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I.—*Address at the Opening of the Forty-eighth Session.*  
By Mr. Serjeant Dodd, Q.C.

[Read Tuesday, 20th November, 1894.]

THE society, as it now exists, is the combination of two societies, one for the investigation of statistics and the study of economic science, the other for the purpose of making social inquiries, mainly with a view to a reform of the laws that stand in the way of social progress.

The earlier of the two societies was established in 1847, the other a few years later. They were amalgamated in 1851.

I have endeavoured to fit myself for the duties which your kindness has called upon me to discharge, by a perusal of the transactions of the society, and it occurs to me that I cannot devote the time allotted to an opening address in any way more likely to be useful and interesting than by recalling your attention to the work of the society, and to some of the things that have happened since it was founded.

The year 1847 was a memorable one in two respects. It saw inaugurated that great measure of Free Trade which cast the shackles from England's commerce, and made, or helped to make, London the emporium of the world. In Ireland it was a year of famine. The years immediately preceding had been years of much distress in England. One cannot read such papers as those of Carlyle upon Past and Present without being struck with the acute crisis which England passed through early in the forties; but the close of the forties was of deep and dire disaster to Ireland.

Under these circumstances, in the early days of the society, naturally, the state of agriculture in Ireland was the most engrossing subject of consideration, and the transactions are filled with papers from time to time upon the economic condition of the landlord, the farmer, and the labourer in Ireland. I do not think there was any opening or closing address in which this was not the main topic of discourse. Let us endeavour to discover whether the method of

treatment of these subjects has remained the same or has varied, and if it has varied, in what direction.

One of the earliest papers read before the society was a criticism of the theory then lately put forward by Sir C. E. Trevelyan, that "the potato was the cause of Ireland's misery." In a then recent work called *The Irish Crisis*, he had written as follows:—

"If a few months ago an enlightened man had been asked what he thought the most discouraging circumstance in the state of Ireland, we do not imagine that he would have pitched on absenteeism, or Protestant bigotry, or Roman Catholic bigotry, or Orangeism, or Ribbonism, or the Repeal Cry, or even the system of threatening notices and mid-day assassinations. These things he would have said are evils, but some of them are curable, and others are merely symptomatic. They do not make the case desperate. But what hope is there for a nation which lives on potatoes?"

This theory was advanced by a man "who had devoted his time and his abilities to the gigantic measures of public and private charity adopted for the relief of our fellow-countrymen, whose writings exhibit the most enlightened philanthropy, and the warmest interest for the advancement and prosperity of Ireland." It was with an apologetic tone that Dr. Hancock in 1848 ventured to attack a theory advanced by a man whom he described in the words I have quoted. The theory was really a theory of over-population. There were too many people and too little food, and when the main article of food failed, distress must follow. Now it is to be observed upon this, that the evils which the writer thought curable are hardly cured yet, the population has diminished by millions, and a failure in the potato crop in parts of Ireland in this very year is likely enough to occasion great distress.

What was the counter view then put forward by Dr. Hancock? His name cannot be mentioned in this society but with respect and affectionate remembrance.

In a series of six carefully written and well thought out papers he gave an elaborate exposition of the matter from the standing point of the time. There were three theories put forward in 1848 to account for the backwardness of agriculture. The first was ignorance, the second was the perverse character of the people, the third was the state of the law. He discards the first and second, and attributes the evil entirely to the third, and he proceeds to show the legal impediments in the way of prosperity in Ireland. These are mainly—first, the cost of the transfer of land, and second, the legal hindrances to the application of capital to agricultural operations. Of these he enumerates six—the first, the old feudal principle that the ownership of improvements follows the ownership of the land; secondly, the law of agricultural fixtures; thirdly, the restraint on leasing powers; fourthly, the restraint on the power of making tenant-right agreements; fifthly, stamps on leases and other contracts with tenants; and sixthly, the remnant of the usury laws. He illustrates these with a wealth of information and argument all his own. But the method you will observe is the removal of restraints. This was natural, for the doctrine of *laissez-*

*faire*, which Dr. Hancock translated into "Rely on private enterprise," was a fundamental doctrine of the economists of the day. This is Dr. Hancock's way of putting it:—

"A disregard of *laissez faire*, either in public or private policy leads to results as much at variance with common prudence as a disregard of the law of gravitation. It leads all parties to attend to other business than their own. Landlords devise plans for encouraging manufactures, instead of applying themselves to the good management of the land. Benevolent people get up charitable loan funds and fishery companies, instead of leaving these trades to be carried on by money lenders and fishermen. In public affairs politicians instead of confining themselves to their proper business, the protection of the community from fraud and violence, and exerting themselves to have the legislation of the country framed in the best manner to effect this great object are occupied with plans for stimulating industry, lending money for drainage or railways, encouraging particular trades, promoting emigration or regulating the manner in which various parties shall carry on their dealings. Thus the soundest principles of science coincide with the dictates of common prudence in teaching each person to mind his own business, and to follow the dictates of enlightened self-interest as the best means of promoting the welfare of himself, of his country, and of the whole family of man."

He was a man of large and generous sympathies, as I who had the good fortune to be his friend desire lovingly to testify. He could not but see that *laissez faire* had not made much of it in Ireland. And so his theory was that the state interference in Ireland which had prevented the free play of private enterprise was the real cause of Irish distress. This is his attitude throughout. Dr. Lawson also approved of the "sound principle" that there should be perfect freedom of contract between landlord and tenant; that all the legislature had to do was to enable all parties fairly and voluntarily and without restraint of law, to enter into their own contracts. "Every impediment to entering into free and open contracts between landlord and tenant should be swept away, and they should be as free to contract as men are in their dealings with respect to goods and chattels." I have anticipated a little to quote these words. They are from the opening address of the session 1858. Dr. Lawson was then a Queen's Counsel.

But perhaps for my present purpose the most interesting of all the papers is one by Mr. Edward Lysaght read on the 24th March, 1851. He says:—

"The members of the Irish Tenant League might be allowed to manifest the absurdity of their own propositions, were it not for the injurious effects of agitation in turning the attention of the Irish people from individual industry and prudence, the only means by which a country can be rendered prosperous."

The following are the requisitions of the Irish Tenant League:—

1st—"That rent supposed at present in consequence of excessive competition for land to be too high, should be fixed by valuation. 2nd—That the tenant should not be disturbed in the possession of his land while he pays this valuation rent; and 3rd—That he should have power to sell his 'tenant-right' at the highest market value without interference on the part of the landlord."

The writer proceeds to point out a few of the many ways in which the requisition of the Tenant League would violate the principles of economic science, and would operate in a manner directly prejudicial to all classes of the community, but the main ground of objection is—that such propositions are at variance with the doctrine of *laissez faire*.

This society is pre-eminently one for the ascertainment of facts, for statistics is but another name for facts, and here are two facts of startling significance. The very best economists of the day took part in their discussions of the subjects I have mentioned, and I have selected Dr. Hancock and Dr. Lawson, two of the most eminent. They fortified their position by quotations from English economists, Mill and Senior, and purported to found their teaching upon the doctrines of Adam Smith. With no uncertain sound they declared that the principles of economic science were at variance with interference in the contracts between landlord and tenant. The doctrine of *laissez faire* was proclaimed as an established doctrine of science. At the very time these doctrines were being proclaimed, the demands of the tenants of Ireland were being put forward in a form inconsistent with this doctrine.

But the three propositions of the Irish Land League put forward in 1851, propositions that were adjudged by the economists to be absurd, were embodied in legislation in 1881.

Historically considered, it cannot be wondered at that so much insistence was placed upon this doctrine. Trade, agriculture, education, religion, had all suffered from the inept interference of the legislature. It was with a mighty effort that the grievances which the Corn Laws had imposed had been removed in 1846. To free Irish land from the same shackles was the dream of the economist. And the men who at a great price had obtained this freedom of trade were passionately enamoured of freedom in all things. So late as the year 1870, I saw a letter from John Bright to a friend in Belfast, in which the question was put: Why cannot there be free trade in Irish land as there is in English goods? And it was by some such argument as this, that the great Free Trader finally and reluctantly gave his assent to the first encroachment of the legislature upon the contractual relations of landlord and tenant in Ireland. You cannot have a free contract, where by the historic accident of the country one of the contracting parties is at the mercy of the other. If a tenant has spent time and money upon his holding, he is not free to make a bargain with a landlord who can confiscate the results, when the tenant does not agree to the terms of the new letting. But Mr. Bright and those who were engaged with him in that legislation looked forward to the time when freedom of contract in respect of land would be re-established. Mr. Bright, perhaps anticipating an ever recurring difficulty in that respect, aimed at the establishment of a peasant proprietary in Ireland. But mark the evolution. The peasant proprietary was to be established by state aid. Reflect upon what is implied in this. We will not interfere with contracts, but it is desirable in the interests of the entire community to get rid of the friction between classes in Ireland. We

will encourage, we will not compel, and we will assist with money, and credit which is equal to money, to establish that system which we think better than the existing one.

Now this is something more than removing impediments, it is giving facilities, it is state encouragement, it is a blow at *laissez faire*. *Laissez faire* will not accomplish all that the economist may wish or hope. We will interfere, but we will do as little as we can. And so we find in the debates of 1870 statements and expressions to the effect that for the future every tenant is to be bound by his contract, that this legislation is final, that a continuance of enjoyment of his holding by a tenant for a definite time will wipe out all past scores. In the next ten years, the demands of the tenants of 1851 were pressed with the urgency of a growing power in the people upon the legislature, and *laissez faire* went down before the democracy. Practically all contracts for a tenancy from year to year in agricultural holdings were brought within the review of a state-appointed tribunal, even leaseholds of short duration were subject to consideration at the end of the lease. But a document which was attested by a wafer and a seal was a solemn contract, not to be interfered with by the state. *Laissez faire* was reduced now to a throne founded on a wafer. But even that support was afterwards taken away, and in 1887 the solemn lease followed the frivolous tenancy from year to year, into Merrion street. There still remained perpetuity grants, and such like deeds, that might perhaps be considered of the most momentously solemn kind known to the law. They must be treated with the respect due to age and learning. They might not be reformed but they might be redeemed, and could only be reformed if they did not consent to be redeemed.

There can be no disguise about the matter now, it is not accidental or occasional, not for past contracts, but for future contracts, not for one kind of contract, but for all. Not by one party in the state but by each in turn is it acknowledged that the state has taken under its control agricultural holdings in Ireland. Nor are there wanting indications that the peasant proprietary which was *encouraged* in 1870, may be *enforced* before the end of the century. If this be so, the state interference may only be a transitional resource, so as to enable one system of agriculture to be substituted for another, and may perhaps on this ground be defended.

What is the meaning of all this? Was the economic doctrine wrong? Or is modern legislation but another confutation of the dismal science? or are the Queen, Lords, and Commons of Great Britain and Ireland legislating in flagrant violation of economic teaching? For the result is this:—The legislature representing the people of the three Kingdoms has affirmed the proposition that the entire community has an interest in the relations of landlord and tenant in Ireland, that it will control and regulate them. It will not recognize the so-called right of an owner of land to do what he will with his own. It will compel him to be content with a fair rent, it will not permit him to evict at will, and it will encourage and sanction free sale of holdings. We have gone a long way beyond “the removing of impediments.”

This society is based upon a broad principle of free discussion, and it is open to any member of it to argue that the economic teaching was right, and that the recent legislation is wrong. And I for one shall gladly hear anyone who is willing to discuss the subject in this light. But let us, for our own satisfaction, see if there is an irreconcilable difference between this legislation and true economic doctrine. I do not advert to the legal aspect of the question. One of the first lessons I learnt in law was that there is no such thing as the absolute ownership of land. Each man holds from some one else, and the final tenant holds of the king. But whatever services the tenants in chief were originally bound to render, the holding of land as a grant from the Crown to enable the owner to render services to the Crown, though a doctrine of law, has yielded to the power of inexorable fact, and until recent years the ownership of land was, in fact, absolute. Many economists draw a distinction between land and every other industry, as regards state interference. Herbert Spencer and all the Mill school are strong in insisting upon the right of the state to the land, and the unearned increment of land, and that the land is the primary bearer of all state burdens; but they are equally insistent that while the state may and ought to interfere in land ownership and rights, it cannot and should not interfere with any other rights. Land may be interfered with, for in theory it belongs to the state. Capital may not be interfered with, for it belongs to the individual, and is the result of his own savings, or the savings of his ancestors.

Let us pause for a little to consider how far *laissez faire* has been acknowledged by the legislature in its enactments with respect to the relations of capital and labour. Shortly before the demand of the Irish tenant for the three propositions of the Irish Land League had been enunciated, the demand of the English labourer, semi articulate only, and wrung from him by the stress of famine, found expression in the aphorism—"A fair day's wage for a fair day's work." Society was bound to give him this at least, how or in what method, or by what provisions, or by whom was not formulated; but this was the cry.

So far as I am able to find or recollect, any actual interference with the remuneration of labour has not taken place. The only two occupations in which the rate of remuneration is fixed by state authority are solicitors and cabmen—the one by the central authority, the other by the local authority. The reason for the interference is the same—that *laissez faire* would not work advantageously in either instance.

But short of actual interference with the amount of wages, the state has made considerable limitations on the rights of employers of labour to make free contracts with labourers.

The first act interfering with the employment of children was passed since this society was founded. The excuse for that act was that children were not competent to protect themselves, therefore the state must protect them. You see what is involved in that. *Laissez faire* does not by itself produce a state of affairs, as regards children, that can be viewed with equanimity by the state. By a

similar excuse the same protection was accorded to women, they also, theoretically, being unable to manage their own affairs. But with male adults there can be no interference, man is man and master of his fate, you must not strike a blow at the independence and freedom of action of men. When the Ballot Bill was introduced it was opposed as un-English, unmanly, tending to meanness, and lies; a man ought to have the courage of his opinions, he ought to vote in accordance with his conscience, no matter what the consequences. No man would visit him with punishment for doing so, and if he did public opinion would soon punish *him*. But, alas, men did, and public opinion could not act without sanction, and the only sanction it could employ was the boycott, and the boycott brought one within the purview of the criminal law. If there is to be a sanction let it be put in force by the proper authorities. But better prevent than punish; and so the protection of the ballot was afforded to adult males. This, you may say, is not a matter of interference; it is, after all, only procedure. That may be, but it is worth noting, notwithstanding, as showing that if protection is required for the adult male, protection will be given. But still more recently we have a direct interference with contracts for services—the state has taken upon itself the task of seeing that railway servants are not employed for longer hours of service than is reasonable. Here again of course an excuse is put forward; the travelling public have an interest in the matter, an over-worked signalman or engine driver or guard may bring death and injury to persons travelling. Railways too have a kind of monopoly, and the state which grants them powers of taking land compulsorily has a right to look after the interests of the people. Yes, but really the taking of land compulsorily, or the virtual monopoly, has nothing to do with the matter, it is the danger to the public that is the alleged ground of interference. And see where that leads to: we will interfere to protect a body of workmen from being over-burdened and oppressed, if that threatens injury to outsiders, but we will not interfere where there is no reasonable apprehension of injury to others, though the physical and mental well-being of a large class of the Queen's subjects is injuriously affected. One might be content to show that the public has an interest in the economic well-being of every class of labourers. But even "enlightened self-interest" will not carry any one so far as to say that the result to the individuals employed from over work is not as good a ground of interference as the injury to others in consequence of their over work.

If we find, then, interference not only in the relations of landlord and tenant, but also in the relations of employer and employed, you might think there was scarcely any region in which unrestricted rule can be said to remain to *laissez faire*. And yet, there is one great part of human life in which, during these forty years last past, his power has been increased. There is no restraint upon opinion or belief, or conduct founded upon opinion or belief, save, indeed, in the case of the Monarch, the Lord Chancellor of England, and the Lord Lieutenant of Ireland. The House of Commons, no doubt, in a fit of religious enthusiasm did, by a majority, pass a resolution pre-

venting an atheist from sitting or deliberating with them. But a subsequent House of Commons expunged, unanimously, the resolution from its records. And anyone who visits our courts must be struck with the variety of the methods in which the obligation to tell the truth is enforced. You will find affirmations by people who object to an oath, oaths on the Old Testament by people who do not believe in the New Testament, oaths even on the Douay translation by people who have scruples as to the binding effect of the revised version on their consciences, testaments without crosses for those who object to symbols, and testaments with crosses for those to whom the symbol is the main sanction of the oath, swearing with uplifted hand by those who object to kissing the book, and a special form, in fact, for any man who declares it binding upon his conscience. And with freedom of opinion, there is also increased freedom of expression of opinion, increased freedom of combination, and common action. The law of conspiracy still remains, but it is much more limited in fact.

In considering the matter from the side I am approaching it, the interference by a municipality is the same thing as an interference by the state. And the forty-seven years of the life of this society are full of legislation, giving increased powers of interference to local authorities, for all kinds of purposes, in nearly every direction of human industry or employment. We must sweep our doors and clean our ashpits, make our sewers, erect our frontages, and walk along the streets in accordance with laws enacted for us, and the municipality is taking the supply of water, gas, sanitation, locomotion, out of individual hands. Such legislation of course cannot but react upon the larger matters of state interference, and, accordingly, we find in the immediate future a host of questions pressing for settlement in which the true grounds for state interference will form a main factor of the problem—the extension of something like the Irish Land Legislation in Scotland, the admission of leaseholders to the benefits of the Crofters' Acts, the demand of town authorities for increased powers of getting rid of ground landlords, who cannot, or will not, let land save on short tenure, the conversion of leasehold tenures into perpetuities, the "betterment" question, the allotment of land to labourers, the extension of the Labourers' Acts in Ireland, the regulation by Parliament of the hours of labour in various industries, the policy of preventing full-grown men from contracting themselves out of the benefit of an Act of Parliament, the local option demand, the application of the Gothenburg system, the compulsory insurances for old age, and "the social legislation," which is indicated as the future policy of one of the great English parties, but the details of which I have not been able to ascertain as yet.

Now, with reference to the legislation that has actually taken place and that which is threatened in the directions I have indicated, what is the right method of treatment? Are we to accept the doctrines which found favour with the founders of this society as of economic weight, or was there something defective in their view?

I am pleased to say we get the best light and leading upon this subject from within this society itself. In trying to put into apt



and clear words the opinion that I had formed on the matter I was gratified to find that it had been put for me in admirable language by a former office-bearer of this society, Professor Cairnes. Here are his words:—

“There is no evidence, either in what we know of the conduct of men, in the present stage of their development, or yet in the large experience we have had of the working of *laissez faire* to warrant the assumption that lies at the root of this doctrine. Human beings know and follow their interests according to their lights and dispositions, but not necessarily, nor in practice, always in that sense in which the interest of the individual is coincident with that of others, and of the whole. It follows that there is no security that the economic phenomena of society, as at present constituted, will arrange themselves spontaneously in the way which is most for the common good.

“In other words, *laissez faire* falls to be ground as a scientific doctrine, for let us be careful not to overstep the limits of our argument. It is one thing to repudiate the scientific authority of *laissez faire*, freedom of contract, and so-forth. It is a totally different thing to set up the opposite principle of state control, the doctrine of paternal government. For my part I accept neither one doctrine nor the other, and as a practical rule I hold *laissez faire* to be incomparably the safer guide. Only let us remember that it is a practical rule, and not a doctrine of science—a rule in the main sound, but like most other sound practical rules, liable to numerous exceptions; above all, a rule which must never, for a moment, be allowed to stand in the way of the candid consideration of any promising proposal of social or industrial reform.”

I think I should not be doing justice to the two eminent men whose attitude I have commented upon, if I did not advert to the gradual change of view on the part of Dr. Hancock and Dr. Lawson. Dr. Hancock was in sympathy with nearly all the measures that I have alluded to, and Mr. Justice Lawson, in 1872, in addressing this society, as president, gracefully withdrew from the earlier position which, when secretary of the society, he had so strenuously insisted upon, but naturally enough withdrew with a caution. He says:—

“I must, in conclusion, speak one word of warning. We are, I fear, becoming too fond of looking to laws and government for everything, and yet, they can do no more than give full and free scope for the exercise of our individual energies, protect the infirm and helpless, and firmly enforce just laws for the security of life and property. *Laissez faire* was, not very long ago, the doctrine of economists, and it was natural enough when trying to get rid of the vexatious restrictions which clogged commerce and industry; but the current has now set in the opposite direction, and there is, from day to day, an increasing demand for more law and more government, and our social legislation is assuming vast proportions. I do not say that we have as yet advanced too far upon this road; but we must be cautious how we sanction the notion of the regulation by government of wages and hours of labour, and prices of commodities, or the attempt to enforce by law the discharge of social duties.”

That utterance was about mid-way between the founding of the society and the present time, and a great many things have happened since then. I should be disposed to add a caution upon the caution. The interference, if it is exercised at all, should be exercised completely and uniformly. The maxim that we should respect individual liberty, and interfere as little as possible with contracts, has been interpreted to mean that interference should be partial and

half-hearted, and great value is placed upon the optional as distinguished from the compulsory, in dealing with subjects of social legislation. It cannot be a good thing to let one man be at liberty to have a fair rent fixed, and deprive another of the right, because he has a quarry in his field, or a cottier upon his holding. It cannot be right to reduce the annual payments to be made by one tenant, because his landlord is willing to sell, and to make another pay higher annual sums, because the landlord will not sell. It cannot be right to let a fireman have his hours of labour regulated, and to refuse the right to a porter, or a station-master. Or it may be right, but it is hard for the unlearned and ignorant to follow the nice distinctions upon which the difference is based, and of all discontent, state created discontent is the worst.

If it be true, as the Fabian writers assert, that each succeeding edition of Mill's work, published in his life-time, was more Socialistic than the one before it, the great leader of economic science would seem to have yielded also to the current. It is, however, a rather humiliating reflection that the people were right, and the economists wrong.

While this social legislation to which Judge Lawson referred as assuming vast proportions was taking place by those slow methods which are so dear to the English people, a still vaster revolution was taking place in continental thought. It is unnecessary for me to go in detail into this matter, for you will find in the Journal of this Society for 1890 a most interesting paper by the Rev. T. A. Finlay, S.J., on the subject. This current is generally called Socialism, but Socialism includes in its name many different movements. In the first place, it embraces a theory which starts from the opposite pole from *laissez faire*, and is something like this:—Society ought to provide the means of living for every man; a man is entitled, not to charity, but to get a chance and place for earning his living, and it is curious to note how the phrase in this recurs also. "A fair day's wage for a fair day's work," of the Carlylean period, becomes "the living wage" of John Burns, and indeed is, I think, the same as "the frugal comfort" to which, according to the Encyclical of the Pope, every labourer is entitled. The attitude of Cairnes is in danger of becoming antiquated in its turn. The Fabian Society would by no means say that that is the last word on the subject. All social legislation, according to it, is but paving the way for the assumption by the state of all industrial enterprises, and the regulation of wages and hours should be as of course, and not upon exceptional occasions, needing special and separate justification.

A different form of the same movement recognises the disproportion of the reward of labour and of capital, the hardship inflicted upon the workman by disturbances in the market, by the tendency of wages to a starvation standard, by over production, and the too complete dependence of many workmen on the one master, and seeks "to replace the system of private capital by a system of collective capital, that is by a method of production which could introduce a unified organisation of national labour, on the basis of collective or common ownership of the means of production by all

the members of the society." This, as Mr. Finlay points out, is not communism, nor does it necessary imply a wholesale confiscation of the existing private accumulations of capital.

In other words, this class of writers put forward their views thus: You have been obliged to interfere in contractual relations between landlord and tenant. You have been obliged to interfere with the contractual relations of capitalist and labourer. The state and the municipality are undertaking to a larger and still larger extent, the care of the health, the education, the comfort, even the entertainment of the citizens. The true issue of all this is not peasant proprietary for farmers, nor combination among labourers and state protection. The state must assume all—there must be nationalisation or municipalisation of land, and there must be nationalisation or at least municipalisation of capital.

Having regard to the prominence given to something closely approaching collectivism at the recent Trade Congress, and having regard also to the present position of politics in Germany, and the growth of the Social Democratic party in England, the subject would seem to be one that would be well worthy of the earnest attention of this society. There is one remark I think I may be permitted to make. The theory of the nationalisation of land has never been accepted by the Irish people, though it has received the approbation of one who has great weight with them. The land legislation has created a large body of men who are little likely to adopt such a doctrine. By removing the grievances of tenants you have increased the stability of society. The nationalisation of capital will not become a popular doctrine, if the demands of the workmen are met in a like spirit of candid consideration. When the rich cease to grind the faces of the poor, the poor will cease to envy the luxuries of the rich. Consideration and conciliation are better bulwarks of society than contempt and coercion.

There is one other observation I think I may make, the interference of the state prior to 1847 was in the direction of benefiting one particular class of the community at the expense of the rest. Corn was taxed on its introduction into the country, to give advantage to the owners of land. But the consumers of food paid the tax. The woollen industry was checked in Ireland, that the English manufacturers might benefit. Whether it is true in its application in each particular case or not, the principle of modern interference is, that the interests of the community at large call for the intervention, and it is assumed that it is the interest or the duty of the state to provide as far as may be that the inhabitants of the country are fed, clothed, educated, in "frugal comfort" at least.

I have endeavoured from the records of the society itself to give you some idea of the impression made upon my mind as to the changes in the methods of social inquiry. I should like also to allude shortly to one or two matters that have struck me with reference to the statistical side of the work of the society. Curiously enough the early addresses are full of vindication of statistics against the sneers of eminent statesmen. It is still the custom to abuse statistics, but every one uses them all the same. And there has

been a wonderful development in the collection of them. Apart from the census returns, and some returns not made designedly for statistical purposes, but made in connection with the Customs and Excise, there were no Government-collected statistics in Ireland when the society was founded. In 1847, the agricultural statistics were for the first time collected, but we have since then emigration statistics, statistics of births, marriages and deaths, of banks, railways and shipping, criminal and judicial statistics, and Local Government statistics. I cannot undertake to give even an enumeration of all the statistics collected by Government during these years. There is hardly a fact you could wish to know that the Government does not now ascertain for you.

In the opening address of the year 1855 the Vice-President, Judge Longfield, selected four classes of statistics to enable him to arrive at a conclusion as to the prosperity of Ireland. These were—population, the area under crops, the number of live stock, and the deposits and cash balances in joint stock banks. I do not propose to go in detail into figures. The whole matter has been exhaustively dealt with by the Registrar-General in two addresses from this chair. He dealt with quinquennial periods, and you will find a mine of information in those addresses. But the year 1854 was in many respects a very fit year to compare with 1894. The effects of the famine had practically been got over. And there is something that he who runs may read in connection with these two years. I set out the two years in the four particulars selected by Judge Longfield, in a table I am able to say is accurate, for Dr. Grimshaw has been so kind as to furnish it to me. The table will be found in the Appendix.

It will be observed that wheat has decreased to about one-eighth of what it was in 1854, and oats to nearly one-half, and flax is about one-third less than in 1854. The area under potatoes is less by 272,000 acres. The area under turnips is 18,000 acres less. On the other hand the area under cabbage, carrots, parsnips, and other green crops is greater, and the area under clover and pasture is enormously increased. The result of the operation is to diminish cultivation, save in articles of food for cattle, and to increase the production of live stock. Ireland is yearly raising less crops, and more live stock. The increase in poultry is specially remarkable, showing a tendency to the smaller agricultural industries. The immense increase in deposits shows that there is really no want of capital in Ireland. The one particular that one should like for a complete comparison would be a table of prices, but this is as yet incomplete, though the researches of Dr. Grimshaw will, I think, make even this an available figure. Speaking generally, the prices of all agricultural produce have fallen. And here I may be allowed to draw attention to the remarkable paper published in the Transactions by Mr. Barrington, of Fassaroe. He was able, from books kept by his father and by himself, to furnish us with a complete table of prices, and the cost of production on one farm for a period of over fifty years. It is, certainly, a most valuable contribution to the history of agriculture in Ireland.

But the statistics collected by Government are not confined to the statistics of these kingdoms. The first number of the *Journal of the Board of Agriculture* has been published; you will find in it articles on the cost of growing wheat in the United States, on agricultural depression in the United States, the crop prospects abroad, prices of live stock, dairying in Victoria, and a variety of other articles, all conveying information on matters of vital interest to agriculturists. Perhaps the most interesting of all is on agricultural societies in France. While I was writing this paper I received from a correspondent in Australia, Mr. Andrew Rowan, of Melbourne, a paper with reference to the Australian meat trade. The producers in Australia are alive to the importance of two things: first, restraining the production within the limits of the market so as to avoid a glut; and secondly, of opening up the market in England, France, and Germany. The Australian growers recognise the fact that they are handicapped against the Americans by not being able to send the meat chilled; it must be frozen. They recognise, on the other side, the fact that they can produce more cheaply than America, but they think that the production should be controlled by wise and prudent and concerted action. French producers again are combining with the object of securing a knowledge of the state of the market, and of the probable supply required, with the object also of securing the purchase in common of artificial manures, feeding stuffs, seeds, and numerous other requisites of the farmer, and of checking fraud in the purchase and sale of agricultural commodities. In other words they are combining to accomplish some, at any rate, of the results aimed at by those who advocate the nationalization or municipalization of capital.

If Ireland then is handicapped in the production of cereals, in competition with the wide plains of Canada and America, and if Australia and America are threatening an invasion of the cattle trade, and if agricultural prices are falling, it would seem that it would be a wise thing for the farmers of Ireland to promote societies for the purpose of studying the market, cheapening production, making the most of the advantages of situation, and counter-acting the disadvantages under which the industry is carried on; and of diverting into Irish industries some of the capital which is flowing into Argentina and Brazil, as well as America and the Colonies. It is with a view to something of the kind, I presume, that the Board of Agriculture supply facts as to what other nations are doing, and what method agriculturists in other nations are pursuing to develop their particular industry. Private enterprise, aided by concerted action, upon information acquired by the state, is a kind of socialism that is free from all reproach.

I may be permitted to express in concluding the feeling of respect and admiration for the spirit and methods of the founders of the society that the reading of the past transactions has produced on my mind. There is a grave earnestness in their work. I should be gratified if I might hope that the review of their work which I have attempted, might have the effect of exciting some of the younger members of the society to give us such light and leading on the topics of

our time as they gave in their day. They were evidently sincere, thoughtful, earnest-minded, and patriotic Irishmen, anxious to arrive at the truth. The reports and papers on various law reforms, and social and industrial questions which I have not had occasion specially to advert to, but with which the journals abound, are models both in the careful ascertainment of facts, and in the effort to apply scientific principles to the study of social questions. My study of the past of the society has made me appreciate even more highly than I did before the great honour you have done me in making me your President.

The work the society has done has been good work. There is good work for it still to do. I wish I were better fitted for the position to which your kindness has called me. I can only thank you most heartily, and endeavour to do my best with your assistance to carry on the work of the society in the spirit of the men who founded it.

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ESTIMATED POPULATION OF IRELAND IN THE YEAR 1854,							--	--	--	--	--	--	--	6,083,183	
" " " 1894,							--	--	--	--	--	--	--	4,600,609	

## II.

### AREA IN STATUTE ACRES OF THE CROPS IN IRELAND IN THE YEARS 1854 AND 1894.

EXTENT IN STATUTE ACRES, UNDER:																
YEARS.	CORN CROPS.					GREEN CROPS.						HAY ONLY.			Total Extent under Crops.	YEARS.
	Wheat.	Oats.	Barley.	Bere and Rye.	Beans and Pease.	Potatoes.	Turnips.	Mangel Wurzel and Beet Root.	Cabbage.	Vetches and Rape.	Carrots, Parsnips and other Green Crops.	Flax.	Clover, Sainfoin, and Grasses under Rotation.	Per- manent Pasture or Grass NOT Broken up in Rotation.		
	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.		
1854	411,284	2,045,298	236,293	28,286	22,575	989,660	329,170	21,565	26,758	31,638	18,816	151,403	1,257	864*	5,570,610	1854
1894	49,342	1,254,813	164,604	12,097	3,185	717,120	311,294	52,023	44,512	10,818	27,510	100,851	641,043	1,547,967	4,937,179	1894

\* "Meadow and Clover."

III.

NUMBER OF LIVE STOCK IN IRELAND IN THE YEARS 1854 AND 1894.

YEARS.	HORSES.						Number of Mules.	Number of Asses.	CATTLE.				
	Two years old and upwards, kept for			One year old and under two years.	Under one year.	Total number of Horses.			Milch Cows	Other Cattle.			Total Number of Cattle.
	Agricultural purposes	Traffic and Manufactures	Amusement or recreation							Two years old and upwards.	One year old and under two years.	Under one year.	
1854	388,024	22,526	23,813	49,536	62,030	545,929	18,601	150,576	1,517,672	700,027	597,661	682,541	3,497,901
1894	376,375	41,260	28,992	99,294	77,422	623,343	29,424	224,686	1,467,402	1,070,351	914,287	960,154	4,392,194

  

SHEEP.				PIGS.			Number of Goats.	Number of Poultry.	YEARS.
One Year old and upwards.		Under one year.	Total Number of Sheep.	One year old and upwards.	Under one year.	Total Number of Pigs.			
Ewes.	Tups and Wethers.								
1,777,351	726,579	1,218,289	3,722,219	336,401	1,006,148	1,342,549	311,492	8,630,488	1854
1,686,407	806,197	1,612,646	4,105,250	163,224	1,226,086	1,389,310	318,837	16,179,897	1894

NOTE.—The Figures for 1894 are unrevised



## IV.

## DEPOSIT AND CASH BALANCES IN JOINT STOCK BANKS.

31st December, 1854.	31st December, 1893.	30th June, 1894.
£11,666,000	£35,852,000	£35,430,000

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II.—*Land Transfer and Local Registration of Title.* By Joseph Maguire, Esq., B.L.

[Read Tuesday, 26th February, 1895.]

THE Local Registration of Title (Ireland) Act, 1891, to which, at the request of the President and Council, I have the honour to invite the society's attention, is an important measure affecting the transfer of land in Ireland. Four years ago it was my privilege to lay before the society an analysis of a cognate measure, the Registration of Assurances Bill, by the same author, then Attorney-General, now Mr. Justice Madden. That bill did not become law, but it is necessary to refer to it in connection with this Act, as they are complementary of each other, and though mutually exclusive in their operation, combined they represent the policy of their author on the subject of land transfer. That policy aimed at the conservation and improvement of two systems of land transfer. One which includes the Registration of Deeds was then, as it is now, in active and general operation, but admittedly capable of considerable improvement. The other, which consisted of a Record of Title, had a bare legal existence, and was not adopted to any considerable extent by the legal profession or the public. It was thought, however, that its main principle, if made compulsory, would render it useful for the large class of occupying owners which special legislation had established, while as a voluntary system the provisions for the registration of limited owners with powers of sale might make it available for the purposes of another class of owners, namely, those who might voluntarily prefer to have their titles registered instead of their deeds only. How far these purposes have been realised, and the causes and consequences of the success or failure of the Act, are the considerations which naturally fall within the scope of this paper. A short summary of its leading provisions is, however, necessary at the outset. The Local Registration of Title (Ireland) Act, 1891, comprises:—

(a) A system of registered ownership intended for freeholds, leaseholds, and statutory tenancies; with a subsidiary register of rights which fall short of ownership.

(b) Local registers, one in each county, with a central register in Dublin, the relations between the central and local offices being regulated by rules judicially framed.

(c) Assimilation of realty to personalty in the mode of devolution on intestacy of compulsorily registered land.