand, there are many estates on which the very reverse of this is the case. But the Reports, and in particular the Duke of Richmond's, Lord Carlingford's, and Lord Bessborough's, declared that it is especially on the smaller estates, those acquired under the provisions of the Encumbered Estates Act (1848), that the tenants have suffered from excessive increase of rent.

The weight of evidence proves indeed that the larger estates are, in general, considerately managed; but that on some estates, and particularly on some recently acquired, rents have been raised, both before and since the Land Act, to an excessive degree, not only as compared with the value of the land, but even so as to absorb the profit of the tenant's own improvements. This process has gone far to destroy the tenant's legitimate interest in his holding. (7) *Bess.*

Immediately after the last extract from Lord Carlingford's Report the following appears :—

Car. But we are satisfied that a large proportion of the occupiers of land are very differently situated, living in fear of an increased demand of rent upon any signs of increased ability to pay, and sometimes subjected to rents which do not admit of hopeful industry, and make contentment impossible. This state of things is found in its worst form upon the smaller properties, and especially, though not exclusively, upon those which have come into the hands of new owners since the famine of 1846-7. (20)

We desire to repeat that upon very many estates the condition of things thus described is not to be found; but we must add that, even upon properties which are justly and liberally managed, the feeling that the tenants' security depends upon the character of the actual owner is very adverse to contentment or progress. (21)

The whole of Chapter II, which treats of the failure of the Land Act, must practically be read in connection with this section. The facts and statements which go to show that the Act has failed to protect the tenants, are the same which are required to show that further legislation for that purpose is necessary.*

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* Cf. J. S. Mill as to the advisability of leaving such power in the hands of the landlords. "The landlords might have justice or good sense enough not to avail themselves of the advantage which competition would give them; and different landlords would do so in different degrees. But it is never safe to expect that a class or body of men will act in opposition to their immediate pecuniary interest."

Section VI.

As to the poorer parts of Ireland for which it seems that no mere Land Legislation would be a sufficient remedy.

The condition of the poorer tenants in numerous parts of Ireland, where it is said they are not able, if they had their land gratis, to live by cultivating it, is, by some, thought to be an almost insoluble problem. (36) *Bess.*

There are parts of Ireland in which the condition of things is such that no alteration in the tenure of land or the amount of rent could really accomplish any lasting effect. There are portions of Ireland in which the land is so bad, and is so thickly populated, that the question of tenure and rent are mere trifles. If the present occupiers had the land for ever, and for nothing, they could not in the best of years live decently, and in bad years they must be in a state of starvation. The loss of a small pig or of one rood of potatoes would be a greater loss to one of these tenants than even the doubling of his rent, whilst the production and good sale of one firkin of butter would be worth more to many of them than the forgiveness of a whole year's rent. (51) *O'C.Don.*

To every one who has either heard or read the *Kav.*

evidence it must be apparent that there are circumstances existing in some parts of the country requiring both stringent and immediate remedies, which satisfying the popular cry for the "Three F's" would not touch. Evidence of the strongest nature was given during the inquiry of a condition of affairs existing in the West and other over-populated districts, which the establishment of fixity of tenure, even coupled with free sale, would in my opinion only perpetuate, without alleviating. (61)

Rich. With respect to the very small holders in the western districts of Ireland, we are satisfied that with the slightest failure of their crops they would be unable to exist upon the produce of their farms, even if they paid no rent. Many of them plant their potatoes, cut their turf, go to Great Britain to earn money, return home to dig their roots and to stack their fuel, and pass the winter, often without occupation, in most miserable hovels. (7)

Car. Among those causes, capable of removal or mitigation by legislative means, Lord Carlingford's Report gives the following:—

(1.) The extreme smallness of many of the agricultural holdings.

(2.) The overcrowding of population in districts of poor land, where the occupiers often depend for

a livelihood upon employment during a portion of the year in Great Britain, or in other parts of Ireland, the partial failure of which has, of late, reduced them to a condition which, without charitable efforts of a remarkable kind, would have been one of starvation. (20)

CHAPTER II.

The Land Act of 1870 *and its result.*

If further legislation is necessary, it may be advisable first of all briefly to examine what legislation has already been effected on the subject, and in particular the Land Act of 1870.

The result of the Encumbered Estates Act 1848 has already been briefly alluded to.

Bess. Then came the Act of 1860, whereby it was enacted that "the relation of landlord and tenant shall be deemed to be founded on the express or implied contract of the parties, and not upon tenure or service." This enactment has produced little or no effect. It may be said to have given utterance to the wishes of the Legislature that the traditional rights of tenants should cease to exist, rather than to have seriously affected the conditions of their existence.

The Act of 1870 constituted a reversal of this policy, and the establishment of a new order of ideas. For the first time it was decided in some measure to recognize the existing state of things. The attempt was abandoned to establish by law the commercial system of dealing with tenancies of agricultural land. In Ulster, where the tra-

ditional rights of tenants had attained the consistency of a custom generally recognized, that custom was now legalized, and became a part of the law. Where the Ulster custom did not exist, a legislative sanction was given to the pre-existing sentiment that a tenant ought not to be deprived of an interest, which, nevertheless, the statute did not in terms declare him to possess. But in all cases the only weapons given by the statute for vindicating the rights of the tenants were in the nature of compensations for the wrongful deprivation of his interest in his holding.* Thus the tenant unprotected by the Ulster custom became entitled, on quitting his holding, to compensation, subject to many restrictions, for his improvements;† to compensation, within limits, for money paid when he entered on his holding; and, more important still, to compensation subject to a scale for the mere fact of disturbance,‡ apart from any consideration of improvements made or of money paid on entering. The remedies given to a tenant under the Ulster Custom were similar in kind. The tenant who was served with a notice to quit to determine his tenancy was to make a claim on his landlord for the value of his tenant-right. (6-7)

With regard to facilities offered to tenants for the purchase of their holdings, it may be said that

* Vide Section 1 (*post*).
† Vide Section 3 (*post*).
‡ Vide Section 2 (*post*).

Bess. By the Church Disestablishment Act, 1869, the Church Temporalities Commissioners were directed, when disposing of the landed property of the Church, to give the occupying tenants the preference of purchase at a fair market value. They were empowered to assist tenants in the purchase by leaving three-fourths of the purchase-money on mortgage at 4 per cent., the whole debt, including principal and interest, being made repayable by equal half-yearly instalments spread over thirty-two years. (31)

And by the "Bright Clauses" of the Land Act of 1870 two methods were proposed to effect the same purpose of facilitating the acquisition by tenants of their holdings. The first was by giving inducements and facilities to landlords, whether limited owners or owners in fee, to agree with their tenants for the sale or purchase of their holdings through the medium of the Landed Estates Court. The Board of Works of Ireland was authorized to advance, by way of mortgage on the land thus sold to tenants, two-thirds of the price of the land, repayable by equal half-yearly instalments spread over a period of thirty-five years, at the rate of £5 for every £100 so advanced, a rate which makes the interest three and a half per cent.

The second of these methods was by directing the Landed Estates Court, in the course of the sale of landed property in the usual course in the Court, to afford, by the formation of lots for sale,

or otherwise, all reasonable facilities to occupying tenants desirous of purchasing their holdings, so far as should be consistent with the interests of the owners of the properties thus dealt with. The clause for advance of two-thirds of the purchase-money applied also to these sales. (32)

The next inquiry is, What has been the effect of the Land Act of 1870? Has it been a failure or has it been a success?

It appears from the evidence, says Lord Bessborough's Report, that the Land Act of 1870, notwithstanding its defects, has conferred advantages upon the tenant farmers of Ireland, especially in Ulster. (7) *Bess.*

Mr. Kavanagh, in almost the same words, says that it "has been shown that the Act has conferred considerable advantages upon the tenant farmers of Ireland." But he thinks especially upon those out of Ulster. (55) *Kav.*

It must be borne in mind, however, that the Landlord and Tenant (Ireland) Act, 1870, which was introduced by Your Majesty's Government of that day, with a view to amend the law relating to the occupation and ownership of land in Ireland, and to give the tenant a security in his holding such as he had not previously been legally entitled to, offers to tenant farmers and cottiers in Ireland, as compared with those in England and Scotland, exceptional privileges of occupation. (5) *Rich.*

Car. The provisions of the Act of 1870 for the protection of the tenant are important in their operation, and more important in their principles, while there is no reason to believe that they have been injurious to the interests of the landlord. (20)

But these statements, with the exception of the Duke of Richmond's, are qualified by other statements to show that the Act must on the whole be considered as a failure.

Bess. However useful as a temporary measure, at a transitional period, it appears to us that the Land Act contained in itself the seeds of failure, as a permanent settlement. As such, now that it has been fairly tried, it is impossible to resist the conclusion that it has failed to give satisfaction to either party.

Kav. Sufficient instances have been shown . . . to prove that even in these districts [*i.e.*, those out of Ulster] the Act has failed to be altogether effectual in preventing abuses. (55) And again :

My opinion on the most material point remains unchanged—that the Land Act, as it now stands, does not give sufficient security to the tenant, and that it is both just and expedient that this security should be increased. (57)

The following sections discuss the failure of the Land Act under various heads :—

Section I.

That it has given only indirect, and therefore insufficient, protection to the tenant's interests.

It must be remembered that, in nearly all cases of dispute between tenant and landlord, what the aggrieved tenant wants is, not to be compensated for the loss of his farm, but to be continued in its occupancy at a fair rent. This, as the law now stands, he cannot have; and in order to raise a question before the Court, he is forced to begin by a surrender of the only thing for which he really cares. The plaintiff in a land claim, if he fails to prove his case, is turned out without the compensation that he claimed; but if he proves it, he is turned out all the same. In a word, once the tenant comes into Court, all the law can give him is compensation in money. The very fact of his making a claim at all presupposes that he is to leave the land. (7) *Bess.*

The principle of the Land Act is, as we have stated, to increase the security of the tenant's interest in his holding by indirect means, while refusing him the direct protection which belongs to a proprietary right. (18)

Section II.

That the amount of compensation granted for disturbance and for loss of the tenant's proprietary-right is not sufficient.

Bess. We have further to report that the scale of limits imposed upon the amounts recoverable, outside the Ulster custom, for disturbance, has been found inadequate. It is in evidence that it has been found possible for a landlord to evict a tenant, to pay him the full amount that could be awarded by the Court, and to recoup himself, and put money in his pocket, by the incoming payment of a new tenant at the same rent. (12)

Robert Ferguson, Esq., Q.C., County Court Judge for the West Riding of the county of Cork, says:—

I think, with sufficient power to inflict a penal compensation where the case was unjust, I could have prevented every unjust eviction; but my powers were shorthanded altogether. . . . One case is worthy of note. The landlord deliberately brought two evictions of a very distressing character, with a full knowledge that I would give every penny of compensation I could give, but with the perfect knowledge also that he could get, on the same estate, a larger sum for the tenancy than anything I could give.

The Rev. Charles Davis, P.P., co. Cork, mentions a case:—

The County Court Judge pronounced the tenant to have been capriciously evicted, and gave him the full compensation allowed by the Act of Parliament—namely, £90; but the landlord got the man who succeeded him to double the rent and give £210 fine.

Arthur Hamill, Esq., Q.C., County Court Judge for Sligo, gave evidence to the same effect.

It has also appeared that landlords have ejected tenants holding under the Ulster custom, have paid them the amount awarded for their tenant-right, and have relet the lands at a profit. (13) *Bess.*

Thus, Mr. John Wallace, of co. Antrim, says :—

Mr. Biggar's father purchased a portion, and he and Mr. Raphael made the greatest rise in the rents. The first thing he did was : there was a widow who said it was impossible to pay the rent he had put on. He gave her notice of ejectment. Q. Mr. SHAW—What was the result of it?—She obtained £400 on a farm of forty acres. Q. And she was put out?—She was. The O'CONOR DON—What did he do with the land?—He got a person to take it at the £400, and raised the rent ; and it is now £2. 10*s* an acre, I think.

Mr. Kavanagh also notices the complaints made against the limits to compensation, and is "quite prepared to recommend some substantial extension of the power of the County Court Judges." (57) *Kav.*

SECTION III.

That the amount of compensation granted for improvements is not sufficient.

The restrictions which the Act imposes on compensation for improvements have prevented the tenants outside the Ulster tenant-right from receiving a fair equivalent for the results of their industry. *Bess.*

These restrictions bar compensation for improvements other than permanent buildings and reclamation of waste lands, if made before the passing of the Act and twenty years before the claim for compensation.

The Report then enumerates many other of the restrictions to which Commissioners object, and continues:—

In the result, the Land Act seems at its first passing to have stimulated tenants, especially in Ulster, to improve, while landlords' improvements were checked by it. In proportion, however, as its defects became apparent the returning sense of insecurity has checked tenants' improvements. (13)

Thus Mr. Robert Fergusson says:—

As to the question of improvements the Act is more perfect, but still defective. I consider the exceptions are too numerous. I think the briefer legislation is upon such subjects the better. I do not see why the judge should be deprived of the power of giving compensation in a case requiring it in point of justice. I think the limitations and exceptions are too numerous and without sufficient cause.

Professor Baldwin, of Glasnevin Model Farm, says:—

After the first year of the Land Act there was a far greater amount of work done by the tenant than had been done in the preceding six years. But the people were made to expect—they did not understand the Land Act—in a general way they got the opinion it was a good thing, and they had security; but when a number of cases came up to be tested in the Courts, the amounts awarded in compensation for improvements fell so immensely short of the expectations of the people that it practically killed all improvements, and there has been little done since.

Q. The O'Conor Don.—Do you think the Court awarded less than the improvements?—I do. Q. Have any cases of that kind

come under your notice?—Yes; and it appears to me that Act almost left very little option to the County Court Judge. (14)

It would appear that the larger tenants, to whose case the "Disturbance" section of the Act scarcely applies, are dissatisfied with the amount and method of protection afforded to them in respect of their improvements, while in some cases landlords have been rendered by this legislation less indulgent and less liberal than before. (20) *Car.*

Section IV.

That in case of ejectment for non-payment of rent the tenant loses all his interest.

Section IX provides that ejectment for non-payment of rent is not to be considered as "disturbance" under Section III, except in case of tenancies under £15 rental, when the Court says that such non-payment has arisen from the rent being "exorbitant."

In the case of a holding not exceeding £15 rental, ejectment for non-payment of rent may be declared a disturbance where the non-payment is found to have been due to the rent having been "exorbitant." This provision has been almost inoperative, and for the most part unnoticed. The use in it of the word "exorbitant" has contributed to this result. (10) *Bess.*

It appears to us that, with respect to existing *Car.*

tenancies only, or rather existing rents, the word "unreasonable" should be substituted for "exorbitant" in the 9th section, as it originally stood in the Bill, and that this provision should be extended to holdings within some limit above that of £15 valuation. (24)

This was of course the point in dispute last summer with regard to the Compensation for Disturbances Bill, viz., whether the tenant on eviction for nonpayment of rent was to lose *all* his interest, which the Act of 1870 had recognized, or only such part of it as was necessary to make up the arrears of rent.

Section V.

That it gives no regular jurisdiction over questions of rent.

Bess. It appears from the evidence that the Land Act of 1870 has failed to afford the tenant farmers of Ireland adequate security, particularly in protecting them against occasional and unreasonable increases of rent. (7)

It gives no regular jurisdiction over questions of rent. When rent is raised, although the rise may eat into the value of the tenant-right, although it may deprive the tenant of the benefit of his own improvements, although it may make it difficult for him to get a living on the farm, he must, as a rule, submit. (9)

And then follows an explanation of how the remedy in the Land Act against *excessive rents* is indirect and therefore insufficient, as in Section I it was shown to be in protecting the tenant against the loss of his interest by eviction.

Mr. Joseph Alexander, co. Londonderry, says :—

The Land Act of 1870 affords no protection to the tenant farmer for his improvements, nor as regards rent. Q. You mean it gives no protection against increase of rent?—None. It gives no protection against increase of rent for improvements. Q. Improvements made by the tenant?—Made exclusively by the tenant. (8)

William Rochfort, Esq., co. Carlow, says :—

The Land Act, in my opinion, failed in protecting small holders from liability to pay exacting rents. I do not think it affords adequate protection in cases in which the landlord wishes to raise the rent, more especially on the tenants' improvements. (9)

Kav. The weight of evidence has shown that the Land Act of 1870 has not been altogether successful in affording the tenant farmers such adequate security as was expected, particularly in protecting them in all cases against occasional and unreasonable increases of rents.

Evidence has been given that on several properties rents have been unduly raised to what has been described, in some instances, as an exorbitant extent, not only upon the value of the lands themselves, but upon the improvements effected by the tenants on them.

After saying that some complaints of raising rents

have been simply childish, and others bearing upon their face their own refutation, Mr. Kavanagh continues:—

Kav. The weight of evidence has, however, proved that the question of rent is at the bottom of every other, and is really, whether in the north or south, the gist of the grievances which have caused much of the present dissatisfaction. I think that the evidence suggests the conclusion that the Land Act, as now in force, does not afford sufficient protection to the tenants against the unjust exercise of the power to raise rents in unscrupulous hands. (55)

Rich. "Arbitrary increase of rents" is, according to the Duke of Richmond's Report, one of the abuses which have resulted from excessive competition for land in Ireland. (7)

Car. But the point at which the Act has evidently been most severely strained, and in our judgment has chiefly failed, is that of the undue and unreasonable raising of rent. (20)

The power unreasonably to increase rents remaining, as it is, almost unrestrained, leads to serious results.

Section VI shows some of the evils which arise from its exercise, while in Section VII will be seen almost greater evils which arise from its mere existence, even if it be rarely called into play.

Section VI.

That "tenant-right" is often entirely destroyed by unreasonable increase of rent, especially at a change of tenancy.

This process [*i.e.*, raising rents to an excessive degree] has gone far to destroy the tenant's legitimate interest in his holding. In Ulster, in some cases, it has almost "eaten up" the tenant-right. (7) *Bess.*

On estates subject to the Ulster custom an easy way has been found to render the Act in this respect entirely inoperative, by selecting the time when the tenant-right was in the market for announcing increases of rent. (10)

Mr. Shillington, Chairman of the Armagh Tenant Farmers' Association, says :—

Q. You think the effect of raising rents in the north has been more or less to interfere with tenant-right?—The effect has been to reduce the value of the tenant-right, and it has interfered with the comfort and contentment of the farmers, and made them discontented, and producing a great deal of agitation and discontent with the existing state of things.

Q. Am I right in thinking that it would be possible, by increasing the rent on every farm in that way, to do away with tenant-right altogether?—Quite so. It is a question of time whether the Ulster tenant-right, on many estates, will not disappear altogether, under the existing law. The facts of the past ten years prove that it is merely a question of time. (8)

Evidence as to raising rent on change of tenancy.

Mr. S. M'Elroy says :—

Very much evil has arisen with regard to the raising of rents at the change of tenancies. . . . The same principle holds good

over the greater number of properties in the north of Ireland, and creates a great deal of bad feeling.

Major James Hamilton, co. Donegal, says :—

Q. But what they complain of is the introduction of the custom of a rise of rent on the change of tenancy?—That I understand has been the custom here about Donegal. I was going to try that at one time, but I had to drop it. (11)

Kav. In the north and those districts where tenant-right usages prevail, this raising of rent has been stated, in several cases, to have almost destroyed the value of the tenant-right, and I believe a careful study of the evidence will show that one of the effects of the Act of 1870, has been on the whole more prejudicial than beneficial to the tenants on several of the properties subject to these usages in this particular respect. (55)

Car. Lord Carlingford's Report does not allude directly to this flaw in the Land Act, but shows the possibility of its existence by saying, that unless it were for certain provisions, which it recommends, "the rack-renting landlord would escape the penalty which the law intends to be a check upon capricious eviction, having by his own act in imposing an excessive rent upon the tenant destroyed or impaired the saleable value of his interest." (22)

Section VII.

That owing to the powers of the landlords being so slightly controlled, there prevails almost universally a fear both of rent-raising and eviction, and a general sense of insecurity, which discourages improvements and is highly prejudicial to agriculture.

The feeling of insecurity has operated to check the process of improvement of the soil. (13) *Bess.*

The extent and mischief of this feeling of insecurity are not to be measured by the number of cases of rent-raising which have been brought into court, nor even by the number of cases where the rent has actually been unduly increased, or of estates on which the owner has been thought to have unduly raised the rent of one or more of his tenants. The feeling is contagious, and has spread far and wide. Even a single case, very likely misapprehended, in which a landlord, of previously good reputation in this respect, is thought to have acted unfairly by a tenant, may largely affect the condition and the good feeling of an entire neighbourhood. (7-8)

The question of rent thus raised appears to us to underlie every other. But, apart from increases of rent, it has been shown by the evidence that the insecurity of the present system of tenure, though diminished by the Land Act,

still operates, as it has formerly operated, to cause discontent. (12)

Mr. Shillington, Chairman of the Armagh Tenant Farmers' Association, says :—

Q. Has the raising of rents affected the sense of security the tenants feel for their interest in the land?—Very greatly. It has produced a very general uneasiness and sense of insecurity—the gradual raising of rents. (8)

Professor Baldwin, of Glasnevin Model Farm, says :—

I find the action of one unwise or bad landlord brings disfavour on the whole class in the county or province, and drives actually terror into the minds of the people for miles and miles. Q. The feeling of the tenants is what has happened in one place may happen in others?—That is what is in their minds. (9)

After speaking of rents having been unduly raised (*v.* Sect. V), Mr. Kavanagh continues :—

Kav. And it is contended that in districts where such cases of injustice have occurred, the feeling of fear and apprehension has spread, even among those not likely to be affected by them. (55)

Rich. Great stress has been laid upon the want of security felt by an improving tenant, which, it is alleged, limits not only the number of persons employed in agriculture, but also the quantity of food produced for the benefit of the general community. (8)

Among those causes of agricultural distress capable of

removal or mitigation by legislative means, Lord Carlingford's Report gives :—

The general feebleness of industry and backwardness of agriculture, produced largely, as we see reason to believe, by a sense of insecurity which, notwithstanding the effects of the legislation of 1870, still prevails among the occupiers of land in Ireland, tending to paralyse energy, to hinder improvement, and to produce, too often, feelings of dangerous discontent. *Car.*

This sense of insecurity appears to be produced, to some extent, by the fear of capricious eviction, which has been only partially checked by the Land Act, and, more generally, by the fear of an increase of rent, demanded, of course, as the condition of remaining in the holding. (20)

And again, speaking of undue and unreasonable raising of rent (*v.* Sect. V), continues :—

Cases of this kind affect the feelings and motives of countless occupiers beyond the sufferers themselves, and form the main vice of the relations of landlord and tenant in Ireland, for which legislation has not yet found a sufficient remedy. (21) *Car.*

We have had strong evidence, both from our Assistant Commissioners, Professor Baldwin and Major Robertson, and from private witnesses, that the practice of raising the rents at short and uncertain intervals prevails to an extent fully sufficient

to shake the confidence of the tenants, and to deter them from applying due industry and outlay to the improvement of their farms. (20)

Section VIII.

That the "Bright Clauses" of the Act have failed to increase in any perceptible degree the number of Peasant Proprietors.

It might be well, first of all, briefly to notice the success of the similar clauses in the Church Disestablishment Act of 1869 (*v.* Introduction to this chapter), as given in Lord Bessborough's Report:—

Bess. Of the 8432 holdings of which the Church property consisted, 6057 have been sold to tenants for £1,674,841, an average of £276. 10*s* each.

It appears that the new purchasers have paid the interest and instalments of capital with commendable regularity. Out of the whole number of 6057 only 388 were in arrear, according to the last returns available, to an aggregate amount of £5914, and it is not expected that any portion will eventually be lost. When this state of things is compared with that of the arrears now outstanding on most of the estates occupied by small holders, it will be seen that the "experiment" has successfully stood a test of more than usual severity.

It is not denied that a portion of the tenant purchasers have assigned their right, for the most part as security for the balance of the purchase-money, to others; or that several of the original purchasers have succumbed to the pressure of recent bad harvests, and have parted with their holdings, as well as with their proprietary right. The fact remains that these transactions have led to no breaches of the law, and produced no concerted refusal to pay what the purchasers, from old habit, still call "the rent." Some are in distress, but owing to recent bad seasons rather than to their having purchased.

The success of this experiment is attributable, first, to the care that was taken to make the process easy to an illiterate man, and the comparatively low cost at which the legal part of the business was done for him: secondly, to the advantageous terms on which the purchase could be made, including not merely the advance of three-fourth of the purchase-money, but also the absence of stipulations binding down the purchaser to any conditions except those of abstaining from subdivision and of paying regularly an annual sum not exceeding the amount of his original rent. (31-2)

But of the two methods for facilitating the acquisition by tenants of their holdings proposed by the Act of 1870 (*v.* Introduction to this chapter, p. 18), the Report says that the first has totally failed of effect, and that though some sales have been effected under the second, and the pur-

chasers are well satisfied with their bargains, it must be pronounced a failure too. The chief reasons of the failure being (1) a total absence of any direct means of bringing home to the tenants a knowledge of their rights, such as existed with the Church lands; (2) the fact that the authorities of the Landed Estates Court did not give sufficient facilities for sales to tenants by arranging lots and otherwise; (3) the heavy law expenses, and (4) the conditions and limitations imposed upon the purchasers.

The Commissioners also express a general concurrence in the Report presented to the Committee of the House of Commons of 1877-78, and an extract from that Report is appended.

It must be borne in mind that it is the "purchase clauses" in the Land Act that have failed to create a large number of peasant proprietors, not that the experiment itself of a peasant proprietary has been a failure. About this there has been some difference of opinion, but the weight of evidence seems to show that the experiment, so far as it has been tried, has been a success. Lord Bessborough's Report on this subject has already been given. The O'Conor Don says:—

O'C.Don. The experiment, so far as it has been tried in Ireland, has, I think, been a great success. Evidence was given to us, showing that the vast majority of the owners created under the Church Act and the Land Act have been prospering, and are contented; and the year which we have lately passed is one which must have severely tried the system. On all sides tenants, holding at the most moderate rents, were receiving abatements, arrears were growing apace, and rent-paying in many

cases had altogether ceased; yet no abatements were made to these purchasers, and the remarkable fact remains, that out of a rental, largely paid by very small occupiers, only 10 per cent. of arrears appeared to be due to the Church Commissioners at the end of the year 1879, and the whole of this they expected to recover. In some individual cases the purchasers have failed, some have sold their purchases, others are in debt, and will have to sell. This was to have been expected; but these cases are the rare exceptions, and that they should be so few after such trying times, and that those few should leave their holdings quietly when they found themselves unable to retain them, are the strongest arguments in favour of the system. (45-6)

Mr. Kavanagh says that the evidence on this subject has been conflicting, but concludes :—

Varied however as the opinions have been upon the subject, the weight of evidence has most unmistakably gone in favour of, subject to certain safeguards and limitations, what may be termed a gradual scheme for the establishment of tenant proprietors in suitable localities throughout the country. (62) *Kav.*

CHAPTER III.

Proposals for Legislation.*

Lord Bessborough's Report does not consider that a mere extension of the Act of 1870 will be sufficient, and says:—

Bess. The principle we adopt as a guide for legislation is that partially embodied in the Land Act, of giving legal recognition to the existing state of things. (19)

A chasm exists, between the law and the facts, which has to be filled up somehow. In order to fill it, either the realities of society as we find them, which have existed for centuries, must at last be moved from their foundations, or the law must be altered. (21)

Kav. Mr. Kavanagh, on the other hand, is in favour of legislating by an extension of the Land Act. (57)

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* As already stated, this chapter deals only with the general conclusions arrived at by the different Reports concerning proposals for legislation, and does not enter into details.

Section I.

Concerning Fixity of Tenure.

We think the farmer should no longer be liable at law to the displacement of his interest in his holding ,either directly by ejectment, or indirectly by the raising of his rent, at the discretion of the landlord. (19) *Bess.*

The Report then proposes what it calls "a new kind of statutory tenure," *i.e.*, fixity of tenure subject to certain important conditions and limitations, such as the payment of rent, not to waste, dilapidate or unreasonably subdivide. The Land Court to decide disputed points. It adds that though this change would be some interference with private right, it would be sentimental rather than pecuniary, and that in any case "it would be a far greater interference with the existing state of things to carry out in practice the theory of the existing law."

Lord Carlingford's Report and Mr. Shaw's practically make the same propositions. *Car. Shaw.*

To give fixity of tenure by law, although a very considerable and arbitrary interference with landlords' rights, would not, it is true, involve any great practical change as regards the majority of large landowners. (56) *Kav.*

But Mr. Kavanagh, after considering all the circumstances, is not prepared to recommend the general extension of fixity of tenure. (57)

Section II.

Concerning Fair Rent.

Bess. Fixity of tenure, without fair rent, is an absurdity. It would be nugatory to secure to the tenant a proprietary right, of which the value depended on the will of another. (21)

O'C.Don. The O'Conor Don, though on the whole adverse to fair rent, chiefly on the ground of the difficulty of determining it, admits that "fixity of tenure would be an absurdity without some control over rent-raising." (39)

Shaw. Car. The Reports of Mr. Shaw and Lord Carlingford also propose that when a dispute arises between landlord and tenant with regard to rent, it should be settled by arbitration or some public authority.

Though almost apologizing for the proposal, Mr. Kavanagh says :—

Kav. Having regard to the mischief which the unjust exercise of the power [of rent raising] has occasioned, I can come to no other conclusion than that in any proposed alteration of present rents, when the two parties cannot agree, the question should be left to arbitration, with final reference to a Land Court. (56)

Vide the extract from the Duke of Richmond's Report *supra* p. 8, which seems to imply approval of "fair rent."

Most of the Reports discuss at length as to how and upon what principles a fair rent is to be determined, but it would be impossible to enter into the question here.

Section III.

Concerning Free Sale.

Lord Bessborough's Report proposes that the tenant upon whom fixity of tenure at a fair rent has been conferred should be at liberty to sell that interest in his holding, which the law will thus at last have recognized. It considers the great advantages of free sale would be (1) that the proceeds of sale would always afford a resource to landlords for the recovery of arrears of rent; and (2) that it will tend to lessen the pressure of population on the land, for the farmer will be more ready to go when he can sell his property in the land instead of leaving it behind him. There must, of course, be certain restrictions upon free sale, and the same Report proposes (1) that the landlord shall have a veto on the purchaser upon "reasonable grounds;" (2) that the purchaser should, in every case, become himself the actual tenant of the farm; (3) that the landlord should have a right of pre-emption. *Bess.*

Lord Carlingford's Report is in favour of free sale, but with perhaps greater reservations in particular cases. *Car.*

Mr. Shaw naturally supports it. *Shaw.*

Mr. Kavanagh would be willing to extend free sale to his own property, and would be glad to see its application made general if it could be justly done. On properties *Kav.*

where the English system (*i.e.*, as to improvements, &c.) exists, to give free sale would, he says, be confiscation, and he thinks that in very many other cases it could not be allowed without giving compensation to the landlord.

Section IV.

Concerning the three F's generally, and other proposals for legislation.

Lord Bessborough's Report gives some interesting evidence to show that a very general desire exists both among landlords and tenants for legislation of the nature proposed in the Report,—that the tenants do not desire the expropriation of landlords or the confiscation of property, but that they do desire to cultivate their farms in security. (15)

Upon the general question of the three F's, it may be said that the O'Conor Don advances very important objections to their enforced introduction, though he would be glad to see amicable arrangements come to between landlords and tenants, by which something similar to them might be voluntarily introduced. He proposes that in no case should landowners be compelled to submit to anything in the nature of the three F's without having the offer of purchase by the State of their property. Mr. Kavanagh makes a similar proposal.

The following is all that the Duke of Richmond's Report says upon the subject :—*

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* Except perhaps extract on p. 8 already referred to.

"With a view of affording security, 'fair rents,' 'fixity of tenure,' and 'free sale' have been strongly advocated by many witnesses, none have been able to support these propositions in their integrity without admitting consequences that would, in our opinion, involve an injustice to the landlord." (8)

Professor Bonamy Price adds a memorandum in which he strongly attacks the three F's, and especially fair rent, as being a direct violation of the fundamental principle of all soundly constituted industry,—freedom of contract. He concludes:—

"The three F's ought to be condemned as false in principle, both socially and economically, as calculated to perpetuate the peculiar evils from which Ireland is suffering, and to arrest that increase of production from which alone she can hope to advance towards prosperity."* (11)

Peasant Proprietors.

As to further encouraging the growth of peasant proprietors, it may shortly be said that all the Reports are strongly in favour of legislation in this direction, with the exception of the Duke of Richmond's, which does not touch upon the subject. The O'Conor Don and Mr. Kavanagh, however, press this reform more urgently than do the other Commissioners.

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* As Mr. Price bases his objections to the three F's in the main upon Political Economy, it is fair to remark that many of the ablest political economists have been strongly in favour of special land legislation for Ireland in that direction, as well as in others, and among them the late J. S. Mill, J. E. Cairnes, and W. T. Thornton, and the present Postmaster-General.

Emigration and Migration.

The two proposals made to meet the evils mentioned in Chap. I, Sect. VI, are emigration, and migration to other lands in Ireland, coupled with State-aided reclamation. The Duke of Richmond's Report, Lord Carlingford's, and Mr. Kavanagh's are in favour of State-aided emigration. Lord Bessborough's is opposed to it. The O'Conor Don and Mr. Shaw give the proposal only a qualified support; but they think it may be advisable to give assistance when families are determined to emigrate.

State-aided reclamation is disapproved of by Lord Bessborough's Report. It is supported by Mr. Shaw, and to some extent by Lord Carlingford's Report, while the three remaining Reports are not prepared to endorse the scheme.

CHAPTER VI.

Summary.

The conclusions to which the foregoing extracts lead are briefly these :—

The Irish occupying tenant has a certain interest in his holding, however undefined that interest may be. Until the Land Act of 1870 it was not recognized by law; since then it has been only partially and not sufficiently recognized. On this point, therefore, legislation is necessary, in order that by valuing and determining that interest the law may more fully correspond with the facts.

Again, owing to the absence of freedom of contract and other causes, it is evident that the majority of Irish tenants have not sufficient security—that is, they have not sufficient security on the one hand against being evicted, and on the other against their rents being unduly raised.

But even where this sense of insecurity is greatly exaggerated, and facts do not justify it, its existence cannot be doubted, and the evil effects of its existence are evident.

To neglect this prevailing feeling, even if it be to a

large extent the result of imagination, would be unwise. As J. S. Mill says:—

"It is very shallow, even in pure economics, to take no account of the influence of imagination."

Again, therefore, legislation is demanded to remove this sense of insecurity, both when it is justified by facts and when it is not.

Chapter I, Section VI, will have shown that there are parts of Ireland so poor, and so crowded, that no ordinary land reform will meet their case, but that special legislation is necessary.

With regard to legislation that has already been effected on this subject, the Land Act of 1870 has clearly been shown to be a failure.* In some respects it has proved beneficial, but all the Reports which discuss the Act agree in pronouncing that it has failed to obtain its object, and that further legislation is therefore required.

But as to what that legislation is to be, there is of course some difference of opinion.

Lord Bessborough's and Lord Carlingford's Reports declare in favour of the three F's, subject to certain conditions and limitations. With this view Mr. Shaw also agrees.

Though the O'Conor Don commences with a powerful

---

* Or as Mr. Gladstone has lately termed it,—"an incomplete success."

attack upon the three F's, he appears gradually to slip back into approval of a modified form of them. For instance, he says, that to every tenant of an agricultural holding, with certain exceptions, he would give the right to demand the fixity of tenure and fair rents suggested in the Report; but he would allow the landlord to refuse this demand on the condition of at once selling to the State. (44)

And again, towards the close of his Report, he says: "To recapitulate, then. The scheme which seems to me most likely to meet the present wants of the country is one, first, securing occupying owners on a large scale throughout every part of the country; secondly, securing a certain class of tenants fixity of tenure at low rents, with the right of free sale; thirdly, simplifying as far as possible the dealings in connexion with the transfer of land." (49)

This can hardly be said to be a complete rejection of the three F's.

Mr. Kavanagh again is not altogether unkindly disposed towards granting this reform. He pronounces in favour of fair rents. The general extension of fixity of tenure he is not prepared to recommend, not so much because it would be unjust, but rather because it would be unpleasant to the landlords. He is not altogether opposed to free sale, but says, that on many properties, and particularly where it has not existed previously, justice would demand that, if it were conceded, the landlords should be compensated. What the Duke of Richmond's Report says upon the subject has been given in Section IV. Though it certainly is not an opinion in favour of the three F's, it can hardly be considered as a weighty verdict against them.

The question of the encouragement of the growth of peasant proprietors has been attended with a far greater unanimity of opinion than that of the three F's. The Duke of Richmond's Report does not touch upon the subject at all, but all the other Reports are in favour of this reform. They differ of course as to the mode by which it is to be effected, and as to the degree of importance which is to be attached to it, and consequently as to the energy with which the reform is to be prosecuted. There is, for instance, a considerable difference in degree between the Bright Clauses of the Land Act and the proposals of Mr. Parnell.

Thus Lord Bessborough's Report distinctly places the three F's before the "purchase clauses" in the coming land reform, whereas The O'Conor Don as distinctly states that the question of occupying ownership should be placed in the first rank, and compulsory fixity of tenure in the second.

Lord Carlingford's Report deals with the three F's and kindred subjects far more largely than with peasant proprietors, and perhaps we may assume that it considers the first reform of more importance.

Mr. Shaw does not expressly state his opinion on this point, but probably presses both reforms equally.

Mr. Kavanagh cannot be said to be in favour of the three F's in their entirety. He is strongly in favour of creating peasant proprietors.

The great advantage of the latter reform, as Mr. Kavanagh points out, is that it is free from that arbitrary interference with the rights of property which the other proposals involve. (64)

The respective rights of landlord and tenant are always uncertain; they are far more uncertain, ill-defined, and

complicated in Ireland than elsewhere. The introduction of the three F's will perpetuate these complications; the establishment of peasant proprietors will entirely remove them.

But there is this to be said in favour of the introduction of the three F's, as compared with the creation of peasant proprietors. The former might almost be effected by a stroke of the pen, except so far as concerns the adjustment of those rents which are at present considered unfair, whereas the latter reform must necessarily be a work of time under any system, except that of wholesale expropriation of landlords, which of course is not for a moment to be thought of.

It is therefore quite possible that many would place the three F's in the front rank of land reform, even though they considered that a gradual growth of peasant proprietors would in the end prove a more satisfactory and more permanent method of settling the questions.

The two reforms are indeed very far from being incompatible with each other; they will work side by side, and the former might fill up a gap until the latter has become more extended.

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CONFESSIONS AND ROMISH TENDENCIES REVIEWED.

AMIDST the whirl and confusion produced by Mr. Gladstone's sudden change of front, in order to assail the Church in Ireland, as a prelude to the complete separation between Church and State, two conclusions must have forced themselves upon the minds of all impartial and reflective observers of events; the first being, that had the case for the destruction of the Church in Ireland been capable of proof by legitimate means and in the ordinary manner, its advocates would not have had recourse to the grossest misstatements and the most flagrant violations of truth,[a] in order to create unfounded prejudices against one of the most noble institutions in the land. The second point which can hardly fail to attract attention is, that the attempt made by Liberal legislators to show that this is a long-standing grievance demanding instant redress, forms the strongest conceivable censure that could be passed upon their own conduct. For nearly twenty years they have enjoyed an almost uninterrupted tenure of office, and it is only when they find themselves in Opposition that they suddenly discover the anomaly that

[a] Probably in the history of controversy no parallel could be found to the deliberate attempts made to mislead the public by the Rev. W. Mazière Brady, D.D., Vicar of Donoghpatrick and Rector of Kilberry, who eats the bread of that Church which he reviles and seeks to destroy; by Mr. Herbert S. Skeats, the agent of the Liberation Society; and by the Rev. Dr. A. Morton Brown, Minister of the Congregational Church at Cheltenham, who has exhibited to the world the extraordinary spectacle of a minister of religion resorting to one subterfuge after another in order to persuade the public that he meant something quite opposite to that which he said before a large and an excited audience at Cheltenham. Should any of our readers be anxious to ascertain the actual extent of the deceptions attempted by the aforementioned assailants of the Church in Ireland, they will find a complete exposure of the Rev. W. Mazière Brady's ignorance and vindictiveness in "St. Patrick's Successors: Who are They? A Review reprinted with Corrections from the 'Record,' March 6 and 13, 1868"; in "The Unity of the Anglican Church and the Succession of Irish Bishops," by Edward A. Stopford, Archdeacon of Meath; in a letter from Lord C. J. Hamilton, M.P., published in the "Times;" and in Lord Oranmore's admirable letter published in the same journal, Oct. 26, 1868. Mr. Herbert S. Skeats is ably dealt with in "Fallacies and Fictions relating to the Irish Church Establishment Exposed," by A. E. Gayer, Esq., Q.C., LL.D., of which nine editions have already appeared; while the fictions concocted by the Rev. Dr. A. Morton Brown, Minister of the Congregational Church at Cheltenham, and the wretched prevarications under which he has endeavoured to shelter himself, are fully exposed in the columns of many metropolitan and provincial journals in the month of October.

stares them in the face shewing how negligent they have been. In the debate on the Church Establishment (Ireland) in the House of Commons, March 28, 1865, Mr. Gladstone declared :—

"My belief is that as far as abuses, in the common sense of the word, are concerned—that is, those which depend on the conduct of the bishops and clergy, and which are remediable by the wisdom and energy of the clerical body, or the purity of life of its lay members—it is my belief that the Irish Church is perfectly free from such abuses. We must all accord to that Church this praise; that her clergy are a body of zealous and devoted ministers, who give themselves to the high purposes of their sacerdotal functions in a degree not inferior to those of any Christian Church." *

And he expressed himself in the same terms during the discussions on his spoliation scheme in the last session of Parliament. This extraordinary confession is equivalent to saying, "In bygone times the system by which the Church in Ireland was administered, contained many glaring defects, and gave rise to numerous abuses, the greater portion of which no longer exist. The Church has been reformed, her clergy devote themselves earnestly to the great work they have in hand, and therefore the moment has arrived for laying the axe at the roots of this noble institution."

To the motley and ill-assorted band of men who, in order to stir up animosity against a Church which it is their bounden duty, if they value truth and respect justice, to defend, and who have recourse to giving garbled extracts, one of the worst kinds of misrepresentation, Mr. Gladstone's name must now be added. In his speech to his constituents at Southport, Oct. 22, 1868, he said :—

"I have spoken of the Irish Church, and there are certainly some strong declarations which have been made by eminent men—among others by the present Archbishop of Dublin—against the removal of the Irish national Establishment of religion. His language is very strong. His arguments from astronomy are particularly pointed, and altogether his conclusions are of a somewhat appalling character. Now, I want to quote the dead Archbishop of Dublin against the living Archbishop of Dublin. There was a very fine story of a man who was once famous—the great Duke of Ormond, whose son was dead, and said that he preferred his dead son to any living son on earth, and in this way I will match the dead Archbishop against the living one. Archbishop Whately, a man whose name was highly respected, did not admit that in the sense of political economy the Irish Church was a burden. I think he was wrong. But, however, that makes his declaration the more remarkable, and this is his declaration taken from his life, published by his daughter :—'The establishment of a Protestant Church in Ireland should be viewed, though no burden, yet as a grievance as being an insult.'"

Had any member of the audience risen when this statement was made and challenged Mr. Gladstone to quote the whole of the

* "Hansard," Third Series, Vol. clxxviii., col. 420.

sentence written by Dr. Whately, great indignation would have been expressed. Yet Mr. Gladstone stands convicted of having suppressed a portion of the sentence and thus grossly misrepresented the late Archbishop of Dublin, in order to elicit a cheer from a packed audience. On referring to the book we find that Dr. Whately wrote—

"The establishment of a Protestant Church in Ireland, which by many thoughtless Liberals and designing demagogues is spoken of as a burden to the Irish nation, and which the ultra-Protestants speak of as nothing to be at all complained of by the mass of the people, should be viewed, though no burden, yet as a grievance, as being an insult."—*Life and Correspondence, Vol. ii., Appendix, Table Talk viii., On the Protestant Church in Ireland.* p. 458.

It would scarcely have suited Mr. Gladstone's purpose to have called the attention of his auditors to "many thoughtless Liberals and designing demagogues," so he omitted the pith of the sentence and represented Dr. Whately as an earnest supporter of his own policy. In adducing Dr. Whately as an authority in his favour, Mr. Gladstone committed a very grave error, for his witness bears strong testimony against himself. Dr. Whately, in the same work which Mr. Gladstone quoted, remarks :—

"What they can see in ———[c] I cannot think. His mind is full of 'culde-sacs.' He takes up a principle, and defends it plausibly, and follows it up to some absurd conclusion, and then scrambles away one can't tell how. You follow a good, well-made road, for a certain distance, and then find yourself in the midst of a thicket, or on the brink of a precipice. And he seems quite unaware of this."—*Life and Correspondence*, Vol. II., pp. 92—3.

This was written in 1846, when Dr. Whately was in his fifty-ninth year, and therefore it is evident Mr. Gladstone has summoned an unfortunate witness for character.

The above is a specimen of the kind of misrepresentation practised by Mr. Gladstone, who, with an air of injured innocence, said on this very subject at a Meeting held only a few days before (Oct. 12, 1868) at Warrington :—

"That, I think, is a proceeding which I certainly hope never to be guilty of, and I trust that no man in this room, however warm his feelings of partisanship may be, ever will allow himself so grossly to violate the rules of fairness and decency."

His mode of dealing with Dr. Whately may be dismissed in the words used by him on the same occasion, as

"One of those instances which we may charitably construe as gross ignorance, and if we do not we must construe it as nothing less than downright falsehood."

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[c] In the index of the work this opinion is referred to as "Gladstone; Archbishop Whately's opinion of him." There can be no mistake as to whom Dr. Whately alludes.

From the horns of this dilemma it is impossible for him to escape, and once more he is caught in the snare which he laid for others.

During his election tour Mr. Gladstone made repeated and desperate efforts to persuade his auditors that Mr. Disraeli and his colleagues will some day or other assail the Church in Ireland. The reply to this charge is simple. It will be time enough to deal with this matter when the intention is avowed, and the attack has been commenced. At this moment, Ministers have expressed their determination to uphold the connection between Church and State in Ireland as well as in England, and so long as they act up to this profession are entitled to the support of all sincere defenders of the Protestant Constitution of this country. It is vain for Mr. Gladstone to pretend that others are as bad as himself, because this cannot be pleaded in extenuation of his misconduct. The desperate situation in which Mr. Gladstone finds himself is apparent from the guerilla practices to which he resorts. Mr. Gladstone said at Southport, Oct. 21, 1868 :—

"I am going to read a paragraph from a newspaper published in Rome, and no newspaper is published in Rome without the authority and approval of the Government of that city. I wish to show the view taken by that Government of the declaration of the British ministry. The newspaper is the *Roman Observer* of March, 1868, and the article in question is a review of the debate on Mr. Maguire's motion. It says :—'Mr. Disraeli recognised the necessity of endowing the Roman Catholic Church in Ireland, and that it might not be supposed that he wished to give stipends to the Catholic priests he declared that he rejected the idea of what is commonly called paying the clergy. He declared accordingly that the Catholics should have the right of property in Ireland as elsewhere. If together with the Catholic Church Mr. Disraeli wishes that the Anglican Church should have property, we must not forget that he is the Minister of a Protestant Government.' That was the attitude of the Government now in power, which has raised the premature cry of 'No Popery,' which is the promoter of the cry of 'Defender of Royal supremacy,' and the proclaimer of all kinds of mischief from the policy of freedom and equality. That was the aspect of the policy of the Government in March last, and you may rely upon it that the person who wrote that paragraph did not do so from his own opinion, but from inspiration conveyed through other channels and from higher quarters."

Having indulged in some rambling comments on this remarkable discovery, Mr. Gladstone continued :—

"But again, if you will allow me, I am free to give you another short passage from the same source. The *Roman Observer* of March, 1868, reviewing the debate in the House of Commons on the motion of Mr. Maguire, gives an opinion expressed in Rome under authority. Referring to the two documents that I have already mentioned to you, and which are known in Rome and in the Roman Catholic community as the Syllabus and Encyclical Letter, the writer says :—'Among the speeches pronounced on this occasion is conspicuous that of the First Minister, Mr. Disraeli, who pronounced so

many noble truths in defence of the proposition set forth in the Syllabus and Encyclical of Pius the Ninth as should raise a blush on the faces of those pigmies in Italy and elsewhere who pretend to be great men while they resist decisions of the Pope which have been justified, acknowledged, and proclaimed even by a heretic of the highest genius and the widest reputation, such as is the First Minister, Mr. Disraeli.' Now, gentlemen, I am going to put to you a question—Suppose that out of that paragraph you strike the words 'First Minister, Mr. Disraeli,' and put 'Opposition speaker, Mr. Gladstone,' and suppose the Roman newspaper under the Pope's authority had written of me that I had pronounced so many noble truths in defence of the Encyclical and of the Syllabus as to make those pigmies blush, who refused to admit truths acknowledged by a heretic like myself—suppose there had been such a paper, I ask you whether it would not have been placarded on every wall in this country as a damning demonstration of the Popish intentions of myself and the Liberal party. Oh, gentlemen, what a plume that would have been for Mr. Turner! Why, it would have been a stock-in-trade enough to carry them through the whole election."

Probably many of Mr. Gladstone's auditors had sufficient discrimination to understand that opponents who could only be assailed by charges resting on such insubstantial grounds need not be under any grave apprehensions as to the result. It is not usual to draw the weapons for party warfare from an armoury of this description. Mr. Gladstone, however, not only quotes the *Roman Observer* as an authority against which there can be no appeal respecting the real intentions of English Ministers, adding significantly, that "the person who wrote that paragraph did not do so from his own opinion, but from inspiration conveyed through other channels and from higher quarters," [a]

[a] The intimate acquaintance displayed by Mr. Gladstone with the channels through which Italian journalists derive their information respecting the secret intentions of English Ministers is calculated to excite suspicion. To whom is he indebted for the insight he has obtained, of what is passing behind the scenes in the editor's room of an Italian newspaper? Can it be that Sir John Gray who boasts of having transformed Mr. Gladstone from the ardent admirer and defender into the implacable foe and the bitter assailant of the Church in Ireland, is his informant; or has he sought the friendly offices of one (Dr. Manning) who expatiates upon "a friendship now of eight-and-thirty years, close and intimate till 1851 in no common degree," and comes forward to bear witness "that a mind of greater integrity, or of more transparent truth, less capable of being swayed by faction and party, and more protected (*sic*) from all such baseness even by the fault of indignant impatience of insincerity and selfishness in public affairs than Mr. Gladstone's, I have never known?" The reflecting portion of the public will not perhaps set a very high value on this certificate to character given by Dr. Manning, Oct. 12, 1868, when they remember that the writer is a pervert from the Established Church, that like Mr. Gladstone he is perpetually giving up deeply rooted convictions, and that in 1867 he published an Essay in which he declared "The royal supremacy has perished by the law of mortality which consumes all earthly things. And at this period of our history the supremacy of the Vicar of Jesus Christ re-enters as full of life as when Henry VIII. resisted Clement VII. and Elizabeth withstood S. Pius V. The undying authority of the Holy See is once more an active power in England; the shadow of Peter has fallen again upon it."—"Essays on Religion and Literature." Edited by Dr. Manning. Second series. 1867. Inaugural Address by Dr. Manning. Pp. 19, 20.

but actually ventures to assert; "suppose that out of that paragraph you strike the words, 'First Minister, Mr. Disraeli,' and put 'Opposition speaker, Mr. Gladstone,' and suppose the Roman newspaper under the Pope's authority had written of me that I had pronounced so many noble truths in defence of the Encyclical and of the Syllabus as to make those pigmies blush, who refused to admit truths acknowledged by a heretic like myself—suppose there had been such a paper, I ask you whether it would not have been placarded on every wall in this country as a damning demonstration of the Popish intentions of myself and the Liberal party."

Mr. Gladstone has thrown out an unfortunate challenge and one which on a little reflection he would doubtless be too glad to recal. It is not usual to attribute much importance to statements respecting parties and politics at home published in foreign journals, more especially in journals produced under the immediate direction of the advisers of the Pope. If however the authority of an Italian journalist must be accepted as final respecting the intentions and proceedings of Conservative statesmen it must be equally conclusive respecting the intentions and proceedings of Liberal statesmen. As Mr. Gladstone remarks, it is only necessary to change the name, and this can be done with greater facility than he probably imagined when he hazarded the assertion. The *Corriere Italiano* in Nov., 1866, wrote of Mr. Gladstone as follows:—

"A person worthy of credit, and who had a conversation with Mr. Gladstone a few minutes after the interview between that illustrious statesman and the Holy Father, writes thus to us from Rome:—'Mr. Gladstone found the Pope as calm as possible. No politics were spoken of until towards the close of the conversation, and it was Mr. Gladstone who took the initiative. The Pope complained of the Austrian Government, at the same time admitting that events in Germany had placed it beyond the power of that Government to defend the Holy See, and it was as well to excuse its conduct. Mr. Gladstone congratulated his Holiness upon the arrival of the Antibes Legion, to which the Pope replied, "'Earthly legions are liable to the defect of failing to achieve the end which they have in view. But, moreover, how does it concern me what may happen? Be sure that if the French were gone I should not be the less protected, seeing that the legions that defend the Church never fail.'" In saying these words the Pope lifted his eyes towards Heaven. Mr. Gladstone wished to speak of Italy, and inquired what foundation there was for the newspaper statements of negotiation with the Florence Government. The Pope replied, "'I don't read newspapers; I know nothing of that matter; I am quite ignorant about it. I only know this, that when I die I shall not leave entire to my successor the sacred and inviolable succession of St. Peter.'" The conversation concerning Italy having ceased, they spoke of the Church in Ireland, and the Pope warmly recommended his well-beloved flock to Mr. Gladstone,[a] then, smiling, added, "'If

[a] It must be admitted that Mr. Gladstone has since this affectionate visit done his best to gratify the Pope in this matter.

I should one day or other quit Rome, although Ireland is far removed from the centre of Christianity, I should not disdain to select it for my domicile. Malta, a town almost entirely commercial, now that the revolutionists have taken to accusing my poor priests, cannot have my sympathies.'" He said in conclusion, that he would go wherever Providence, which never failed rightly to judge mortal man, should direct him. In uttering these words the Pope exhibited much emotion.'"—"Times," Nov. 10, 1866.

The above is not the only paragraph of the kind that appeared in the Italian papers during Mr. Gladstone's tour in Italy. Another Italian journal, the *Opinione*, remarked:—

"A fact worthy of attention is the extent to which the Protestants are busying themselves with the Papal question. Mr. Gladstone and Lord Clarendon's journey to Rome is not a mere pleasure trip. They seek to penetrate the intentions of the Pontiff and to influence them. In England the fall of the temporal power was looked upon with favour, because it was hoped that it would entail the weakening of the spiritual power of the Pope. Now, the view in that country is changing; it begins to be understood that the Pope, free from mundane cares, would be more authoritative in religious matters, that Catholicism would purify itself, and would acquire fresh prestige from contact with liberty. This revival of Catholic influence, with the Pope in Italy, does not please the heretic and schismatic States, which behold themselves by their internal legislation deprived of all arms against Papal interference, while the Catholic Powers find, in a greater or less degree, in their public law guarantees which restrict the action of the spiritual power of the Pope." —"Times," Nov. 20, 1866.

The *Mémorial Diplomatique*, Nov. 11, 1866, stated:—

"We hear from Rome, that Mr. Gladstone has really had a private audience with the Holy Father, after having had several interviews with the Cardinal Secretary of State, Antonelli. Public opinion in Rome is naturally curious to know the object which the member of the late English Cabinet has in view. Our own correspondents think that Mr. Gladstone has come to Rome to sound the real intentions of the Sovereign Pontiff in the presence of the speedy evacuation of the States of the Church by the French troops. They state that Mr. Gladstone, in his private conversations, does not conceal his conviction, that if the Pope were obliged to leave the Eternal City, he could not find more independent hospitality than in the island of Malta; but it is important to add that the Holy Father does not intend leaving Rome unless the revolution made the exercise of his spiritual and temporal power impossible there."

It is true that Mr. Gladstone challenged the accuracy of these accounts of what took place at his affectionate interview with the Holy Father,[a] but he refuses to accept any denial in the case of his opponents, maintaining that the utterances of these Italian journalists, who receive their inspiration from peculiar sources, are to be implicitly relied upon.

Nor was it only in 1866 that foreign journalists dealt freely

[a] The public can scarcely have forgotten his strange antics at the interview with the Greek prelate in the Ionian Islands.

with Mr. Gladstone's views and intentions. The correspondent of the "Morning Post," April 17, 1868, declares:

"All the Spanish papers are exulting over Gladstone's victory, and I was gravely assured by a priest that all the aristocracy of England were Catholics at heart, but that it was only their fear of the Queen which prevented their openly acknowledging the Catholic religion."

This statement is fully borne out by a Spanish newspaper, "Las Provincias," which in its impression for April 12, 1868, announced with reference to his attack upon the Church in Ireland:—

"But who doubts that as soon as is accomplished this first victory over Protestant fanaticism, and the unity of the Church of England thus broken, that the existence of Protestantism as the established religion is equally threatened in England and Scotland? Such is the end which every forecasting spirit sees will result from the reform now commenced."

Plenty of material is to be found in foreign journals with which according to Mr. Gladstone's challenge to placard the walls, respecting his services to the Roman Catholics and the negotiations he has entered into with their chief. His assistance at this garve crisis is accepted with delight, but if he seeks to preserve the popularity he enjoys amongst the Ultramontanists in every part of the world, he will be compelled to carry out his policy as his new masters direct. And if he feels inclined to accept foreign criticism on the effect of his proposal, we refer him to the general chorus of approbation with which it has been received by Roman Catholics at home and abroad, and their repeated declarations that it is only the first step towards the restoration of their ascendancy in England.

Whilst Mr. Gladstone is so severe upon opponents and betrays such anxiety to convict them of Roman Catholic tendencies, he deliberately refuses to pledge himself in any way respecting the disposal of the large revenues of which he is seeking to despoil the Church in Ireland. It would be easy enough for him to declare publicly that he will not be a party to giving any portion thereof to the priests either for educational or for similar purposes. But Mr. Gladstone who asks others to be explicit refuses to be explicit himself, and takes refuge in such paltry subterfuges as that described by Mr. T. Sutton Western, one of the Liberal candidates for East Suffolk, who at a public Meeting at Gorleston in September last, declared that he had then recently had an interview with Mr. Gladstone, at which he asked him what he proposed to do with the revenues of the Church in Ireland, and that Mr. Gladstone said, "Return me to

power, and I will propose a plan which will, I believe, be acceptable to the nation." If Mr. Gladstone thought the plan likely to be acceptable, he knows the explanation thereof would in that case facilitate the great object he has in view, viz., his return to power, and he would not attempt to conceal it.

Fortunately for the public at this juncture Mr. Gladstone's real opinions are no secret. They have been avowed by himself, and his supporters, and his great friend and ally Earl Russell, in his "Second Letter to the Right Honble. C. Fortescue, M.P., on the State of Ireland," published in 1868, declares:—

"Mr. Gladstone in 1845 supported with great ability the grant to Maynooth. But he clearly contemplated, as I had done, a measure for the endowment of the Roman Catholic clergy. 'If you cannot,' he said, 'find some constitutional measure by which to exclude the grant to Maynooth, then I think that common honesty binds us to admit the Roman Catholics of Ireland to be free to urge their claims against the State *upon a footing of equality with other religious bodies*, in circumstances like their own, as policy or justice may require." (Pp. 21, 22.)

His own testimony is equally conclusive upon this very point. In his speech at Southport, Dec. 19, 1867, he said plainly enough:—

"You have got a small portion in Ireland holding that form of belief which is, I apprehend, the belief of the majority in England, and, therefore, the English ideas and opinions in favour of the English form of Government are carried into Ireland, and the national endowments of the country are given exclusively to the religion of a small number of persons, comprising among themselves almost all the whole wealth of the country, while the multitude and the poor of the country are left to shift for themselves. That is to say, religious inequality exists in Ireland in its most glaring form. Now, gentlemen, we would not endure that in our own country. If there were a Roman Catholic country with a dominant Roman Catholic majority endeavouring to enforce upon us the simple converse of that which we enforce upon Ireland, to apply against us the principle we now apply against them, I ask you whether we should patiently bear it or not? No, gentlemen, we should not bear it. We may, perhaps, by some practices in the methods and expedients of politics, show a greater aptitude than our Irish brethren in choosing out of ourselves effectual ways and means in applying a remedy to the evil; but if that evil had been felt by us as it has been felt by them, a remedy, in one shape or another, we should and would have applied, and would have done it long ago. Now I must express to you my firm conviction that principles of religion must be established in Ireland, and that it is vain to look to a true union and harmony between that country and this until the Legislature of this country shall have made up its mind to govern and attain that great consummation. It may involve the sacrifice of our pride, there may be difficulties to encounter on the way, and there are those who would tell us that it is hostile to religion. * * * As to the modes of giving effect to this principle I don't enter upon them. I am of opinion they should be dictated, as a general rule, by that which may appear to be the mature, well-considered, and general sense of the Irish people."

It is important to bear in mind that these statements were made before Mr. Gladstone had at least avowed [a] his intention of assailing the Church in Ireland.

In his more recent speeches Mr. Gladstone has abandoned all reserve, and has indulged in the most fulsome adulation of his Ultramontane allies. At Warrington (Oct. 12, 1868) he said:

"As to the charge of being a promoter of the interests of the Roman Catholic Church, I do not wish to use an argument that may be odious; but I repel and repudiate that charge, and I repeat that those who make it are

[a] It is difficult to know when Mr. Gladstone really first made up his mind to assist the Roman Catholics in seeking to destroy the Established Church in Ireland. In his letter to Dr. Hannah, June 8, 1865, Mr. Gladstone wrote, "The question is remote and apparently out of all bearing on the politics of the day," concluding his letter with this declaration, "In any measure, dealing with the Irish Church, I think (though I scarcely expect ever to be called on to share in such a measure) the Act of Union must be recognized, and must have important consequences, especially with reference to the position of the hierarchy." Yet in spite of this solemn assertion deliberately given in order to obtain votes and to avert defeat at Oxford, Sir Roundell Palmer, in his speech at Richmond, August 21, 1868, made this remarkable statement:—"In the year 1863, at a time when no one was bringing forward this question, or seemed very likely to do so, Mr. Gladstone told me privately that he had made up his mind on the subject, and that he should not be able to keep himself from giving public expression to his feelings. How far or near it might be practicable he (Mr. Gladstone) could not foresee; but under the circumstances he wanted his friends connected with the University of Oxford to consider whether or not they would desire for that reason a change in the representation of the University. This communication, made so far back, had taken me by surprise at the time, but thenceforward I had known that Mr. Gladstone's mind was made up on the subject in the sense he had lately given expression to before Parliament; and his mind being so made up, whether we agreed with him or not, it would be the most extravagant absurdity and injustice in the world to say that when he saw a favourable opportunity of making the question practicable—to which he attached great importance, and on which he entertained a strong opinion—he was not right in taking advantage of that opportunity and asserting his view." From this it is evident that Mr. Gladstone either deceived the Rev. Dr. Hannah in 1865, or Sir Roundell Palmer in 1863. Moreover, according to the report in the *Times*, Nov. 3, Sir John Acton (a Roman Catholic), at a meeting of his supporters at Bridgnorth, "in referring to some of the 'misrepresentations' of the Conservatives, denied that Mr. Gladstone 'had suddenly changed his views upon the Irish Church question when he saw his opportunity,' and stated that he himself was perfectly aware of this change in Mr. Gladstone's views as early as 1864." This seems to confirm Sir Roundell Palmer's statement that the change occurred about 1863, and fully exposes the duplicity of the letter to Dr. Hannah, June 8, 1865. The doctrine advocated by Mr. Gladstone's admirers respecting changes in opinion is peculiar. Any change made by Mr. Gladstone or his allies is declared to be the result solely of conviction, and cannot therefore be too highly praised; any change made by his political opponents is declared to be the result of fear or self-interest, and therefore cannot be too severely condemned. A loud pæan has been sounded over Mr. Gladstone's last, we do not say final change of opinion, for it is difficult to know how far he may go, by Ultramontanists of the Roman Catholic and the Nonconformist sections. Dr. Manning's outburst about "transparent truth," considering that he himself is a conspirator against the Church of England and Ireland, to which he once belonged, and seeks on its ruins to erect the edifice of popery, is transparent enough. It is impossible for Mr. Gladstone to evade the difficulty. But he does not seem to know his own mind, and his friends may well abandon the attempt to fathom it in despair.

not prepared to substantiate it. I distinctly deny that our proposal was made in the interests of the Roman Catholic Church,[a] for, while I admit that the Roman Catholics refuse to take what we offer, it gives to the Roman Catholic people of Ireland civil justice. What is the gift of civil justice? It is made rather to promote the interests of Christianity and to spread the dominion of the Protestant Church. If you say that it is not so you admit that the Roman Church is the only true Church; and I must say that it does the Roman Catholic Church some credit when I consider their readiness and determination to rely on their ancient and unbroken traditions,[b] on the zeal and perseverance of their subordinates. That is to say, their choice is not to have an Establishment. They say, 'We can support our own Church,' and they tell the Protestant Establishment that it must come down from its vantage ground and meet the challenge of its rivals."

At Liverpool, Wednesday, October 14, 1868, Mr. Gladstone attempted to persuade his audience that to the Church question Fenianism is to be attributed, though the Fenians have again and again declared that they require not only the Church but the land, in other words the Repeal of the Union, and the Dismemberment of the Empire. Mr. Gladstone on the same occasion spoke of Mr. Maguire in these terms:—

"Now, I am going to read to you some notices which are short, but they are of the deepest interest, from a work on which I think that full reliance may be placed. It is the work of Mr. Maguire,[c] the member of Parliament for Cork, and a most intelligent man, a very able member of Parliament, and, I believe, a perfectly faithful and honest witness, and a true and warm-hearted Irishman. No man is more opposed to Fenianism than Mr. Maguire; but he paid a visit to America, he published the results, and I do not believe that either his good faith or his accuracy has been impugned."

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[a] If it is not in the interests of the Roman Catholic Church, will Mr. Gladstone explain how it is that this proposal is so enthusiastically supported by the extreme section, *i.e.*, the Ultramontanists of the Roman Catholic Church, whilst the more liberal and independent members stand aloof?

[b] In this speech Mr. Gladstone eulogised the Roman Catholics for relying on "their ancient and unbroken traditions." Protestants are taught to centre their hopes not on tradition but the Word of God, and in 1838 Mr. Gladstone himself wrote:—"And it is a question of spiritual truth in Ireland, arrayed against a church which has hidden the light that is in her amidst the darkness of her false traditions, and which adds to the evils of false doctrine those of schism."—*The State in its Relations with the Church*, p. 83. Then Mr. Gladstone, on his own confession, "followed what appeared to be her * light to the point whither it appeared to lead him," now, on his own confession, he clings to "ancient and unbroken traditions."

[c] If any reliance is to be placed upon a letter that is circulated in the newspapers, Mr. D'Arcy M'Ghee, whom Mr. Gladstone cites as another witness in his behalf, did not think very highly of Mr. Maguire's book, which has been condemned by all competent judges. Writing to a friend, March 2, 1868, Mr. D'Arcy M'Ghee said, "He (Mr. Maguire) certainly makes one 'huge mistake' in saying that the respectable Catholic Irish in the States are Fenians. I venture to say that, of the hundred and odd who received him hospitably from our line to New Orleans, not three per cent., if even one per cent., were pro-Fenian. The organ of the educated Catholics at New York—the *Catholic World*—in its last number officially contradicted this 'mistake' of Mr. Maguire. For the rest, Mr. Maguire's fault is that he 'lays it on a little too thick.' Instead of being member for Cork he ought to be member for Blarney." Yet this is one of Mr. Gladstone's chief authorities in support of his view respecting Fenianism.

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* *i.e.* The light of Truth.

Having paid this compliment to Mr. Maguire, Mr. Gladstone proceeded to say (Liverpool, Oct. 14, 1868),—

"What the House of Commons thinks is already far on the way to become the law of this great empire, but what an individual may think, though it is certainly matter most legitimate for the scrutiny of his constituents, is in comparison with the former light as air. However, I do not scruple to say that I am deeply convinced in the first place of the necessity of our putting an absolute stop to the system of a State Establishment of religion in Ireland."

This confession was followed by an attempt to shadow forth a scheme which, if carried out to its legitimate end, must jeopardise the tenure of all kinds of property. Mr. Gladstone declared in the same speech—

"Everything that equity and that reasonable indulgence could suggest without being inconsistent with the end in view, and that did not impair the efficacy of the measure, should, in my opinion, be favourably entertained. That I may show what I mean I will just refer to two points on which I know great interest has been felt. I can give no guarantee as to what will be the ultimate judgment of Parliament, but I may express my opinion on those points. In the first place there are in the Established Church of Ireland a certain number of endowments which have been given by private persons, which have become in the law public and national property, but which, nevertheless, were given by members of the Church of Ireland for the purposes of the Church of Ireland—just as a Wesleyan Methodist might, if he thought fit, give his money for the purposes of Wesleyan Methodism. My opinion is that those endowments, though technically they may have become portions, you may say, of the public and national property, ought to be carefully respected. In the same way a question arose with respect to the churches that are now possessed and used by the ministers and members of the Irish Establishment, and the parsonages which the clergy inhabit. My opinion, gentlemen, is that the feeling of this country, apart from logic, never would endure that if those clergy and laity are disposed to continue the use of those parsonages and churches for public worship—never would endure that they should be taken away from them. I give these as samples. I must add one important illustration more, and that is, whatever principles of equity or tenderness you may think it wise to employ in winding up, if I may so speak, the affairs of the Established Church of Ireland, you must apply those same principles of equity and tenderness to the other religious endowments of the country, in so far as from their scope and circumstance they come within range of the principle. I have heard of some who think that vested rights are very sacred things if they are found within the limits of the Establishment, but not so very sacred if they are found within the limits of the Roman Catholic College of Maynooth. If there are persons here who hold that opinion, I must respectfully differ from them—one and the same rule of equity and liberality must be applied to the whole. Forgive me if the word 'must' has escaped from my mouth, I meant 'ought' to be, in my opinion, applied to the whole."

It is very important to note that in referring to endowments left by private persons for special purposes, Mr. Gladstone says, "though technically they may have become portions, you may say, of the public and national property." This was the doctrine of the extreme party during the French Revolution of the last century.

In his speech at Newton, Oct. 17, 1868, Mr. Gladstone seemed to feel himself completely unmuzzled and gave free vent to his animosity against the Church in Ireland. He said, referring to the same recommendation in the Report of the Commission,—

"I am not satisfied with it as a politician, because I object to the Establishment of the Church in Ireland, even though they were to go beyond my friend who writes the letter to me, and were not only to reduce the bishops to one, but were to propose also to reduce the number of clergymen to one, because there would still be the Establishment and I object to it on the principle of religious communion."

This is a demolition, not only of Protestant ascendancy, but of Protestantism itself with a vengeance! At a later period of the afternoon, Mr. Gladstone continued:—

"Now, gentlemen, observe the effect of that operation. When you argue the question of the Irish Church, you are constantly told that though it may be quite true that there are not, in all cases, congregations for the clergy of the National Establishment, yet that, in the peculiar condition of Ireland, it is of the highest civil consequence to have spread throughout the country gentlemen who are gentlemen, who are persons of refinement by education, [a] who are bound to good conduct by their profession, who are charitable almost of necessity, and who are constantly resident in the country."

And after many discursive remarks, Mr. Gladstone said:—

"You are told that the Irish Church is to be maintained for the benefit of Protestantism. Now, that is not an unfair statement of mine. You know that it is the favourite argument of all those who are opposed to us, and you are reproached probably—many of us are, at all events, reproached—from time to time, with being favourers of the Roman Catholic religion. With the Roman Catholic religion, gentlemen, we have nothing whatever to do."

Such was not his view when he opposed Lord Russell's appropriation scheme in the House of Commons, March 31, 1835, which he declared—

"Was alike impracticable and unjustifiable: impracticable, because the moral means of maintaining the state of things it proposed to create, would be lost; unjustifiable, because there was no principle upon which the Protestant Church Establishment could be rightly or permanently upheld, but that it was the establishment which taught the truth. He did not mean to make any observations offensive to the feelings of hon. Gentlemen who might profess the Roman Catholic religion; but the Government, as a government, was bound to maintain that form of belief which it conceived to contain the largest portion of truth with the smallest admixture of error. Upon that ground the Government of this country maintained the Protestant and declined to maintain the Catholic religion." [b]

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[a] Mr. Gladstone is perpetually refuting his own arguments. In the debate on Church Temporalities, Ireland, in the House of Commons, July 8, 1833, he said,—"He contended that, in a social point of view, it was no slight advantage to have scattered over that country a number of men who were gentlemen by education, and, more especially, who were Christians by profession. The existence of such a body of men in that country was also of no slight importance, as affording a connecting link between it and England."—"Hansard." Third Series, vol. xix., col. 293.

[b] "Hansard." Third Series, vol. xxvii., col. 512.

At Ormskirk, Oct. 21, 1868, Mr. Gladstone's denunciations of the Church in Ireland were, if possible, more vehement. He asserted :—

"Now, gentlemen, no one can be more determined or uncompromising in the character of the language he uses than I am when I speak of my hostility to the Irish Church as a national Establishment. There are no words too strong, provided they be within the limits of decorum and propriety, to state that hostility. I draw a broad distinction between the Establishment and the Church, but, even as regards the Establishment, this I feel—that we are bound to consult in our mode of proceeding the dictates of equity and fairness."

In the course of his observations at Ormskirk he said :—

"If you were to cut off three-fourths of the revenue and then three-fourths of the remainder, you would not have advanced one step forwards towards conciliation as long as the Protestant Church is called the National Church."

After these explicit declarations it was scarcely necessary for him to announce to his auditors at Ormskirk—

"Now, gentlemen, don't let me pretend to say that if the consequences of this measure were to be injurious to the Church of England, I should on that account for one moment feel myself justified in withholding from my fellow-subjects, the people of Ireland, what appeared to me to be their clear rights. That is not so. I am persuaded that such a course as that would, indeed, in the long run, be most detrimental to the Church of England, for I believe the existence of the Church of England to be of necessity associated with no injustice, and very sorry, indeed, should I be to see it placed on a foundation that would involve its passing over to a different character. But I wish to point out to you that this idea—that because the Irish Established Church ought not to exist, therefore the English Established Church is to be done away with, is an idea which may have been honestly prompted and propagated by the fears and prejudices of some, but has no foundation in the solid judgment of the community. I cannot go as far as those who say it is necessary to maintain an Established Church in order to secure the possession of religious liberty. That I look upon as an idle and a baseless doctrine."

In bringing his electioneering campaign to a close at Wigan, Oct. 23, 1868, Mr. Gladstone seemed resolved to leave no doubt as to his real intentions. His two-fold mission unfolded in his election speeches is to destroy and to restore—to destroy the system of religious liberty which has proved such a blessing to the country, and to restore the despotism of Rome which blights energy and enterprise in every country in which it gains the ascendant. On this occasion Mr. Gladstone, as a kind of summing up of all his threats and arguments, said,—

"The Church of Ireland offers to us, indeed, a great question, but even that question is but one of a group of questions. There is the Church of Ireland, there is the land of Ireland, there is the education of Ireland. There are many subjects, all of which depend upon one greater than

them all; they are all so many branches from one trunk, and that trunk is the tree of what is called Protestant ascendancy. Gentlemen, I look, for one, to this Protestant people to put down Protestant ascendancy which pretends to seek its objects by doing homage to religious truth, but, instead of consecrating politics desecrates religion. It is upon that system that we are banded together to make war; so long as that system subsists our covenant endures; for the prosecution of that purpose we seek your assistance, and because although, as I said early in these remarks, we have paid instalments to Ireland, the mass of the people would not be worthy to be free if they were satisfied with instalments, or if they could be contented with any thing less than justice. We therefore aim at the destruction of that system of ascendancy which, though it has been crippled and curtailed by former measures, yet still must be allowed to exist; it is still there like a tall tree of noxious growth, lifting its head to heaven, and darkening and poisoning the land so far as its shadow can extend; it is still there, gentlemen, and now at length the day has come when, as we hope, the axe has been laid to the root of that tree, and it nods and quivers from its top to its base. It wants, gentlemen, one stroke more—the stroke of these elections—it will then once for all totter to its fall; and on the day when it falls the heart of Ireland will leap for joy, and the mind and conscience of England and Scotland will repose with thankful satisfaction upon the idea that something[a] has been done towards the discharge of national duty, and towards deepening and widening the foundation of public strength, security, and peace."

Protestant ascendancy is to go first; then the right of property in the land is to be assailed, and we need scarcely ask what next? The overthrow of Protestant ascendancy, which means the right of worshipping God in spirit and in truth, and the possession of the open Bible, secured to every inhabitant of Great Britain and Ireland, excepting only those who are under the ban of the Roman Catholic priests is to be supplanted, in Ireland at least, by Roman Catholic ascendancy.

What a commentary does Mr. Gladstone's denunciation of Protestant ascendancy afford upon Mr. Disraeli's remarks during the debate in the House of Commons, May 22nd, 1868, on the

[a] It is only an instalment; the land is to follow the Church. See pp. 22-3.

second reading of the Established Church (Ireland) Bill! In opposing that measure Mr. Disraeli said:—

"An hon. Gentleman accused me of raising a 'No Popery' cry. Allow me to say I have not heard that cry, but I have heard a cry raised in this country now that I never heard before, and that is the cry of 'No Protestantism.'"—"Hansard," Third Series, Vol. cxcii., col. 795.

At last Mr. Gladstone has taken up the cry, "Down with the Protestantism that has made England great!"

In the foregoing extracts from Mr. Gladstone's public declarations the reader will find abundant proof that he is rapidly drawing nearer and nearer to the Roman Catholics. Whilst he can scarcely find terms strong enough to express his enmity against those who stand up in defence of the Establishment of which he was once a champion, he flatters all those that are leagued against her, making his Roman Catholic allies the objects of his warmest adulation. After these statements it is scarcely necessary to ask how he intends to distribute the revenues. Mr. Gladstone refuses to give a pledge that no portion thereof shall be handed to the Roman Catholics for EDUCATIONAL PURPOSES, and his refusal to give that pledge admits of but one interpretation. Whilst Mr. Gladstone dare not explain his own intentions, the obstinacy with which he repeats the oft-refuted charge that Ministers proposed the endowment of the Roman Catholic clergy, is not creditable to him. He does not produce a single fact in support of the assertion, and the statements of Ministers on this point during the debates of the present year are explicit enough. One or two specimens will suffice. Mr. Disraeli (Mr. Maguire's motion on the State of Ireland, House of Commons, March 16, 1868) said:—

"The right hon. Gentleman (Mr. Gladstone) raised an argument against that proposition (to grant a Charter to a Roman Catholic University in Ireland), which, no doubt, may have some effect on the House, upon an assumption that we had announced our intention to ask the House to endow that University. I certainly never heard of that intended endowment before. The noble Lord the Member for the county of Kerry (Viscount Castlerosse), who spoke early in the evening, attacked the Government because they were proposing a charter without an endowment."—"Hansard," Third Series, Vol. cxc., col. 1774.

Mr. Disraeli (Established Church (Ireland) Bill, Second Reading, House of Commons, May 22, 1868) said:—

"What are his (Mr. Lawson's) charges? He said that the Secretary to the Lord Lieutenant came down with an Irish policy, and that he proposed, in the first place, to endow a Roman Catholic University. Well, we have heard that charge before, and it has been contradicted. I myself have said over and over again that it never was proposed by us to endow a Roman Catholic University.

('Oh, oh.') What is the use of saying 'Oh, oh!' now that the correspondence is on the table and you can judge for yourselves whether there ever was such a proposition on our part? On the contrary, there was from others a proposition that a Roman Catholic University should receive an endowment, and that endowment was refused by us. Well, so much for that distinct charge. What is the second charge? That the Secretary to the Lord Lieutenant proposed to pay the Roman Catholic clergy. I must say that I myself listened with great attention to my noble Friend the Chief Secretary to the Lord Lieutenant, and I heard no proposition of the kind. I myself took part in the debate. I do not know whether I spoke the same night as my noble Friend, but if I did not I spoke the second night of the debate; and I said then, most distinctly, that we, as a Government, entirely disapproved paying the Roman Catholic clergy. I stated our reasons for that disapproval, and expressed our opinion that the Roman Catholic clergy were sincere—certainly at present—in rejecting any proposition of the kind. Now, these are the two most considerable charges—the endowment of a Roman Catholic University and the payment of the Roman Catholic clergy. I say that we did not propose to endow a Roman Catholic University, nor to pay the Roman Catholic clergy; and that when I announced the policy of the Government in detail, I stated that as a Government we were adverse to paying that clergy."—"Hansard," Third Series, Vol. cxcii., cols. 790—1.

Nobly does this contrast with Mr. Gladstone's statement at Wigan, Oct. 22, 1868, that the Church of Ireland, the land of Ireland, and the education of Ireland, are all branches from the trunk of that Protestant ascendancy which he has pledged himself to destroy.

Though Mr. Gladstone takes refuge in ambiguous statements, the declarations of his agents cannot be misinterpreted. In reply to the Roman Catholic bishop and the electors of Kilkenny, Sir John Gray, August 21, 1868, taking credit for having inaugurated the attack upon the Church in Ireland, declared—

"I felt that the question had arrived at a point when it was essential that it should pass from the hands of a private member to those of the leader of a great party, and resolved to open direct communication with the man who, above and before all others, seemed suited to the Herculean task of redeeming the fame of England by doing justice to Ireland. The result you know. The future Premier of England now has the charge of the Irish Church Question. But you never can know, for even were I at liberty to detail what occurred at the several private interviews with which I was favoured, I would not have the power adequately to convey to you a just impression of the generous, earnest, and hearty devotion with which Mr. Gladstone determined to pledge his future as a statesman to the redress of this great wrong."

It is important to notice three points in this statement—

1. That the "private Member" opened direct communication with the Leader, who at his bidding undertook the Herculean task; or, in other words, Mr. Gladstone put himself in Sir John Gray's hands.

2. That several private interviews followed between the "private Member" (Sir J. Gray) and the Leader (Mr. Gladstone), that was actually being led.

3. That the "private Member" is not at liberty to detail what occurred at "the several private interviews."

There may be some mystery respecting Mr. Gladstone's intentions, but Sir John Gray makes no secret of his aims. In his own paper, the "Freeman's Journal," of March 26, 1868, just after the private interviews to which he called the attention of his constituents, had taken place, we find—

"The debate will be one of the most memorable that the present generation has witnessed, and the issue will involve not only the fate of the Ministry, but the fate, sooner or later, of the dominant State Church—not only in Ireland, but in England. THE GREAT LIBERAL PARTY ARE DETERMINED TO DEAL A DEATHBLOW AT ALL STATE ENDOWMENTS, and the new constituencies which the Reform Bill has called into requisition will fully endorse that policy. The Irish Church, as the most vulnerable in structure, must be the first righteous victim, and whether its dissolution be this year or next, its doom is fixed and inevitable."

Acting upon this understanding, Mr. Gladstone distinctly refused, during the discussions that took place on the subject in the House of Commons, May 7, 1868, to pledge himself not to apportion any of the funds taken from the Established Church in Ireland to the Roman Catholics for educational or other purposes, and resolutely resisted Mr. Greene's Amendment—

"That no part of the endowments of the Anglican Church be applied to the endowment of the institutions of other religious communions."

The scene that occurred on that memorable night, when the real objects of the confederates were exposed,—the baffled rage of Mr. Bright and the furious ravings of Mr. Gladstone—will not be easily forgotten by those present on the occasion.

A short time after this startling exposure Sir John Gray's paper, the "Freeman's Journal," declared (June 11)—

"The policy advocated by many English statesmen—some Liberal, not a few Radical—about Maynooth, would aggravate one-hundredfold the proclivity whose slightest manifestation so shocks the patriotism of the *Times*. * * * It will serve no good purpose to write flippantly about General Councils—a subject which Englishmen might well leave to Catholics themselves,—or to denounce 'sectarian education' because they seek the endowment of a university of their own—or to talk of stopping the Maynooth grant without an equivalent, which would create a hostility in Ireland no statesman should wantonly provoke. We allude to these topics because the language occasionally used by Liberal statesmen and writers would justify his Eminence, if he were so disposed, in retorting with far greater severity."

This, be it remembered, is the language, not of Mr. Gladstone's opponents, but of his friend (Sir J. Gray), the man who induced him to abandon his former principles, and join the league against the Church in Ireland. Such are the threats uttered by one who speaks of Mr. Gladstone as the future Premier, for whom

he so generously found the desired opportunity; and he has no hesitation in explaining what he requires. In the report given in the *Kilkenny Journal* of his speech to the electors of Kilkenny, October 7, 1868, Sir John Gray declared, with reference to the Lord Chancellorship,—

"But I do believe that there is something more than the mere fidelity of the man to be looked to in a typical office as this office has been made—and that it is essential to win the confidence of the people, for any man who seeks to come into power upon the overthrow of the present ministry—and their overthrow is certain—that he should look to this typical office of Chancellor, and take care on the first opportunity afforded—in order to indicate to the whole people a total change of policy as well as law, a total change of system—that a Catholic should, for the first time these 300 years, fill the first office of justice in Ireland. I hope if you send me again as your representative, that you will commission me to say in your name that no party coming into power will acquire the confidence of this country unless they recognise the typical character of that office, and take care that the present opportunity shall be availed of to put a Catholic of high position into it."

Though Mr. Gladstone pretends there is no difference between himself and the Government, even on this question, his henchman, Sir John Gray, asserts that he will introduce a total change of policy and a total change of system. Mr. Gladstone states freely that he intends to abolish Protestant ascendancy, and Sir John Gray states freely that he intends any "party coming into power" to establish Roman Catholic ascendancy in its place. Sir John Gray told his constituents, Oct. 7, 1868:—

"And the beginning of the new system (Mr. Gladstone's system) will be the uprooting—the annihilation of every trace of ascendancy[a]—the total disestablishment and disendowment of that alien church which has been the curse of Ireland for three centuries—which has been during the same period the opprobrium and disgrace of England and the scandal of the world. Well, I know there is great opposition to that project, and there will be great opposition to it, and possibly there are some of our good neighbours here in Kilkenny who do not agree with us in the course we take upon it, and would not like to see me back in Parliament again, lest I should by my vote assist in it, for I have as much faith in the sincerity, in the devotion, in the earnestness, and enthusiasm, and in the triumphant success upon that question of William Ewart Gladstone as I have in the fact that the sun shines at noonday, and will set to-night and rise to-morrow to shine upon us again."

[a] See Mr. Gladstone's denunciation of Protestant ascendancy, pp. 16, 17.

These are the words of Sir John Gray, duly reported in the *Kilkenny Journal.* In his address to the electors of Kilkenny, on the same occasion, Oct. 7, 1868, he said :—

"The Protestant gentry have got the lands throughout your diocese. They have those broad and fertile lands at an average of 3s. 1d. an acre. They are giving £4,000 a year to the bishop. The system and law have robbed him as they have robbed you."

Thus the spoliation is passing already, even before the first seizure has been effected, into a new phase, and extends from the Church to private lands. Indeed, the demand for a general restitution is proclaimed. Sir John Gray proceeded :—

"I believe the land question has been impeded and obstructed by the delay of the settlement of the Church question, and that we will not be in a position to insure a perfect and satisfactory solution of the land tenure question until that great obstacle to all progress—the existence of a political Established Church—shall be put an end to."

And that there might be no misconception as to his view of the land tenure question, Sir J. Gray afterwards explained :—

"Everything that the tenant adds to the soil should be the tenant's. Everything that the tenant's skill, his industry, his sweat, his capital adds to the soil should be his."

Such is the rate at which demands advance, and the appetite for change increases. Such are the revolutionary doctrines that the prime movers in this spoliation scheme openly avow. To find a parallel we must refer to the stormy debates and to the subversive proposals advocated in the National Assembly and the Convention of 1789-91, in a neighbouring country.

Sir John Gray boasts that he made a convert of Mr. Gladstone, and he has faith that Mr. Gladstone will do his bidding. Sir John Gray is the tool of the priests, and Mr. Gladstone condescends to be Sir John Gray's tool. He can hardly descend lower than to be the tool of a tool, and those who assist him in his present reckless course may well pause and ask, "Whither are we tending? Is it Infidelity or Rome?"

POSTSCRIPT.

WHILST these sheets are passing through the press the accuracy of the writer's statements respecting the real aim of the promoters of the movement against the Church in Ireland, receive a most remarkable and startling confirmation in the bold avowal by Mr. John Bright that the right of ownership in the land is to be next assailed. In his speech to the working classes, in the Corn Exchange, Grass Market, Edinburgh, Thursday, November 5, 1868, Mr. Bright said :—

"In Ireland the land really is not in the possession of what I may call native proprietors, or natives of the country, to a large extent. It seems to be an essential thing for the peace of every country that its soil should at least be in possession of its own people. I believe that in Ireland it will be necessary to adopt some plan—and I believe there is a plan which can be adopted without injustice, or wrong to any man—by which gradually the land of Ireland may be, to a considerable extent, transferred from foreign, or alien, or absentee Protestant proprietors—transferred into the hands of the Catholic resident population of the country. I do not anticipate myself that until something of that kind is put in process and in operation, we shall find tranquillity and content in Ireland such as we would wish to see it."

The proposal to appropriate the land in precisely the same manner as Church property is to be appropriated is laid down plainly enough. Mr. Bright still further unfolded his scheme for the complete overthrow of our institutions in Church and State, in the following words worthy the serious attention of all who value the welfare of their country :—

"You may have an ancient monarchy with the dazzling glitters of the Sovereign, and you may have an ancient nobility in grand mansions, and parties, and great estates, and you may have an ecclesiastical hierarchy covering with worldly pomp that religion whose virtue is humility; but notwithstanding all this, the whole fabric is rotten and doomed ultimately to fall, for the great mass of the people upon whom it is supported is poor, and suffering, and degraded."

Electors cannot now avail themselves of the excuse that they do not understand what is really intended. Spoliation is Mr. John Bright's motto, and he is Mr. Gladstone's lieutenant. The crusade against the Crown, the Church, and the rights of property has been openly proclaimed by Mr. John Bright in that speech to the working men of Edinburgh. First the Church, and next the land, with throne and aristocracy to follow in due course, is his cry, and he who runs may read. There can be no misconception after the explicit declaration quoted above.

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THE BRIGHT CLAUSES

OF

THE IRISH LAND ACTS OF 1870 & 1881.

TWO LETTERS TO "*THE TIMES*"

(REPRINTED BY PERMISSION)

WITH AN APPENDIX.

BY

R. O'H.

LONDON:
P. S. KING, PARLIAMENTARY BOOKSELLER,
CANADA BUILDING, KING STREET, WESTMINSTER, S.W.

1882.

[From "THE TIMES," Thursday, March 16th, 1882.]

THE IRISH LAND ACT.

To the Editor of "The Times."

SIR,—I saw with great regret recently in *The Times* a copy of a Parliamentary paper relating to the proceedings of the Irish Land Commission up to the 24th of February last, by which it appears that while there were 74,588 applications to fix a fair rent and 1,424 applications to declare leases void, there were only 35 miscellaneous notices dealing with the sale of tenancies and the resumption of holdings, and of this small number, 35, I find that only two have been disposed of. This leads me reluctantly to the unsatisfactory conclusion that the amendments in the Act of 1881 of the Bright Clauses in the Act of 1870, have been without any practical effect.

The proceedings of the Land Commission are likely to extend over too long a period to make the advantages of the Land Act speedily felt throughout Ireland. What Ireland requires, and what the United Kingdom demands for Ireland is peace at once, to which I add, on fair terms to landlords, tenants, and the State.

How is this to be effected? I reply, by the further expansion of the Bright Clauses—(see Appendix, Part II.)—so that they may be really effectual and would operate generally in the manner suggested by the following example, in which, how-

ever, the figures must be taken merely to illustrate the principle, and not to suggest the value of property or the price to be paid. When the tenant of a holding at a rent of £10 judicial (either by decision of the Court, or agreement approved by the Court) agrees for the purchase of his holding at 20 years' purchase of the judicial rent, let him be enabled to pay the purchase-money by the delivery to his landlord of land debentures for £200 at $3\frac{5}{8}$ per cent., guaranteed by the State, and redeemable, say, in 55 years. In order to prevent direct contact between the State and the landlords or tenants, these land debentures should be delivered to the landlord by some bank or other authority (empowered by the State to issue land debentures) after the assignment to such bank or other authority of the holding purchased by the purchasing tenant as security for a rent-charge of $4\frac{1}{8}$ per cent. on £200, or £8. 5s. per year for, say, 55 years. This rent-charge would be payable by the tenant to such bank or other authority, and would be paid annually by such bank or other authority into the Imperial Treasury—$3\frac{5}{8}$ per cent. by way of interest, and $\frac{1}{2}$ per cent. towards a sinking fund for the redemption of the land debentures. By way of indemnity to the State against bad debts or other losses, I propose that a guarantee fund, to be called 'The Irish Land Guarantee Fund,' should forthwith be established, and that for such purposes £3,000,000 should be secured to this fund from the surplus funds of the Irish Church Commission, and that until this £3,000,000 is transferred, interest thereon at the rate of £3 per cent. per annum should be paid to the credit of the Irish Land Guarantee Fund, and that for five years a sum of £60,000 should be annually raised in Ireland by means of an inhabited house duty, and carried also to the Irish Land Guarantee Fund.

Any loss or deficiency on account of annuities

payable to a bank or other authority should, on the application of such bank or other authority, and proof of such loss or deficiency, be paid to such bank or other authority out of the Irish Land Guarantee Fund, and the amount taken out of the fund for that purpose should, on the recovery by such bank or other authority of such loss or deficiency, be forthwith repaid to the fund; and when such loss or deficiency is not recovered from the person liable, or by the sale of his holding, I propose that the amount due should, on the certificate of its being due and not having been recovered by the bank or other authority to whom it was payable, be levied off the Union or some other lesser area (to be fixed in every case by the Local Government Board) in which the holding is situated, by means of a rate to be made by the Poor Law Guardians on the occupiers, and paid forthwith after collection to the credit of the fund. In addition, I propose that the punctual payment of the annuity payable by any tenant after the purchase of his holding in respect of land debentures should be guaranteed for the first ten years after the issue of the debentures by two sureties living in the neighbourhood of the holding, which sureties would thus of necessity have a substantial interest in the good behaviour and punctuality of the tenant, and would in self-defence use all their endeavours to make him fulfil his obligations.

The principle I advocate is not new or untried. As to its working in Prussia, Mr. Dix Hutton says :

"The immediate payment of compensation and the capitalization of fixed rents equally required resources which the peasant proprietors either did not possess or could only command by sacrificing their agricultural capital. To meet this special want a law of 1850 created the provincial land credit institutions called rent-banks. Their principle and working are shortly as follows :—The stipulated purchase-money, or capitalized amount, is

advanced by the bank and by it paid to the landlord, not in money, but in rent debentures. These are issued in amounts from 30s. to £150, bearing interest at 4 per cent. per annum, payable half-yearly by coupons, and are transferable by delivery. They rank as State securities, furnishing a safe and lawful investment for trust-moneys, public and private, and in ordinary times stand at and even above par.'

If such a transaction as I have indicated were made possible by an expansion of the Bright Clauses, it would be attended with the following advantages: The tenant would enjoy an immediate reduction in the annual payments to be made by him, as, instead of his rent of £10, he would have to pay a sum $17\frac{1}{2}$ per cent. less—*i.e.*, £8. 5s., and he would acquire the fee-simple of his holding (subject to a terminable annuity) at 20 years' purchase. He would, moreover, be relieved from any necessity of applying his own capital to the extent of a quarter of the purchase-money, or from pledging his credit to raise a quarter of the purchase-money at what would be of necessity usurious interest, and he would most probably effect a settlement of any arrears of rent due by him on easy terms.

The landlord, having land debentures for £200 at $3\frac{5}{8}$ per cent. guaranteed by the State, would be able to realize, by their sale in the open market, say, £230, and thus secure for the holding sold 23 years' purchase, while he would most probably before the sale have effected a settlement of any arrears of rent due to him at the time of the sale, as the tenant desiring to purchase would have the strongest inducement to make a fair settlement of these arrears. The State, by such an arrangement, would be relieved from the necessity to raise money for purposes of facilitating purchases, and would have the annuities payable in respect of debentures paid by persons whose resources and credit would not have

been exhaused by finding one-fourth of the purchase-money of their holdings, and whose annual payments in respect of purchase-money would be 17½ per cent. less than their former judicial rents.

In addition, all possible questions as to compensation to landlords or others would be at an end, and we should have a fair prospect of peace in Ireland. As compared with the liability of the State in the case of purchase-money advanced under the Land Law (Ireland) Act, 1881, the liability of the State under my proposal is but slightly increased, while the security would be much improved; for, under the Act, if the holding were sold at, say, 24 years' purchase, the tenant would be entitled to an advance equal to three-fourths of £240, or £180; but this £180 would have to be actually raised by the State, while, by my proposal, the tenant would be entitled to land debentures for £200, or for £20 more—*i.e.*, about 11 per cent. more than the advance to which he would be entitled under the Land Act; but no money would have to be actually raised.

I have the honour, Sir, to be your obedient servant,

March 15. R. O'H.

[From "THE TIMES," 6th April, 1882.]

THE IRISH LAND ACTS.

To the Editor of "The Times."

SIR,—As there seems to be a general concurrence of opinion with respect to the necessity for the expansion of the Bright clauses of the Irish Land Acts, and as the plans proposed by me some time since in a letter to you, published in *The Times* of the 16th of March, has been freely discussed, I desire to explain to some extent that letter, and to correct

certain erroneous statements that have been made in relation thereto.

I endeavoured in my letter to show, and I think I did show, to the satisfaction of many of your readers, that the Bright Clauses of the Irish Land Acts might be amended so as to enable landlords to obtain fair prices for the sale to tenants of their holdings, and to enable tenants to purchase their holdings on advantageous terms by the grant to them, by way of loan from the State, of land debentures, to be delivered to their landlords, guaranteed by the State for the full nominal amount of the purchase-moneys in all cases in which they may be able to purchase at such prices that the annual payments to be made on account of such loans (for interest at $3\frac{5}{8}$ per cent., and $\frac{1}{2}$ per cent. for sinking fund) would be less than the judicial rents payable before the purchase. I endeavoured to indicate how, if such facilities were offered, the State might be protected against loss, and how, by reason of the State guarantee, the actual value of the land debentures delivered to the landlord would be at least 15 per cent. more than their nominal value, and, consequently, how the amount of the price obtained by the landlord for the holding would be greatly increased, without any further liability to the tenant or to the State. I further pointed out the advantages which would result by reason of the State not being compelled to raise very large sums by loan, and by how little the responsibility of the State would be increased by guaranteeing the full nominal amount of the purchase-moneys of holdings purchased on the terms suggested by me, instead of raising and lending three-fourths of the purchase-moneys, as the State would be compelled to do under the Bright Clauses as they now stand. By way of illustration of the principle which should govern this expansion of these Bright Clauses, I gave as an example the results to both landlord and tenant in the case of a holding sold at 20 years

purchase of the judicial rent, supposing my proposal to have been adopted. But although I then stated that 'my figures must be taken merely to illustrate the principle, and not to suggest the value of property or the price to be paid,' I have been taken to task for fixing the price for which the landlords of Ireland should sell their properties, and fixing this price at only 20 years' purchase of the judicial rent.

It was, as I expressly declared in my letter, no part of my proposal to fix that or any other value or price as the value of holdings in Ireland or the price to be paid for their purchase. I did not fix 20 or any other number of years' purchase of the judicial rent as the value of land or the price to be paid for it; and there was no reason why I should have done so, for if my proposal be adopted, the tenant may, if willing, give far more than 20 years' purchase of the judicial rent for his holding, and yet pay less annually than his judicial rent. Let me, by way of proving this, take the case of a tenant at a judicial rent of £10, who agrees to purchase his holding at 24 instead of 20 years' purchase. Upon the conclusion of the agreement, debentures for £240 at $3\frac{5}{8}$ per cent. would be delivered to the landlord, and the tenant would have to pay to the rent-bank a rent-charge of $4\frac{1}{8}$ per cent. on £240, or £9. 18s., for 55 years. In this way the tenant would acquire the fee simple of his holding, subject for 55 years to the payment of an annual sum of £9. 18s., which would still be 2s. a year less than his former rent, and the landlord would be able to sell his £240 debentures at $3\frac{5}{8}$ per cent. guaranteed by the State for £276, and so obtain $27\frac{3}{5}$ years' purchase of the judicial rent. I may add, that by my proposal the landlord is not obliged to sell if he does not wish to do so.

"Your correspondent, Mr. Dudgeon, suggests that it would be better for the landlords, and cheaper for the State, if the State at once raised the whole amount of the purchase-money and lent it to the

tenant. He seems not fully to have appreciated this part of my proposal, for otherwise he would have recognized the advantages I endeavour to secure to the landlords by giving them as a bonus the difference between the nominal and actual value of the State guaranteed debentures, and thus making it their interest to sell; and he would also have appreciated the means by which I have avoided forcing the State to become borrowers to a very large amount in the open market.

Lord Monteagle, in his letter to you of the 25th of March, alludes to two difficulties in the way of sales by landlords—(1) limited interests, and (2) head-rents. If my proposal be adopted, it follows as a matter of necessity that these difficulties should be cleared away. This may be done (1) by extending the larger and more liberal powers of investment now usually contained in modern settlements of personal property and making them applicable to the investment of moneys payable for holdings sold by limited owners, and (2) by providing either for the apportionment of the head-rent affecting an estate between the unsold and sold portions of the same, or for the compulsory redemption of the whole or any part of such head-rent when so apportioned. There are many matters of minor importance connected with the amendment of the Bright Clauses to which I should refer were I not afraid of making this letter too long. I regret to have troubled you at such length and again upon the same subject. Its importance must be my excuse.

I believe a large increase in the number of the owners of land in Ireland would bring about a better and happier state of things. I believe also that of this all parties in the kingdom are convinced. I hope that Her Majesty's Government may give effect to this conviction, and that some measure for the purpose (even though it may not be entirely in accordance with my suggestions) may be matured

during the recess and presented to Parliament on its re-assembling. I hope, further, that such a measure may be considered on its own merits by politicians of every school, and that it may become law with the concurrence and good wishes of all concerned before the close of the Session.

I have the honour, Sir, to be, your obedient servant,

R. O'H.

April 5.

APPENDIX.

Part I.

Special Features of the Scheme contained in the foregoing Letters.

It is supplementary to, and not in substitution for, the Purchase Clauses of the Acts of 1870 and 1881.

It proposes *specially* to facilitate the purchase of their holdings by tenants in such cases *only* where, after a purchase, the annual payments of the tenants on account of the purchase-moneys would be less than their judicial rents, by enabling tenants purchasing on such terms to discharge *the whole amount* of the purchase-money by means of land debentures guaranteed by the State.

It affords to the landlords an inducement to sell, by securing to them the difference between the nominal value of the land debentures delivered to them and their actual value (due to the State guarantee).

It relieves the State from the obligation to raise large sums of money.

It affords the State, in addition to the mortgages of the purchased holdings, the following protection against loss :—

(a) Two sureties for the annual payments by the purchaser in respect of each loan during the first ten years after the grant of the same.

(b) A guarantee fund.

(c) Provision for raising arrears unrecoverable from the purchaser, or by sale of his holding, by local taxation.

Part II.

Authorities in favour of the creation of Peasant Proprietors.

"Why, if the possession of a bit of land was found to have an elevating tendency on the people of every country of the Continent when the land had become the property of the people, surely they might try whether, if the Irish people became the proprietors, each of a piece of land, it would not also have the effect of increasing their self-respect, their frugality, and their intelligence."—Cobden, 1851; "Occupying Ownership," by the late Vincent Scully, Q.C.

Extract from speech of the Marquess of Salisbury, on second reading of the Irish Land Bill, of 1870:

"There is another portion of the Bill, in approving which I am afraid I shall not obtain the sanction of the noble Lords behind me; and, indeed, I doubt greatly whether I shall even obtain that of Her Majesty's Government. I mean the Clauses known as Mr. Bright's Clauses. (Earl Granville: 'Hear, hear.') The noble Earl is too good a politician to refuse to cheer that declaration. I do not mean to say that these Clauses are perfect; some details in them I wish to see altered; but the broad and general principle which commends itself to me is this—that although an undue preponderance of small proprietary is objectionable in an economic point of view, which is a small question—in a political point of view, which is a large question, it is quite possible to err as much on the point of large as on the point of small proprietary. My feeling is this—That, had there been a larger number of small proprietors in Ireland, we should never have seen such

a Bill as this we are now discussing, which is a proof that the Irish landlords are, as a body, politically weak, and that they are not capable of holding their own in the open fight of politics. I confess that what has passed recently on the continent has impressed itself deeply upon my mind, and I have no doubt that it has equally affected the minds of your Lordships. The fact that a Government across the water, in spite of many faults and many shortcomings, in spite of financial failures and political blunders, should have been supported by an overwhelming majority of the peasant proprietors, shows the existence of a state of political security which Irishmen may well envy. I wish that I could be as certain that an approval of the present state of things—were the matter submitted to the universal suffrage of the Irish people—would be expressed by three out of every four of the population. The words I have uttered may not be acceptable to this assembly ; still, while it may be right to oppose the artificial separation of property, there would be more security in Ireland if the base of property were widened. I have said this much because I hold that on a question of this kind I am bound to express my true feelings, and because I feel that no Government can be secure unless a large number of persons are personally interested in its maintenance. While taking this view, I cannot say that I approve the machinery by which the Clauses to which I have referred are proposed to be carried into effect ; neither do I think there will not be some waste of public money resulting from the scheme—but, on the broad and general ground that it will widen the basis of property in Ireland, I confess that I am in favour of the plan.—(*Hansard, vol. ccii., 3rd Series,* 75, 76.)

Extracts from evidence given before the Select Committee on Irish Land Act 1870 in 1878 :—

Mr. JOHN EDWARD VERNON (now Mr. Commissioner Vernon under the Land Act of 1881), in answer to the Right Hon. John Bright, M.P. :—

"137. Have you happened to know any of these cases in which the farms have been bought by the tenants?—I have.

"138. Several?—Several.

"139. In what part of Ireland are they ?—Some in Fermanagh, and some in Cavan ; in those two counties I have seen them most.

"140. What impression have you of the result—I mean to the landlord and to the tenant ; is it on the whole satisfactory ?—In my opinion extremely so in every way, both as to the tenant's industry, and as to his contentment and as to his attachment to law and order. I think in every way it has had a favourable influence wherever it has been acted upon.

"141. You stated at the beginning of your examination that there were 600,000 occupying tenants in Ireland, and a small number, I suppose 10,000 or 12,000 proprietors of land in Ireland. Have you observed, with your wide experience, that the opinion of the occupiers of land in Ireland is very much more powerful than, and outweighs the opinion of the owners?—As 600,000 to 12,000.

"142. Whether it is on questions connected with the rights of owners and tenants, or on all political questions which arise in Ireland, is not the momentum of the tenant opinion vastly more powerful than that of the proprietary opinion ?—Naturally.

"143. Inevitably?—The public opinion of 12,000 must necessarily be comparatively small.

"144. Now as regards what (it is a phrase one must use, though it is sometimes misapplied) we all understand honestly to mean the rights of a proprietary class, is it your opinion that they would be more safe in Ireland, if you could add to them 50,000 or 100,000 tenant proprietors, than they are

at present ?—I do not think that there could be any more safe means of reconciling the many to the possession of property by the few, than by increasing the few. I think it would have a very strong effect in the direction pointed out by the right honourable Member.

" 145. And as regards not only the rights of the proprietors, which you are justly very careful about, but as regards all questions in which the public mind was swayed one way or the other, all political questions, is it your opinion that it would give much greater solidity to public opinion, and probably much greater wisdom to public opinion, than is seen at present, or has been seen in your time ?—I have no doubt, upon the whole, that would be the effect of it, that the possession of property by those men would give stability to the State.

" 146. On the whole, then, without using the word in a party spirit at all, do you consider the plan you have submitted to the Committee, and the object of it, whether it is attained by that plan or by some other, to be one most highly Conservative as regards the condition of Ireland ?—In the true and higher sense of the word I think it is a strictly Conservative measure.

" 147. And you think it could be adopted and applied without one particle of injustice to any of those concerned ; that the seller would be a man willing to sell, and the buyer a man willing to buy, the State coming in to facilitate the transaction to the advantage of both parties, and of the State ; that is rather what I gather from your evidence. Would you say that that is so ?—I am satisfied of this, that no great social change will ever work for good if it works good to one set of men at the expense of others ; and the measure which I would advocate is one which I do not think works evil to any man, I think quite the contrary. I think it does not interfere in the least with the rights of the

proprietors ; you do not compel a man to sell, and you give him a good price for the property if he wants to sell; I do not see what more he wants."

The Right Hon. Sir WILLIAM GREGORY, K.C.M.G., in answer to the Chairman :—

" 1942. I recollect that in 1870 you were strongly in favour of the clauses which are now under the consideration of the Committee ?—I was, and always have been. I always considered that in a country like Ireland, where the land is possessed by landowners, the great majority of whom differ in blood and in language in some respects, and in religion, from the cultivators of the soil, it would be about one of the most conservative, or the most conservative policy possible to fix upon the soil a large number of the people of the country themselves. I believe that in every man who is thus placed upon the soil as the owner of his land, you have, as it were, a special constable on the side of law and order ; and I have always looked forward to the measure as one which would bring at once the people of the country more in harmony with the landlord, and be for the general interest of the country."

Extract from Report of Select Committee of House of Commons on the Irish Land Act 1870, dated 27th June, 1878 ; ratified by resolution of the House of Commons, and concurred in generally by the Bessborough Commission :—

" Your Committee are of opinion that it is very desirable that further facilities should be given for the purchase by tenants of the fee-simple of their holdings. Your Committee find that, when estates are offered for sale, there is a general desire on the part of the tenantry to become absolute owners of their farms ; and they believe that a substantial increase in this way, in the number of small pro-

prietors, would give stability to the social system, and would tend to spread contentment, and promote industry and thrift amongst the Irish peasantry."

The Right Honourable JOHN BRIGHT, M.P., speaking at the Town Hall, Birmingham, on Saturday evening, January 24th, 1880, in reference to the relations then existing between landlords and tenants in Ireland, said :—

"Do you think that any remedy is possible ? (Cheers.) There are things for which there is no remedy ; this may be one. It may be too late to remedy it. But I think there is a remedy which may be tried (cheers)—with a fair chance of a considerable or a great success. (Cheers.) Where shall I look for a proof that there is a remedy? Go to France, go to Belgium, go to Prussia, go to Switzerland, go to all Europe, and ask all Europe what is the remedy, and they tell you to look about you, and what you see in those countries apply to Ireland as the only possible remedy in this case. (Cheers.) What I propose, and what I have proposed for many years, is this—that some means should be taken by which the occupiers of farms in Ireland should be transformed into owners (cheers) —and that this should be done by a process which should be absolutely just, not to the tenant only, but to the landlord himself. (Cheers.)

* * * *

At present what the Irishman upon his farm wants more than all else is to get rid of suspicion, to get rid of the fear of injury, of uncertainty of his tenure, and to have infused into his mind the opposite feelings of confidence and of hope. (Cheers.) If you could give to all Irish tenants that confidence and hope, every year would see them advancing in a

better cultivation and a more prosperous condition. (Cheers.) Does anybody say that hope is of no avail in the affairs of men? Why, I might quote from the poet who has—what shall I say?—created almost an immortality for our language. (Cheers.) Speaking of hope, he says :—

> 'White handed hope, thou hovering angel,
> Gilt with golden wings,'

(Loud cheers.) Bring this hope into the Irish farmer's family and household, and it will have an influence as complete, as blessed and home-ruling as it can have in the mansions and palaces of the great. (Cheers.) — (*The Times*, January 26th, 1880.)

Richmond Commission.—Extract from evidence given by the Right Honourable S. WOULFE FLANAGAN, in answer to the President—

"21358. You mentioned the Bright Clauses just now. Do you consider that they work beneficially to the country?—Yes, I am strongly in favour of the Bright Clauses of the Act. I think that the infusion of a certain number of tenants as owners in fee simple of lands, is calculated to give stability to the institutions of the country. It gives every purchaser of land a direct interest in opposing all those illegal combinations and conspiracies which appear to be afloat now, and I think in that respect it is a highly conservative measure, and very beneficial. I am not prepared to say that the purchase by small tenants is, from a mere economical point of view, a very advantageous thing, that is another question altogether; but I put it merely on the ground of what I call stability to the institutions of the country. I think, if a certain fair number of those tenant proprietors were scattered over the country generally it would be a very great benefit."

Extracts from the Report of the Bessborough Commission, dated January 4th, 1881, page 31 :—

From Report signed— "Bessborough.
"R. Dowse.
"O'Conor Don.
"W. Shaw."

"VI. *Purchase of their Holdings by Tenants.*

"81. There appears to be a general feeling of regret that the 'purchase clauses' in the Land Act have failed. Even of those who do not believe in small proprietors, as a rule, and who expect the eventual failure of any scheme for multiplying them to any great extent, the great majority appear heartily to desire the trial of the experiment, and to expect good results from it if it should succeed.

"82. By the Church Disestablishment Act, 1869, the Church Temporalities Commissioners were directed, when disposing of the landed property of the Church, to give the occupying tenants the preference of purchase at a fair market value. They were empowered to assist tenants in the purchase by leaving three-fourths of the purchase-money on mortgage at 4 per cent., the whole debt, including principal and interest, being made repayable by equal half-yearly instalments spread over thirty-two years. The interest and instalments together would thus amount to a trifle over $5\frac{1}{3}$ per cent. upon the money advanced. The property, exclusive of perpetuity holdings, consisted of glebes and episcopal estates to the extent of 108,000 acres, in the occupation of 8,432 tenants, paying an aggregate rent of £95,430, thus giving an average for the holdings of 13 acres, and for the rent of £11. 6s. $4\frac{1}{4}$d. each. The whole of this property is now sold, except 49 chief rents, stipends, &c. Of the 8,432 holdings, 6,057 have been sold to tenants for £1,674,841, an average of £276. 10s. each. The price thus obtained has averaged $22\frac{2}{3}$ years' purchase of the rental, which is higher than the average of

estates sold during the same period in the Landed Estates Court. A fair price has also been obtained for the residue of 2,326 holdings, which have been sold to the general public. Owing to the expectation that the powers of the Commissioners would shortly lapse, their sales have been, at the last, effected for somewhat less than might otherwise have been obtained ; and some regret is expressed that a further opportunity has not been afforded to the occupying tenants to purchase, by delaying the sales of the residue to the general public.

"83. It appears that the new purchasers have paid the interest and instalments of capital with commendable regularity. Out of the whole number of 6,057, only 388 were in arrear, according to the last returns available, to an aggregate amount of £5,914, and it is not expected that any portion will eventually be lost. When this state of things is compared with that of the arrears now outstanding on most of the estates occupied by small holders, it will be seen that the 'experiment' has successfully stood a test of more than usual severity.

"84. It is not denied that a portion of the tenant purchasers have assigned their right, for the most part as security for the balance of the purchase-money, to others ; or that several of the original purchasers have succumbed to the pressure of recent bad harvests, and have parted with their holdings, as well as with their proprietary right. The fact remains that these transactions have led to no breaches of the law, and produced no concerted refusal to pay what the purchasers, from old habit, still call 'the rent."

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Bessborough Commission. Extracts from Supplementary Report by the O'Conor Don.

* * * * *

"From this it seems to me to follow that if we are

to get to the bottom of the real difficulty of Irish land tenure, and if we are to settle it on any real permanent basis, it is not merely the relations between landlord and tenant that have to be considered and adjusted, but whether these relations should be continued to the same extent as they now exist, and therefore I fear that any Act based merely or mainly on proposals to modify the conditions under which the occupier is brought into relation with the owner, will only be, like the Act of 1870, a mere temporary expedient, fit for a transition period, but containing within itself the seeds of failure as a permanent settlement. Another slice, and a very large slice of what is now recognised as the legal property of the owner, will be taken away without satisfying the occupiers, and, above all, without establishing any just principles on which this transference of property should take place. Under these circumstances, I am obliged to dissent from the recommendation which places compulsory fixity of tenure in the first rank, and merely deals with occupying ownership as a slow and very secondary alternative. The establishment of a peasant proprietary or occupying ownership, first, with facilities for voluntary arrangements for fixity of tenure in certain cases as a subsidiary measure, and compulsory fixity of tenure and adjustment of rents as a last resort, would be my remedy.—(Page 38.)

" Divided ownership cannot, I think, be a desirable tenure universally to create, although where it is in existence or entered into voluntarily, it may not be desirable to interfere with it. That it would be an improvement on the present system and a stimulant to exertion on the part of the occupier, I admit, although it would not be so great a stimulant as actual ownership, but, so far as the landlord was concerned, it would be a bar to his doing anything for the land. The owner would be deprived under this system of the real posiiton of an owner, whilst

the occupier would not have gained that position. The magic influence of ownership would be taken away from both parties, no one would feel that he was owner, and one of the strongest incentives to exertion would be done away with."—(Page 42.)

* * * * *

"But whilst I do not think the granting of the alternative would lead to universal or very general sales, I am certainly of opinion that it would bring a very large quantity of land at once into the market. If I did not think so,I would not defend its being tried ; and it is mainly because I feel convinced that it would at once enable the experiment of occupying ownership or peasant proprietary to be tried on a very large scale that I recommend it. The experiment, so far as it has been tried in Ireland, has, I think, been a great success. Evidence was given to us, showing that the vast majority of the owners created under the Church Act and the Land Act have been prospering, and are contented ; and the year which we have lately passed is one which must have severely tried the system. On all sides tenants, holding at the most moderate rents, were receiving abatements, arrears were growing apace, and rent-paying in many cases had altogether ceased ; yet no abatements were made to these purchasers, and the remarkable fact remains, that out of a rental, largely paid by very small occupiers, only 10 per cent. of arrears appeared to be due to the Church Commissioners at the end of the year 1879, and the whole of this they expected to recover. In some individual cases the purchasers have failed, some have sold their purchases, others are in debt, and will have to sell. This was to have been expected ; but these cases are the rare exceptions, and that they should be so few after such trying times, and that those few should leave their holdings quietly when they found themselves unable to retain them, are the strongest arguments in favour of the system."—pp. 45, 46.

Bessborough Commission.—Extract from separate Report by A. McM. KAVANAGH, Esq. :—

"I have thought it right, in referring to this proposal for creating peasant proprietors, to place the objections which have been urged against it plainly in the foreground. As being myself still strongly in favour of it, I wished to guard myself against the charge of prejudice, and I have therefore, perhaps, given more than due prominence to its possible dangers. But to me the proposal appears to possess the advantage of being far more free from that arbitrary interference with the rights of property which the other proposals involve, and as I have already stated that I regard the adoption of the suggestions as to rents, tenure, and sale, as only in justice admissible where accompanied with fair compensation, or if they preferred it, the offer of sale to the landlords at a reasonable price, the extension of this principle (the Bright Clauses of the Land Act) would afford to the State the means of disposing of estates, which would in this way come upon its hands with only a very trivial and quite possibly without any loss, and on this ground, as well as on its own merits, I am prepared most strongly to recommend its favourable consideration—p. 64.

Extract from speech delivered by the Right Honourable W. E. GLADSTONE, on his motion introducing the Land Law Ireland Bill, April 7th, 1881. (Printed for the Liberal Central Association.)

Referring to the acquisition of land by tenants, the Right Hon. Gentleman said "I will not discuss that interesting question at present. I will only say that, economically, I quite admit it is open to a great diversity of view. It has in some cases been eminently successful. In Ireland you have many owners of land who have shown a faculty which we cannot but admire, for it is nowhere excelled, of extracting the means of subsistence and

the means of prosperity from very small holdings or spaces of ground. On the other hand, it must be admitted that, from whatever cause, small virtual proprietorships, under the name of perpetuity leases, have not been happily distinguished in the past history of Ireland. But I decline to enter into the economical part of the subject. What we desire, and what my right hon. friend the Chancellor of the Duchy of Lancaster, the original author of the suggestion, desires, is the political and social advantage of the people. We feel the great necessity there is of a serious effort on the part of Parliament to enlarge the circle of proprietors of land in Ireland, and to insist upon a more considerable portion of the community being in that body which possesses the traditions associated and connected with the ownership of land."—p. 31.

Extract from speech of MARQUESS OF SALISBURY, on Second Reading of the Land Law Ireland Bill, 1881:—

"I confess I deeply regret that those parts of the Bill which refer to the purchase of land for the purpose of installing the peasantry as owners in some parts of Ireland, have not received a greater development. I have regretted to see that as this Bill went on, those parts have shrunk, and shrunk in importance, and emphasis given them till they are nothing but a tribute to the personal position of Mr. Bright. In that system there was far greater hope of the return of peace and prosperity to Ireland, than in this strange plan of cultivating Ireland under the supervision of the Court."—("Hansard," cclxiv., 3rd Series, p. 267.)

Extract from speech of MARQUESS of LANSDOWNE on Second Reading of the Land Law Ireland Bill, 1881:—

"On the one hand Her Majesty's Government propose to offer large inducements to the tenantry

of Ireland to become proprietors of their holdings. That is a proposal which entirely commends itself to my judgment. I approve of it for many reasons ; by conferring upon a large number of the peasantry of Ireland the position and the responsibilities of ownership you will at once encourage them to thrift and industry, and you will besides accustom them to the idea that their success or failure in their vocation depends upon themselves, and that they must look to their own exertions rather than to the assistance of their landlords or of the State, if they intend to surmount the difficulties which they have to encounter. Nothing will add so much to the stability of the social system in Ireland as a large addition to the number of owners of land in that country ; nothing will do so much to prevent recurrent demands for extreme legislation, and the expectation that those demands are to to be satisfied by the introduction of a new Land Bill once in every 10 years. "*Hansard*," *cclxiv., 3rd Series, page* 278.)

* * * *

"Is there, I would ask the House, any other industry, any other profession in which such a confusion of interests exists ? Partnership I understand, co-operation I understand, but this is neither co-operation nor partnership. We are going with our eyes open to create a system of tenure barbarous in its incidents and opposed to the enlightened opinion of civilized communities. I have heard it said that in the legislation of Prussia is to be found a precedent for the law which you are going to apply to Ireland. Nothing could be further from the truth. The statesmen of Prussia found at the commencement of this century a land system under which the great lords were the nominal owners of vast estates into the actual possession of which they were unable to re-enter. The land was occupied by tenants who enjoyed a species of fixity, and who paid to the lord feudal services in consideration of their occu-

pancy rights. Neither party was the owner in the full acceptation of the term ; but the two interests were confused and entangled together. It was under these circumstances that the legislature intervened in order to extricate and disentangle those interests. The absolute ownership of a portion of their land was given to the lords, and the services of the tenants were commuted for a fixed rent, which by subsequent legislation, the tenants were allowed to extinguish so as to effect the complete enfranchisement of their holdings. This is not the moment to inflict upon your Lordships a lecture upon the systems of land tenure to be found in different European countries, but I believe I am not wrong in saying that if you turn to France, to Spain and Portugal, to the Low Countries, you will find that everywhere the efforts of statesmen have been directed to the disentanglement of interests before confused and competing with each other and to the establishment of full and undivided ownership. In this country of all others it has been the object of statesmen, particularly of Liberal statesmen to give every facility for the creation of unrestricted ownership and to simplify and expedite all transactions relating to land. It is in Ireland alone that we are asked to take a step backwards in the direction of that chaos from which in other countries the civilised communities of the world have emerged. We seem in dealing with that country to have taken leave altogether of the patience which makes allowance for human infirmities of the consistency which rises superior to pressure and to excitement, of the statesmanship which is able to discern progress even when it is tardy and interrupted. With the passage of this Bill we shall complete another cycle of agitation and concession. I will venture to say that before the ink is dry upon the final print of the measure a new cycle will commence. This Bill cannot be a settlement of the Irish Land Question, in

no single clause of it is finality written ; it is the reward of past agitation, it will be the vantage ground of the agitation of the future.—(" *Hansard*," *cclxiv., 3rd Series, pages* 299 *and* 300.)

Extract from speech of EARL CAIRNS on Second Reading of the Land Law Ireland Bill 1881 :—

" Now I come to the other of the two proposals to which I have referred. It is the proposal with regard to purchase. I have always been a very strong advocate of the purchase of holdings by tenants in Ireland, and I supported a proposal to that effect in 1870 ; but I am greatly disappointed when I see the very persons who formerly were the greatest advocates of proposals of this kind now holding back from supporting the proposal and attempting to limit it. The ' Purchase Clauses ' of the Act of 1870 were very properly called ' The Bright Clauses ;' and if I do not mistake some few years ago Mr. Bright made a speech in which he said that he had a scheme by which he would turn every occupier of land in Ireland at once into an owner, making him pay his purchase money by the payment of an annual instalment which would be something more than the rent which he would have been in the habit of paying. But, if I understand the views of Mr. Bright now, he thinks it would be a very bad thing, that a very rapid or large transmutation of the tenants of Ireland into holders of land should take place, and, in accordance with that view the present Bill is limited in a very remarkable manner.—(" *Hansard*," *cclxiv., 3rd Series*, p. 538.)

Extracts from speech of The Right Hon. Sir MICHAEL HICKS-BEACH, delivered in the House of Commons, March 2nd, 1882. (Extracted from " Hansard's Debates," vol. cclxvi. Printed by C. Buck, 22, Paternoster Row.)

" An inquiry into the Tenure Clauses of the Act

is, I think, desirable, with certain limitations, though, no doubt, objections may be urged upon the ground that it would be an inquiry *pendente lite*. I do not myself attach much force to the objection; but it is one that could not apply to an inquiry into the more important, or, as we have been told to call them, the permanent parts of the Land Act. What did the noble Marquess the Secretary of State for India (the Marquess of Hartington) say on this question on the 27th of April, 1881? He was referring to the different kinds of proposals which were contained in the Irish Land Bill. He said—

"'I think there has been a disposition to regard too much that which does not seem to me the most important of these proposals. I believe that the evils of Ireland are too deep-seated to be removed by any change in the relations between the landlords or the owners and the occupiers. We believe, as Mr. Bright has so constantly urged, that these evils will never be effectually removed until there has been established a great increase in the number of owners of property in Ireland—until the vast disproportion between the owners and occupiers has been somewhat diminished, and until a larger number of persons in Ireland are placed in a position which will give them some sympathy with, some understanding of, the rights of property. We believe that it is in that direction alone that a permanent improvement in the condition of Ireland can be attained. It is, therefore, to the clauses which point in that direction, and also, I may add, to those which I trust will put in the power of many Irish people, who it is proved could not under any circumstances subsist in comfort on their own land, the means of emigration without disturbance of their family relations, or disturbance of their religious convictions—it is to these modes that we look for the ultimate and main improvement of the condition of Ireland.'"—pp. 7 & 8.

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"You cannot go back in the course you have adopted. You cannot repeal the Act; you cannot deprive the Irish tenant of the privileges conferred upon him by it; but you can go forward—go forward in the path of justice and of right. I trust Her Majesty's Goverment will deal with the matter with that promptness and boldness which, in my opinion, it requires. Let us get rid, if possible, to some extent of this divided ownership, for the position of the landowner, as you now leave him, will too often be one of no use to himself or advantage to his country. I do not recommend the general expropriation of landowners in Ireland, for there are many cases where, in spite of all the difficulties and all the discouragements the Government have thrown in their path, Irish landowners will still remain the centres of improvement and of usefulness in their neighbourhoods; but there are other cases, and probably not a few, where the legislation for which Her Majesty's Government are responsible will complete the ruin which distress and lawlessness had begun; where landowners, rendered incapable of that good work which, under another system, they might have done for their country, will exist, but as absentee rent-chargers, hating England for having deprived them of their rights, and hated by the Irish people as useless incumbrances on their industry. Can we do nothing to enable this class of landowners to escape from the unfortunate position in which the Land Act of 1881 has placed them? They cannot escape from it now. Tenants will not now buy the land, the price of which—to use the expression of the right hon. gentleman the Chancellor of the Duchy of Lancaster—has been so effectually steadied that it has become absolutely unsaleable to anyone else. Whatever may be the issue of the inquiry of the Lords' Committee, I trust the Government will look into the question of the operation of their Purchase Clauses. I cannot understand why

the Land Commission should not be authorised to purchase any estates that may be offered to them, at a price calculated on the average number of years' purchase at which estates were sold in the Landed Estates Court during the three or five years ending with 1880, on a rental fixed by a judicial decision, or by agreement sanctioned by the Land Court; such estates to be resold, as occasion offers, to the tenants or other purchasers, to whom money should be advanced for the purpose. I cannot see why it is impolitic or impossible to do what was suggested by my right hon. friend the Member for Westminster (Mr. W. H. Smith) during the discussion of last year. I cannot understand why an Irish Land Bank should not be established, which would be a useful intermediary between the purchaser and the State, and by means of which the instalments of the purchase-money might be safely and punctually collected. I believe that by such means—aided, if thought necessary, by the requirement of collateral security, or, perhaps, in some instances, of a guarantee from some local authority of the instalments payable by the purchaser—that the dormant Purchase Clauses might really, even now, be made to work, without any more risk to the State than the Government is pledged to incur by the system which they have already sanctioned. In the adoption of some such course some ray of light may penetrate the darkness into which we have been brought by the Land Act, and justice may be done to these unfortunate landowners and to the Irish people at large, who might by such a system be enabled to become purchasers of land at a cost no more perceptible than that at which tithe rent charge was sold under the Irish Church Act. These subjects ought to be carefully considered by Her Majesty's Government, for they are of grave importance. They will, I think, be disposed to admit that the Purchase Clauses have not proved

successful, and that something more requires to be done in this direction. Something must be done to remedy the present state of things in Ireland, which only the other day was described by the right hon. and learned gentleman the Irish Attorney-General, as a state of complete demoralization. I will not do Her Majesty's Government the injustice to believe that they look to coercive measures alone for the restoration of order in Ireland. The policy I suggest is by no means a new policy; but it is one which has never yet been fairly or boldly tried. I now ask the right hon. gentleman at the head of the Government to devote to its consideration those great financial abilities which are peculiarly his own; for apart from all other arguments, it is a policy which has this peculiar recommendation—that in its object and in its principles it has the approval of all parties and of all sections of parties in this House, and that means may be found in its administration of giving to Ireland safely, wisely and usefully, something of that local self-government for which there is such a craving in the hearts of the Irish people"—(pp. 9 and 10.)

Extract from a Bill to amend the Land Law (Ireland) Act, 1881. Prepared and brought in by Mr. Redmond, Mr. Parnell, Mr. Healy, Mr. Sexton, and Mr. Justin M'Carthy.)

"11.—(1.) Where, pursuant to the twenty-fourth section of the said Act, the Land Commission has consented to make an advance to any tenant for the purpose of enabling him to purchase his holding, the Land Commission may notwithstanding anything contained in the said section, where a sale of a holding is about to be made by a landlord to a tenant in consideration of the payment of a principal sum, advance to the tenant, for the purposes of such purchase, the full amount of such principal sum, if satisfied with the security.

"(2.) Where, pursuant to the twenty-sixth section of the said Act, an estate has been purchased by the Land Commission for the purpose of re-selling their respective holdings to the tenants of the lands comprised in such estate, the Land Commission may, notwithstanding anything contained in the said section, when the sale of the holding is being made in consideration of a principal sum paid as the whole price thereof, advance to such tenant, for the purposes of such purchase, the full amount of such principal sum, if satisfied with the security."

Friday, 5th May. Notice relating to Orders of the Day for going into Committee of Supply :

" Mr. William Henry Smith—To call attention to certain dormant provisions of 'The Land Act (Ireland) 1881,' and to move, That, in the opinion of this House, further legislation is imperatively required to provide increased facilities to enable tenants to acquire the freehold of the land in their occupation on just and reasonable terms."

Extract from speech of the MARQUESS OF SALISBURY, at Liverpool.—*Times*, *April* 13*th*, 1882.

" Now, this very consideration which I have laboured to impress upon you, that insecurity and instability are the curses of an Irish policy, makes me also say that the present system dictated by the Irish Land Act is not one that can effect a pacification of Ireland that can endure, and a reason for that opinion is that it enforces a system which by its very nature cannot last. The Irish Land Act established a species of ownership in land which has never been tried in any country in the world before, and, as mankind has for an indefinite number of years had to do with the ownership and occupation of land, it is highly improbable that in this time, and with our present light of the experience of the human race, such a totally new scheme of ownership and tenancy can succeed. (Cheers.) Moreover,

can you imagine two people—a landlord and a tenant —who start, not on the very best possible terms perhaps, but slightly hostile to each other, meeting to decide upon the improvement of land, knowing that for 15 years the property will be divided between them by a tribunal possessing absolute power, guided by no system, controlled by no law, but which in its nature cannot but be to a great extent biased, and whose bias must depend upon the political questions of the day ? (Cheers.) The most subtle ingenuity could not have devised a method more perfectly certain to secure that landlord and tenant should remain on bad terms till 15 years have expired. For myself, I believe that the Land Act will have to be altered, and think it can only be altered in one direction. I am not one of those who believe that after a revolutionary step you can go back. It is one of the curses of revolution that it separates you by a chasm from the past which you have left, a chasm which you never can recross. If you wish to establish peace and contentment in Ireland, you must do your best to bring the ownership of land again into single hands. (Cheers.) You will see that I am referring to the proposal—notice of which has been given by my distinguished friend, Mr. William Henry Smith—(cheers)—for increasing those powers under which the Commissioners can now act for enabling Irish tenants to become, with perfect fairness and justness to their present landlords, themselves the owners of their lands. I am well aware this is a great undertaking, and I could have wished that it had been begun earlier. I could wish, too, that a mistaken policy had not condemned us to the necessity of acting with greater rapidity than the natural growth of the community would permit. No doubt, the experiment would have a far better chance of success if it could be more deliberate. But even if it is necessary to hurry us, I still have a firm belief that, in order to get rid of this social

revolution, and to restore the Conservative instincts of society in Ireland, your effort must be, instead of giving concessions to agitation, to provide the population of Ireland with motives for resisting change. (Cheers.) I do not know whether it will conciliate them or not. That is not the point to which I am looking ; but I know it will make them the defenders of the rights of property, and, as defenders of the rights of property, restorers of that which will free us from the danger of social revolution which from the highest quarters has been threatened." (Cheers.)

Extracts from debate on Land Law (Ireland) Bill in Committee, July 19th, 1881.

("Hansard," vol. cclxiii, 3rd series, p. 1,381-1,390.)

"Mr Gladstone: We now come to Clause 27. The right hon. gentleman opposite (Mr. W. H. Smith) has given notice of his intention to move the omission of this clause, with a view of submitting a plan of his own ; but I think I shall be able to show some grounds why the right hon. gentleman should not press his amendment. The points which I wish to state principally are these. First and foremost, it is quite obvious that during the present Session—I do not say during the present financial year—we can make no other than a purely provisional and initial arrangement. I do not speak now of the plan of my right hon. friend the Chief Secretary, with respect to arrears. That is a definite plan, and can be treated apart from every other financial question. It contemplates drawing money from the Church Fund ; but I do not hesitate to say that if hereafter it is found desirable to make the Church Fund available for any other and larger purpose than that of arrears, we should be quite prepared to move any obstacles in the way of the plan, by carrying over the whole of the arrear arrangement bodily to the Consolidated Fund for the sake of getting it out of the

way. But speaking of the other great financial demands which may arise under this Act, first and foremost come the advances required for the purchase of estates, and behind that come the questions with respect to the reclamation of land, agricultural improvements, and emigration. With respect to these questions, it is quite impossible that we can have any light whatever, or any means of estimating what we ought to propose, until the Act is passed, the Commission has met, and its establishment and offices have been got into working order, and until it has begun to receive applications from persons proposing to take advantage of the provisions of the Bill, we can only make a proposal in the present Session—I distinguish broadly between the Session and the financial year—because in February next it is quite possible, and highly probable, that we may be able to propose a more definitive and broader arrangement. We only propose to take the clause which constitutes a charge on the Consolidated Fund. We shall have to ask the House, on the Public Loans Act, to vote £1,100,000 for advances in Ireland under Acts already existing; and we shall propose, in order to have an ample margin for any calls that may arise—although it is really difficult to say whether any serious call could arise before the month of December — we propose to raise that sum to £2,000,000. That could not prejudice any conclusion to which the House may desire to arrive. That is my first point. My second point is to notice the plan sketched out by the right hon. gentleman the late First Lord of the Admiralty (Mr. W. H. Smith), in his speech on the second reading of the Bill, and which he has since embodied in certain clauses, with one object and principle which apparently lies at the root of his ideas. He is desirous of constituting an Irish Fund, and he conceives that that can be done: first of all, by providing an insignificant nucleus from the resources of the Church fund.

Although that nucleus is inconsiderable in itself for purchasing purposes, compared with the large sums that would be required for the purchase of land in Ireland under the provisions of the Bill, it must be remembered that the money that is laid out in purchasing operations would immediately begin to trickle back, if I may so say, into the Exchequer, through the re-sales, and a very considerable fund, we hope, will be provided in that way. But it is not possible at this moment to say what proportion the nucleus which would provide the means for the first advances would bear to the amount of the sales; and the nucleus which the Church Fund would afford would only enable us to set out on a somewhat limited scale. Until we know what the scale is on which we will have to set out we cannot enter with advantage upon the consideration of this question. If the demands appear to be likely to be spread over a considerable space of time, it will be possible to organize with general satisfaction a plan on the footing proposed by the right honourable gentleman. But I may say this, that as far as we can make a calculation at present, and speaking very roughly, we are inclined to say that about £10,000,000 of purchases may be made on the basis proposed by the right honourable gentleman within a period of six years; that is the best information I can give, and it must be taken with some indulgence and some liberty, for nobody can tell at this moment whether that would be an adequate provision or not; therefore the upshot of what I have to say is, that the Government propose to adhere to this clause for the time, without prejudice to any future action. But as it is absolutely necessary to make some provision at the present moment for possible contingencies, it is eminently desirable that a more definitive statement of the provisions we propose to make should not be made now, but that it should be reserved. With these

few observations, I would propose to retain the clause as it stands."

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Mr. W. H. SMITH :—"After the statement of the right honourable gentleman, I shall not persevere with the notice which stands on the paper in my name. I am sure that the right honourable gentleman will acknowledge that I have not given that notice with any feeling of hostility to the proposal to set up a peasant proprietary in Ireland. On the contrary, I am convinced from the experience which I gained when in office, that the present system has been practically a failure. There has been, up to the present moment, something like 800 peasant proprietors in Ireland constituted under the Act of 1870, and less than one-half of the sum of £1,000,000 sterling which was authorized to be advanced by the Act of 1870 has been appropriated for the purpose. I am sure the right honourable gentleman will feel that fair play has not been given to the scheme, and that the difficulties connected with the administration of the money, and the circumstances in which the fund was placed are so great, that I am not sanguine that any scheme on the same lines can be really successful. In the first place, it will be understood that it is the duty of the Treasury, and very properly so, to exercise a wholesome check upon the expenditure of the public money, and to be extremely jealous as to the value of the security which is offered for public loans. It must also be borne in mind that under the provisions of the Bill, as they now stand, it will be necessary from time to time, and from year to year, to apply for an Act to authorize the expenditure of the money; and as there is likely to be a discussion in which different opinions may be expressed, I do not think that any public financial authority can be very earnest in its desire to give full effect to this scheme. I

have the greatest confidence that the proposal which I intended to lay before the Committee would have been found to work successfully in practice. That proposal was that an Irish fund should be established on the security of Irish property, and administered by Irishmen in Dublin, competent men, and desirous of insuring its success. I am confident that such a scheme if carried out in that way would have had fair play given to it. In the first place, it is quite certain that many of the purchasers of land who will avail themselves of the facilities which will be afforded under any scheme will be more or less unsuccessful. It will require strong and vigorous hands to see that the object the Government have in view in constituting a solvent an independent and a thriving peasant proprietary is attained.

"In order to do that it will be necessary to deal from time to time with a man who has proved to be a complete failure, and to turn such a man out of his holding and sell it beause he is utterly unable to comply with the conditions which are necessary in order to secure success. I venture to say that a Government officer, acting on the responsibility and on behalf of a Government having a Chief whose position must always be regarded from a political point of view, would really be placed in a position of the greatest possible difficulty, and would hardly be able to discharge his duty—so that the success of the whole scheme would be imperilled.

"We should have growing up a number of men with small means—weak men with a load hanging round their necks—and a new Encumbered Estates Bill and a new application of the public money would be necessary; and we should arrive at this position—that at the end of four or five years there would be a general admission that the scheme had failed because the officers of the Government were really incapable under the circumstances of giving

effect to it. Then I come to consider how the scheme would work if you constituted what would practically be a Land Bank, with officers alike reponsible to the Government and the country and to the people of Ireland for the manner in which they carried out the scheme and administered the fund intrusted to their charge. We should have to consider first of all what the security would be which the intended bondholder would give. He would have to give the security of the margin of 25 per cent., either of his own money or of money obtained from his friends. The Commissioners would have the security of the new interest given by this Bill to the tenant and the occupier, and the tenant himself would have the great individual security that the fund would be preserved intact for the benefit of the whole community. That, I think, would be a powerful and a strong additional security. I agree with the right honourable gentleman the Prime Minister, that the sum of £2,000,000 placed at the disposal of the Commissioners, taken by itself, would be a comparatively small sum on the strength of which to undertake very large operations; but I am convinced that, taking that sum with the security I have referred to, strengthened by an honest and careful administration, a very large sum might be raised by means of debentures secured on the property which the Commissioners would have to administer. Let us consider how the system would work. There would be an income at once secured to the Commissioners of £60,000 a-year from the fund of £2,000,000 placed at their disposal, which would be far more than sufficient to make good any deficiency in the repayments by the purchasing tenants of the capital advanced to them for the purchase of their holdings. I think it must be clear that, unless the administration is ineffective—and I believe it might be made thoroughly effective—the deficiencies which would occur would make a

very small demand indeed upon this annual income of £60,000 a-year.

"But the value of this income would be that any investor desirous of taking up these land debentures would have his interest secured on the day on which it became due, and the absolute security of payment on the day it became due would make a great difference in the circumstances under which the debentures are issued. They might be issued with great ease at even a lower rate of interest in the present state of the market than 3½ per cent. We have had, in a limited way, evidence of the success of an Irish Reproductive Loan Fund. According to the last Report, out of £30,000 advanced, £20,000 have been repaid, and there are only £800 of arrears altogether at the present moment, and of that sum a considerable amount has been repaid since the Report of the Commissioners was printed. That affords evidence, in a small way, that sums not easily recoverable are repaid in Ireland, if it is an Irish fund administered by Irishmen, and the Irish people have confidence in it. As the right hon. gentleman has admitted that the scheme of the Government is not intended to be a final scheme at the present moment, and as I fully admit that it would be impossible to frame a measure that would be completely satisfactory in a short space of time, it is desirable that I should refrain from going farther into the proposal which I have submitted. It was intended merely to suggest the way in which a successful attempt to deal with the question might be made. It was intended not by any means as a complete scheme, or as an indication of the extent to which the scheme might go. But I hope some good will have been done by directing the attention of the Government and of the Committee to a question which I believe to be one which, if followed up, would prove to be extremely beneficial to Ireland, by inducing the people of Ireland to

rely on their own resources rather than to trust to assistance to be derived from the Imperial Exchequer.

"In our past experience there has been nothing more depressing than the feeling that there are Irishmen who come to this country with the idea that we possess resources which can be and ought to be placed at their disposal, in order to get them out of any misfortune into which they may happen to fall. That is not consistent with the principle and spirit on which the future of a great and prosperous country, such as I sincerely trust Ireland will become, ought to be built up. I believe there are material resources in Ireland which, if properly applied, should make her as prosperous and her people as vigorous as any people on the face of the earth; and it is my desire to see those resources applied by Irishmen for Ireland in a spirit of true independence, rather than see her come to this country for aid from the Imperial Exchequer. For the reasons I have stated I do not propose to proceed with my amendment.

"Mr. GLADSTONE: I only rise to express the pleasure with which I have listened to the observations of the right hon. gentleman. I receive with due respect, for future consideration, all the remarks which he has made; and there are two things which I feel specially bound to say—first, I am very glad to see that the speech of the right hon. gentleman has been received in a favourable spirit by many of the Irish members; and, secondly, that I do not think we ought to depart from this discussion without an expression on my part of my sense of obligation to my right hon. friend for the entire spirit with which he has approached the question. Upon the scheme itself I can give no opinion now, except this,—that it may be possible to frame a plan which may take the form of an Irish Fund, and, at the same time, not be permanently dissociated from the Consolidated Fund."

"Mr. SHAW said he wished to express on his own behalf, and on behalf of the Irish members their full appreciation of the admirable spirit in which the observations of the right hon. gentleman, the late First Lord of the Admiralty (Mr. W. H. Smith), had been made. If there were Irish members or Irishmen who were of opinion that the Imperial Exchequer was the source upon which they must rely for relieving them of all their difficulties, they must be peculiarly constituted. Such an idea had long ago been revolutionized, and it would be a great misfortune for Ireland if it ever got hold of the Irish people in any way again. It was certainly not the object of Irishmen to rely for assistance upon the Imperial Exchequer, but upon their own resources. Their real object was to work on the lines of the scheme which the right hon. gentleman had sketched out, not in the present Session, because that would be impossible, for reasons which had been pointed out by the right hon. gentleman the Prime Minister; but as a permanent mode of carrying out the framework of the Bill he entirely approved of the scheme of the right hon. member for Westminster for the establishment of a great Irish Fund, to be administered by Irishmen. He believed that such a fund would be easily obtainable. It was not necessary to discuss now the mode in which it was to be accomplished; but as the Prime Minister had suggested, it might be absolutely necessary to a certain extent to depend upon the Consolidated Fund."

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"Mr. T. P. O'CONNOR said he could not let the speech of the right hon. gentleman (Mr. W. H. Smith) pass without some expression of opinion from the Irish members. He accepted with gratitude the tone of the right hon. gentleman's remarks, in which, acting on the germ theory, he thought that he could detect in an embryonic form an advocacy of local self-government. He was glad the right hon.

gentleman paid a just and fair tribute to the solvency and good faith of the Irish people with regard to advances made to them. The result of the Irish Reproductive Fund, and the loans under the Church Act, had shown that the people of Ireland could be safely trusted to discharge their lawful debts, but there was immense force in the right hon. gentleman's argument against the whole principle of Government action in this matter."