

## IRISH FORESTRY AND THE LAND PURCHASE ACTS.

BY CHARLES A. STANUELL, ESQ., M.A.

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It is by no means a modern discovery that the presence or absence of timber seriously affects the temperature and climate of a country. It was well known before the Christian Era, and even in the Dark and Middle ages, which followed the irruption of the wild nations into what had been the Roman Empire, when art and science appeared to be extinct, this knowledge seems to have survived.

The fate of Spain, when the Christians cut down the timber planted by the industry and science of the Moors, is well known, and will serve as an instance of what takes place, for the country has never since recovered from the damage which was then done. In summer the heat is intolerable, the rivers become mere dry channel beds, vegetation is killed down by the burning sun, the crops cannot grow for lack of moisture. In winter it is exactly the opposite, although the country is hundreds of miles south of the United Kingdom, the cold is often intense, and each dry channel-bed becomes a raging torrent, bearing off to the sea, almost instantaneously, the rain which would have sufficed the thirsty lands for months, if it had been stored in those natural reservoirs, the forests which have been so ignorantly destroyed.

The fact is that when a country is deprived of its timber the radiation of its heat is direct, and the soil chills rapidly, and in addition when rain falls, it rushes off in torrents to the sea. The forests maintain a more equable temperature as to heat, while they enormously retard the rush of the mountain torrents. It has been well remarked by Mr. Baring Gould in *Germany Past and Present*, the chapter on Forest Royalty, that "it rains in the wood for hours after it has rained upon it. When the shower ceases to patter on the leafy canopy overhead, the rustle of falling drops continues in the forest arches below. The tree foliage continues to drop upon the tangled growth beneath, and from briar and whortle the tiny globules are slowly distilled into the thirsty mouths of the earth's pores."

When a country is bare of wood, this gradual process is lost, and what should be a refreshing shower becomes a devastating torrent.

The evil was noted early in France, where from the absence

of coal, wood is immensely valuable for fuel, and the Duc de Sully, the great minister of Henry IV., devoted great attention to the subject, and the system adopted, if not introduced by him, has been continued ever since, and as we shall see later on, the British themselves send their forest officials to France to this day to learn how forests should be managed.

In the same book from which I have already quoted, Mr. Baring Gould calls attention to a portion of France with which many of us must have some acquaintance, the district between Calais and St. Omer. At a distance of about three miles from the sea, there is a low range of hills parallel with the coast. The hills are little more than mounds, only about sixty feet high, and not more than six hundred feet wide, and they are planted with firs and oaks, forming thus a shelter against the wind blowing in from the sea.

On the sea side of this belt is a tract of desolation, rank grass, no trees, sand flats. On the sheltered side are fields and fruit trees, corn, and ruddy apples. The band of trees, little more than a quarter of a mile wide, forms a mole or pier against which the waves of the atmosphere exhaust themselves.

Continuing his subject, the author pointed out, that all along the German coast the same precautions are taken, while to make the matter still more certain he named cases in which impecunious owners had sold forests with disastrous results, and in particular how Frederick William I, had cut down a belt of pines on the coast between Dantzic and Pillau, and sold the timber for 200,000 thalers, with the result that the sands drifted in, and when the book was written (my edition is dated 1879), the moving sands could not be arrested, and a canal was threatened with being choked.

I could quote page after page as to the value of timber, and the British themselves, since they have had India under their control, have had their attention turned to the subject. It is something more than thirty years since they instituted an Indian Forestry Department, which has been so well described by Rudyard Kipling in his *Jungle Stories*. Indeed the work may be best described in his own words:—

“Of the wheels of public service that turn under the Indian Government, there is none more important than the Department of Woods and Forests. The *reboisement* of all India is in its hands: or will be when Government has the money to spend. Its servants wrestle with wandering sand-torrents, and shifting dunes, wattling them at the sides, damming them in front, and pegging them down with coarse grass and spindling pine after the rule of Nancy. They are responsible for all the timber in the State forests of the Himalayas, as well as for the denuded hill sides, that the monsoons wash

into dry gullies and aching ravines ; each cut a *mouth*, crying aloud what carelessness can do. They experiment with battalions of foreign trees, and coax the blue gum to take root and, perhaps, dry up the Canal fever. In the plains the chief part of their duty is to see that the belt fire-lines in the forest reserves are kept clean, so that when drought comes, and the cattle starve, they may throw the reserve open to the villagers' herds, and allow the man himself to gather sticks. They poll and lop for the stacked railway fuel along the lines that burn no coal ; they calculate the profit of their plantations to five points of decimals, they are the doctors and midwives of the huge teak forests of Upper Burma, the rubber of the Eastern Jungles, and the gall-nuts of the South ; and they are always hampered for want of funds."

"In the Rukh," from which I have quoted, was written more than ten years ago, but I am glad to say that a member of this Society recently told me that it would appear that this want of funds is disappearing, as the surplus of income from the forests over expenditure amounted, last year, to no less than £769,000, and there is now some kind of School of Forestry at Cooper's Hill, London, though the young foresters are still sent to Nancy to learn practical forestry after the method so long practised in France.

Applying the lesson of what has been done abroad, I find in the first place that it is universally admitted that Ireland suffers from a deficient supply of wood, particularly on her western coasts, which are exposed to the constant winds ever pouring in from the Atlantic. I believe statistics show that for upwards of two hundred days in the year the wind is west or south-west, and these winds sweep in unchecked from the Atlantic, there are mountains all along the coast from Kerry through Galway and Mayo to Donegal, but there is no sheltering belt of timber like that which has been so carefully cultivated in France, and Germany, and hence for miles and miles our western shores are bleak and bare.

The fact that these constant westerly winds blowing in from the Atlantic Ocean have a very bad influence upon the country, is, I think, known to everybody, and it is also, I think, admitted by everybody except the Irish Land Commission that every effort should be made to protect such timber as we have got, and to extend fresh planting whenever opportunity offers, and this point leads up to the main point of this paper, a very serious blot in our land system, which threatens to have very serious consequences.

Up to the year 1903, the principal woods have been the property of the landlords, and have been to some extent protected by them, in some cases for sport, but in the great majority of cases because the owners were men of education who understood the value of shelter. I must not be taken

as saying that the landlords had a monopoly of the intellect, the majority of the farmers, particularly on this side of Ireland, were more or less acquainted with the fact that shelter was simply invaluable for agriculture, but unfortunately the poorer classes, and smaller farmers, particularly in remote districts, have not got this knowledge, and almost seem to look upon the trees as an emblem of landlords' tyranny, and the first thing they do is to clear away every tree upon their newly purchased holdings, selling them like Frederick William I., for what they will fetch, and leaving their lands exposed to all the evils which I have already enumerated.

I have long been interested in this question of planting, and when my attention was called to the rapid destruction which was taking place, I wrote to the Land Commission pointing out the serious nature of the damage, and asking them to take precautions against its being continued.

My view was, and is, that the Land Commission, even apart from being a Government Department, is in the position of a mortgagee on the tenants' holdings, which form the security for the nation's advance of the purchase money, which is being paid off by instalments, and that so long as the loan remains outstanding, the tenant cannot legally injure the land which forms the security for the advance. It is well known to all legal men, that this is the ordinary law in such cases:—If any landlord mortgagor were to proceed to cut down and sell the timber on the land he had pledged to a mortgagee, the mortgagee would at once take proceedings against him to restrain him from committing what is called "waste," and I considered that the Land Commission, as mortgagees, and as the trustees for the nation, would naturally interfere, in fact that they were bound to do so.

My object was not to cause any bitterness or strife. I saw that certain ignorant men, a comparatively small body, were unconsciously inflicting great damage, not only on their own property, but on those of their neighbours, and the nation at large, and I wished the matter stopped by a perfectly legal remedy in the true interest of the whole nation.

I cannot produce the correspondence, for it was marked private, but I may state, that while admitting that the evil actually existed, and was known to be injurious, my suggestion of forbidding it, and taking legal proceedings to enforce the prohibition, did not meet with favour, and the attitude assumed may be briefly described as one of *non possumus*. There was, among other objections, a statement that "the opinion of counsel" was against me.

I had every confidence in my own knowledge of the subject, and very little in the opinion of counsel upon forestry, but I thought it would be well to go to the highest authority at

my command, and I addressed a letter, on the subject, to the Professor of Agriculture of Trinity College, and this is his reply :-

“DEAR MR. STANUELL,

“I have been from home for some time, or would have replied to your letter

“The advantages and disadvantages of timber on land depend on a variety of circumstances. Hedge-row trees are generally a nuisance on all farms, but more particularly on tillage land, as they injure the crops for a considerable distance, particularly by extracting from the soil the plant food, which should go to nourish the crop, and in a lesser degree by shading the crop from sun. They also injure grass lands. Moreover they are of little use for sheltering from wind.

“With regard to plantations, however, the case is different. If these be placed in proper positions they afford valuable shelter for all classes of land. On several of my fields which have plantations on the northern side, the crops are much better where sheltered by them than in the rest of the fields.

“As regards pasture lands, I do not think that the advantages of shelter from properly placed plantations has ever been questioned, although I believe that in many cases it has not been fully appreciated.

“I have never cut down a plantation here without replacing it, and have no doubt but that, if I had not done so, the adjoining lands would not be as valuable as they are at present. The advantage of timber to the country generally opens up a very wide subject, but as this advantage has not, so far as I know, been disputed, I need not enter into it now. I have known of several instances, where the tenants on purchasing their holdings, immediately proceeded to cut down all the timber thereon, and as they rarely think of replanting, I consider such a mode of procedure, if continued, would prove injurious, not only to the holdings themselves, but also to the country in general.

“I have never made any secret of my views as to the advantage of timber, and, therefore, I have not the slightest objection to your mentioning my name in connection with the matter. It might have some weight, as I have been a tillage farmer for over thirty years, and am at present Professor of Agriculture in Trinity College, Dublin.

“Yours very truly,

“W. A. BARNES.”

I may, perhaps, add that I have known Mr. Barnes, personally, for years, and that he is actually a master of his subject. Armed with such an opinion, I thought I must succeed in my efforts to draw attention to the very serious question raised, but it had absolutely no effect on the Department.

I had in the first instance endeavoured to get the Commission to proceed by the ordinary law, but when I completely failed to move them from their attitude of *non possumus*, I tried another plan which, I fear, will necessitate a little explanation.

Some, if not all my audience, are aware that under the 13th Section of the Land Purchase Act, 1903, the mines and minerals under land purchased by tenants are not conveyed to them, but are reserved to the Land Commission, to be held by them in trust practically for the benefit of the nation. I admit that the Act is altogether vague as to how this is to be done, and that the Judicial Commissioner has pointed out that this portion of the Act is thoroughly defective, and must be amended, but as this is the case, and as a Bill is being prepared, I suggested that it would take only a single sentence to include the timber in the reservation, and preserve it for the general welfare of the country.

This effort met with no better success than the others, I had met "the everlasting nay," and I then recognised that further efforts in the direction of the Land Commission were absolutely useless, and that the only course open to me was to abandon any such effort, and endeavour to obtain support elsewhere. This paper is one of the results.

I may now point out that although the Land Commission is practically encouraging the destruction of timber, there exists another Government Department, that of Agriculture and Technical Instruction for Ireland, which has a special department or division for forestry, and a set of leaflets is issued by it. I have them here, and the following are the titles:—

- No. 65.—*The Planting of Waste Lands.*
- No. 66.—*The Proper Methods of Planting Forest Trees.*
- No. 67.—*Trees for Poles and Timber.*
- No. 68.—*Trees for Shelter and Ornament.*
- No. 70.—*Planting, Management and Preservation of Shelter and Hedgerow Timber.*
- No. 71.—*The Management of Plantations.*
- No. 72.—*Felling and Selling Timber.*
- No. 73.—*Planting and Management of Timber.*

Finally there is another form A 169 (a) giving notice that on an application being made to the Secretary of the Depart-

ment an inspector will be sent down to advise as to the selection of sites for plantations, suitability of soil, choice of trees, treatment of existing woods, draining and fencing of woodlands.

By an irony of fate the offices of the Land Commission and the Department of Agriculture and Technical Instruction are on opposite sides of the same street, and actually facing each other. The one is taking no trouble to preserve timber which was planted years ago, and which is in full vigour, while the other is busy planting trees which can be of little use for the next fifteen or twenty years. To use a homely but expressive simile, it is a case of trying to fill a barrel through the spigot with the bung-hole open.

Can one imagine what the Indian Forest Department would say, if, while they were planting one end of a plantation, the natives were allowed to cut down the grown trees at the other end?

It is, I think, profoundly melancholy to find that even two Government Departments cannot work together for the good of Ireland. Here on one side of a street in the capital, is one Department engaged in a work which is of national importance, and on the other side is a sister Department, whose officials will not even try to make an effort to assist, and say *non possumus*.

Possibly it may be said that I have not shown what could be done: but I have pointed out that in my opinion the destruction is "legal waste," and I have suggested that the timber might be nationalised, and in regard to this I may perhaps give a few particulars of the French Forest Code, as it will give some idea of its features, though I can of course only glance at a few of its leading principles. It will at all events call attention to the existence of the Code in question, for it is probable that comparatively few of the inhabitants of this country have any acquaintance with it, or are even aware of its existence.

My print of the Code was published when France was a Kingdom. There may be some slight alterations in technical terms made since the establishment of the Republic, but this is not a matter affecting the general principles.

It is not of course connected with any system of cultivation, it is merely a code of the legal procedure in respect of what I may term the management of the French Department of Silviculture. I will only make a few references to it.

By the first section of the Code in question the woods in France are divided into two great classes, public and private, and the first is subdivided as follows:

#### I. Public Forests:—

1. The Woods and Forests belonging to the State.
2. Those belonging to the Crown.

3. Those belonging to Princes or Peers, and so on, with a reversion to the Crown.
4. Those belonging to the Communes, answering to our County Councils.
5. Those belonging to any public establishment.
6. Those in which any of these classes are interested.

II. Private Property, woods and forests belonging to individuals.

The procedure varies according to the nature of the title: the first and second are under the authority of the State, the fourth and fifth are under the local authorities, but in all cases the supervision is very thorough, there are custodians and inspectors, there are rules for survey and examination, against damage by fire, cattle or swine, against malicious injury, and the gathering of acorns, beechnuts, seeds, and even windfalls.

As an instance of the extreme care taken of the timber, it is laid down by Article 194 of the Code, that:—

The penalty for cutting or carrying away wood which is not two "decimetres," say four inches in circumference, shall be, for each cartload, ten francs, for each beast harnessed to the cart, five francs per beast of burden if thus carried, two francs per faggot as thrust into the oven, or as carried by a man. If the question be one of trees sown or planted in the forest for less than five years, the penalty is to be three francs per tree, whatever may be its size, or in default, imprisonment for from six to fifteen days.

The next article provides that in case of tearing up plants the penalty shall not be less than ten francs, nor more than 300, and if the offence has been committed in a seedling plot, or in a plantation, carried out by men, a term of imprisonment in default, of from fifteen to thirty days.

Further, topping young plants, barking, or maiming trees, or cutting their principal boughs, are to be punished as if the young trees had been "trampled under foot," *i.e.*, totally destroyed. Taking away "windfalls" is treated in the same way—the French evidently do not tolerate the excuse of "finding it on the ground."

I am not attempting to summarize the Code, much of it would be dull, and much of it would not be suitable in a country where there are practically no woods except those of private persons, and no particular need for fuel. I am only quoting a few instances to show what care the subject has received in France. It is true that in France they have to look to the woods for fuel, but, on the other hand, we have to look to them to break the storms which sweep in upon our lands from the Atlantic, and we cannot afford to do without them.



In connection with some improvement two suggestions have been made :—

1. That a simple form of explanations, in a popular form, might be distributed.

2. That the County Councils might become trustees under the fourth section of the Land Purchase Act, 1903, and strike a rate for planting.

As regards the former.—My difficulty is to reach the class who need the lesson. They do not travel, they are not observers, and, though they can read, they rarely do so. Some of them read the newspapers more or less occasionally, but the Press can hardly be expected to keep an elementary lesson on the value of shelter in standing type for insertion on frequent occasions. The only prospect I see would be to induce the Clergy to allow a distribution of such an explanation, on popular lines, to be made at the churches. It would not be fair to expect them to do this themselves, they are very hardworked, and badly paid as it is.

As regards the suggestion of utilising the County Councils, and their becoming trustees under the fourth section of the Land Purchase Act, 1903, the following is the section—

“4.—(1) In the case of the sale of an estate advances under the Land Purchase Acts may be made for the purchase, by any trustees approved of by the Land Commission, of any parcel of the estate to be held subject to the provisions of this Act, for the purposes of turbarry, pasturage, the raising of sand or gravel, the cutting or gathering of sea weed, the planting of trees, the preservation of game, fish, woods or plantations, or for the purposes of the Labourers (Ireland) Act, 1883 to 1896, as amended by this Act.

“(2) An advance in pursuance of this section may be of such amount as the Lord Lieutenant may sanction.”

I fear that this section would hardly be strong enough to do what I want, but I should like to see large powers vested in the County Councils for cultivating timber and shelter, arterial and thorough drainage, water supply, and destruction of weeds and thistles. In fact, I would give them power to stop any course of conduct which injured the country in general. There is a very practical German law, which is, I think, deserving of very careful study. In that carefully educated country, the doctrine of “letting a man do what he likes with his own,” is not considered to hold good when it prejudices others. If a man neglect his trees in the Fatherland, a paternal government steps in, does the work in the interest of his neighbours and the State, and—sends him the bill with a more or less polite demand for payment. We want an Act of that kind.

You will observe that I refer to the County Councils. I

do not believe in a central authority acting through deputies. I want the directing head to be on the spot.

I do not believe in the Land Commission possessing the qualifications for this work any more than the Board of Works. My experience is that when once an office becomes identified with the collection of revenue or government funds, it loses touch with local affairs, and becomes more and more identified with the receipt of revenue, and less with anything involving expenditure.

I am aware that there are persons who are trying to merge the Congested District Board in the Land Commission. I think I have given fairly convincing reasons in this paper to show what would be the consequence.

I do not want to cause trouble, but I will mention one of the objections made to me when I was urging the introduction of a Bill to enable the Land Commission to take care of the woods. It was —

“ If a Bill were introduced to give the Land Commission power to prevent the destruction of the timber. it would be blocked by some Member of Parliament, on the ground that a man can do what he likes with his own ! ”

— It sounds specious, but will it bear examination ? Is a man allowed to set his own house on fire, and run the risk of burning a whole city ? May a manufacturer turn the refuse of his works into the nearest river ? May a man keep cases of anthrax, pleuro-pneumonia, or glanders among his horses, flocks, or herds ? Why should he be at liberty to destroy timber or shelter, and damage his neighbour's property ? What is the difference between the first case and the last ?

There is one matter I wish to emphasize. I am not dealing with this question as one of party. I must not be taken as meaning that every tenant purchaser is so blind and ignorant as to damage his own interests by destroying shelter. Many of them are keenly alive to its advantages, but there remain a large number of comparatively small holdings held by poor and ignorant men, particularly in the West, and they do the mischief. It is like a leak in a ship, the winds blow in through the gaps they create in the shelter bands, and spread the destruction. This is where the danger lies.

I have no more to add. I can only express a hope that I may have succeeded in drawing attention to a subject, which I believe to be of the utmost importance to the country, and that others of far greater ability and influence will take it up and carry it to success.