any respect with themselves; others are given by persons whom I cannot accuse of flattery, although I dissent from their opinions, who hold that the Irish workman is incurably deficient in handiness and will not succeed if he attempts to handle any finer implements than the pickaxe or the spade. It is hard to believe that any class in this country is so bad as to be incapable of improvement, or so good as not to require it. Landlords, tenants, and labourers, capitalists and artizans have all one common permanent interest in the prosperity of the country; and I have endeavoured humbly, (and solely from a hope that a remedy may be found) to point out some of the circumstances which seem to prevent all from joining heart and hand to promote that common object.

II.—*Appendix to the foregoing Address.*

INTERFERENCE.

SOME people say that no legislation ought to take place until it is called for by the landlords, who, from experience, ought to know the best way of managing their own properties, *quieta non moveri*, or in vulgar English, "to let well enough alone," is often a very good maxim for a statesman. But it is reasonable to ask, "is this the case of the quieta" or the "well enough?" Can the Irish landlords say, "We have reason to be satisfied with the condition of our estates, and the country has good reason to be satisfied with us. Our tenantry are prosperous and contented, and attached to us from their confidence in our justice and liberality. Our estates are well cultivated, and supplied with all proper improvements to enable them to contribute their fair proportion to the resources of the nation. We are able and willing to make all necessary improvements ourselves, and in any cases in which it would be inconvenient to ourselves, we give such encouragement to our tenants as induces them to lay out their money upon the land with confidence. The result has been shewn by our own prosperity, our freedom from debts and embarrassment, and our increasing influence throughout the land. If legislation were required, you might depend upon us to propose it; for many useful measures of legislation or administration have been adopted to promote the tranquility and prosperity of Ireland, and of all such measures we have ever been either the actual proposers or the warm supporters." I am afraid, however, that it is impossible to deny that some change is required. Many persons may reasonably doubt whether legislation may do much to remove the evils which undoubtedly exist; but they ought to admit that proposals for their relief ought to be calmly and deliberately discussed, and neither be intemperately demanded, nor contemptuously rejected without examination.

Some object to any interference between landlord and tenant on the law of improvements, lest it might lead to ill feeling and litigation. I have no fear of this result. I will not pay such a bad compliment to the landlords as to suppose that they cannot be kept at peace with their tenants, except by denying all rights to the latter.

Of course where any person has any rights, there is a possibility that he may be obliged to go to law to support them, and that he may even go to law when they do not exist except in his own imagination; and it is possible that a law-suit may lead to permanent angry feelings; but those cases bear no proportion to the cases in which a clear right is admitted and enjoyed, without giving rise to any litigation or ill feeling. The acts of parliament, for example, by which the tenant is entitled to the timber that he has planted, have seldom been the cause of any litigation or ill feeling between the landlord and the tenant. The argument cannot even in form be urged against the proposal to permit the landlord in all cases, notwithstanding any settlement or incumbrance, to contract to allow his tenant compensation for improvements. It is only carrying out the principle on which money borrowed from the Board of Works for the same purpose creates a charge paramount to all settlements and incumbrances.

But it must be admitted that the right of the tenant to compensation for improvements effected contrary to the wishes of the landlord, stands on a different footing, it is more liable to objections, and some case ought to be made to shew the necessity of the measure. As to the latter point, I consider that the condition of most of the Irish farmers, and the discontent of the Irish tenantry, furnish a sufficient case for any change that can be made without injustice or inconvenience. Injustice is out of the question here, for nothing can be more just than that a tenant should, in every case, get compensation for all improvements which he has made; but this justice cannot be practically administered in every case, on account of the inconvenience that would arise from unfounded or mistaken claims. To prevent this inconvenience, some restrictions on this abstract right are necessary, which, although they may at first sight seem a little harsh, will in the end, I think, be found beneficial even to the tenant. In the first place he ought not (except by express contract) be entitled to any compensation for improvements made when he has less than seven years unexpired of his lease. In this case the interest of the landlord is so great, that he ought not to be compelled to pay for any change made in the land without his concurrence. Secondly, in order to prevent the tenant from annoying the landlord by repeated and frivolous applications, it might be enacted that no application should be received within ten years after the rejection of a former one. The application should be made to the Quarter Sessions Court, consisting of the assistant barrister and magistrates, not of the assistant barrister alone. The tenant ought to pay the expense of the inspection necessary to ascertain whether the improvements are made according to the specification; and if his application is rejected, he ought to pay the costs of the opposition to the landlord. Under those conditions there is little reason to apprehend that the landlord will suffer by any wanton exercise of the tenant's rights. The proposal may be even supposed open to the opposite objection, viz., that the law will be almost a dead letter, there will be so few instances in which the tenant will avail himself of this right. There may be not many such cases, and yet the law may be very useful, for, it is from its silent operation that most

benefit is to be expected. When the tenant offers to make any improvements on getting an agreement to entitle him to their value at the termination of his lease, his proposal will receive a fair consideration, when the landlord knows that he cannot dispose of the matter by an arbitrary or capricious refusal. If the landlord feels any objection he will state it, the matter will be re-considered, the tenant will probably modify his proposal in conformity with the landlord's wishes, and the transaction will probably end in an agreement beneficial to both parties; although it would have met with an inconsiderate peremptory refusal, if the landlord had not been forced to a consideration of the matter by the knowledge of the tenant's right to appeal from his decision.

Another objection may be started, that this law will indispose the landlord to grant a lease to his tenant, and thus may be injurious to the tenant himself as well as to the country at large. I do not apprehend this consequence. At present a landlord grants a lease because he thereby can get a greater rent or a better tenant; and the inducement will be still stronger when the privileges given by the proposed change will attract a much better tenant, or induce him to pay a still greater rent. Against this present and certain gain it will be a very slight set off that at the termination of the lease, the landlord, or, more probably, his successor, may be obliged to pay a reasonable price for an addition made to the value of the land by the tenant's capital.

Another objection which is worthy of consideration is, that no law exists in England such as I propose for Ireland, and that it is desirable that the laws in the two countries should, as far as possible, be the same I fully admit the expediency of this assimilation, and wish that it was more constantly attended to. I have seen the bankruptcy laws, the acts for the abolition of fines and recoveries, the constitution of the court of admiralty, of the court of probate and divorce, the practice and pleadings in the courts of equity, and in all the courts of common law made different in England and Ireland, sometimes from very trivial reasons, and sometimes even without the pretence of any reason for the difference. But the change in the law is absolutely necessary for Ireland; it is not wanted in England. There the general custom is for the landlord to erect all suitable buildings, and make all necessary improvements to have the land fit for the operations of a tenant who may be skilled in husbandry, without being competent to undertake the office of an architect or an engineer. It is much better for the country that these works should be done by the landlord out of his income than by the tenant out of his capital. But experience has shown that in Ireland the landlord cannot, or will not, do them; if he can, or will, there is nothing in the proposed law to prevent him. It is necessary, therefore, to remove all the artificial impediments which interfere with the proper cultivation of the soil. The one invincible argument in favor of the existence of property in land is, that its existence is necessary to its most profitable cultivation and improvement. It is the means towards an end; and when the laws of property are so framed as to prevent improvements, the end is sacrificed to the means.

It is sometimes said that it would be better to grant leases of sufficient length to induce the tenant to improve, as it can be shown by calculation that most valuable improvements will amply repay the outlay even in a lease of twenty-one years. I could point out some important errors in many of those calculations; but the true answer is, that it is not a question of arithmetic, but of policy, and of the actual, not the arithmetical influence of motives. The material point is not whether a lease for twenty-one years ought to induce a tenant to drain and improve the land, but whether it will, in fact, have that effect; and experience has amply shown that an Irish tenant will not improve the land on such a tenure. Moreover, if he does not commence at once, he is not likely to do it at all, as the inducement—that is, the unexpired duration of his lease—is every year becoming less. There is an instinctive repugnance to expend money, of which the landlord, not the tenant who has spent the money, is to derive the chief benefit. I have little hope of seeing an improved agriculture, or a contented tenantry, as long as artificial rules of law enable the landlords to take possession of those improvements without making any compensation for them. Even where the profit has repaid the outlay, what has been enjoyed is forgotten, and all that the dispossessed tenant or his family sees and feels is that his landlord is now reaping the benefit of those improvements without paying for them. This forgetfulness of the past enjoyment is not reasonable, but it is human nature.

I had the advantage of hearing some of the objections to this law of compensation stated by an English gentleman of great sagacity. He apprehended that on the termination of a lease where improvements had been made, the landlord or his successor would not have the money to pay compensation to the tenant, and, therefore, would give a new lease in its stead, and that in this manner, long leases, and almost fixity of tenure would be practically introduced. To me this appears no objection. Although I object to the introduction of fixity of tenure by law as unjust and mischievous, yet I desire to see it so far exist in practice as to make it an exceedingly rare event for an honest, industrious tenant to be dispossessed as long as he is willing to pay a fair rent for the land. In the very case stated by way of objection, it is assumed that the tenant was rich enough to make, and did in fact make, improvements, which the landlord has not money to pay for; it is, therefore, good for the country that the tenant should retain the possession. It will be exactly one of those cases in which the change in the law will be most useful by inducing the tenant to undertake a duty which the landlord has not ability to fulfil.

The second objection was that the proposed law would lead to numerous frauds, by which the successors of landlords would be obliged to pay large sums for pretended worthless improvements. That the landlord by whose consent the improvements were made would frequently have no regard to the interests of his successor; and that from this feeling, or from indolence or neglect, the landlord would not take the trouble of ascertaining whether the improvements were properly made; that the tenant would scamp the work, and thus the successor would be unjustly charged. It would

be a sad reflection upon the landlords of Ireland to suppose that this should often happen; but even if they were likely to occur, they would prove the necessity for that amendment in the law which I propose, for what other hope could there be for the country, if the landlords are supposed to be so poor that they cannot make the necessary improvements themselves, and so indifferent, that when others undertake the task they will not even take the trouble of seeing that the duty is properly performed; and this although their own immediate interests are concerned, for the due execution of those improvements is the best security for the punctual payment of their rent.

To prevent the possibility of abuse, however, it might be expedient to enact that no improvement should be a charge upon the land unless it was executed under the superintendence and to the satisfaction of a surveyor appointed by the Board of Works. The advice and assistance of this officer would, in general, be worth more than the sum paid for his services. Something like this is done when money is expended on Government loans.

VALUATION.

The capacity of land employed in agriculture to yield rent depends on the excess of the annual produce above the annual outlay necessary to secure that produce. Every circumstance, therefore, that tends to increase the amount or value of the produce, or that reduces the necessary or useful annual outlay, will increase the rent, or value of the land. No one, therefore, can form a correct judgment of the value of a farm by the mere examination of the land, however carefully and skilfully that examination may be made. But although the knowledge to be acquired by such an examination is not sufficient, yet it is a necessary preliminary to the formation of a correct judgment of the value of land.

Few persons are aware of the difficulty of this examination. It is not easy to compare several different farms as instruments of production, for the nature of the several products may be altogether unlike. One farm may be most profitably employed in raising wheat, another in fattening heavy bullocks, a third in flax, a fourth in green crops, turnips, mangolds, or potatoes. In each case it is the most profitable course of cultivation according to the skill of the farmer that determines the value of the land. Its capacity under any less profitable course of cultivation has little or no effect upon the value. Thus, if we are to compare two farms which are most profitably employed as old pasture, it would be almost useless to know their relative powers of producing wheat or flax. Still the inquiry must be made, for it may turn out that the present mode of cultivation is not the best adapted to the nature of the soil. The land that at present yields indifferent wheat may produce admirable and profitable crops of flax, and thus enable the cultivators to pay a fair rent, and reap a handsome profit. The valuator must, therefore, be a skilful farmer, able to form a probable estimate of the results of the various modes of cultivation which may be adopted by a tenant of ordinary intelligence. Many days of laborious study, spent in elaborate calculations and careful analysis

of the soil, will scarcely be sufficient to enable the valuator to form this estimate.

But many things are necessary to be known besides the nature of the soil and the condition of the farm. It is necessary also to know the prices of the various manures in the neighbourhood, and the distance from which they must be drawn. The distance from the markets for the produce, and the character of the roads, must be taken into consideration. Of two farms equal in natural fertility, that one may be much more valuable, which has good quarries of limestone in its immediate neighbourhood, or which is situated close to a market town. Many other things are to be considered, but I have said enough to show how utterly inadequate to the occasion is the cursory inspection that is made by the professional valuator. All that he often does is to find out what is the rent actually paid for the adjacent farms, and whether the farm he is valuing is better or worse than those, and then to make an abatement or increase on the result so obtained, according to the purpose for which the valuation was made. If the valuation is made for the purpose of taxation it is generally made low, for then there is less likelihood of an appeal. If the owner gets it valued for the purpose of a sale, the valuation is apt to be high, as more likely to suit the interests or wishes or feelings of the employer.

The following cases are fair specimens of the discrepancies which are to be found in different valuations made of the same property.

Since I wrote the above, the estate of John Campbell Jones was offered for sale, and the following are the differences between the valuations made by a civil engineer and by the Ordnance valuation of the same lots:

KILLIEWINGAN.

Engineer	£120	0	0
Tenement valuation	57	0	0

No. 5.

Valuator	£8	10	0
Tenement valuation	2	5	0

RATHCLINE.

Valuator	£29	17	7
Tenement valuation	8	0	0

FOX AND CALF ISLAND.

Valuator	£40	0	0
Tenement valuation	3	0	0

Lot 9.

Valuator	£10	0	0
Tenement valuation	1	6	0

Lot 10.

Valuator	£8	4	3
Tenement valuation	1	4	0

In the estate of Rutledge the following are two of the valuations ·

CREGGANROE

Valuator	£53	1	7
Tenement valuation	17	10	0

BALLYKIT.

Valuator	£226	13	7
Tenement valuation	131	12	0

Although the valuations which I have stated differ so much, I believe that they were all honestly made by careful and skilful professional valuators. I have given those examples, not as being the most remarkable that could be found, but because they were the most striking cases that came before me within a few days after I made the above remarks. I believe that in those cases both the valuations which I have contrasted were intended to be fair, and were made by skilful valuators.

It may be asked, is there no mode of valuing a farm? must the tenant make a mere guess at what he is to offer? No ; the landlord and the intending tenant have means of knowing the value of the land which no other person is likely to possess and to employ. They both may know the past history of the farm, and of all the farms in the neighbourhood ; what rent was paid for them, in what manner they were cultivated, and whether the tenants appeared to thrive on them, or the contrary. No man has such an interest in discovering the exact value as the person who proposes to become a tenant, and as his object is to make a profit by his occupation as farmer, it is not to be supposed that he will give more for the land than he can pay, reserving a reasonable profit to himself.

But if there is any valuator in whose judgment the tenant has more confidence than in his own, there is nothing to prevent him from calling in his aid and declining to offer a higher rent than this skilful valuator will recommend.

LAW OF DISTRESS.

Formerly the landlord could not sell, now he can. Formerly he could not distrain after the termination of the lease Formerly he could not distrain except on the premises. Formerly corn in sheaves, or hay in ricks or barns could not be distrained. Formerly an execution at the suit of another creditor prevented a subsequent distress. Those five privileges to the landlord were unknown at Common Law. Ordinary creditors could arrest before judgment, and imprison the debtors unless they gave bail, and the debtor once in prison remained in for life. This privilege was thought as essential to the security of the fair trader against his fraudulent debtor, as the right of distress is supposed to be to the protection of the landlord. However, after very mature consideration, the legislature has deprived the ordinary trade creditor of his power of summary arrest and perpetual imprisonment of his debtor, and trade gets on very well notwithstanding this change in the law, and there is no reason to suppose that land would lose its value, even if the landlord should

be deprived of his extraordinary privileges, and placed in the position of a common creditor. It is clear, that even with equal laws the landlord will be preferred to the ordinary creditor. The landlord has the right of ejectment, for which increased facilities ought to be given. The tenant, therefore, must give up his farm, with very little prospect of being able to get another farm unless he pays the rent. Even if he were able to get another farm, the loss on the removal would be nearly equal to a year's rent, while the loss on the change from one tradesman to another would be nothing. A man without any credit may obtain goods for ready money, but unless rent is payable in advance some credit must be given to the tenant, as the land is enjoyed before the rent is payable. The landlord ought to be bound to make the same inquiries that every prudent person makes before he parts with his property.

In the case of an insolvent tenant, the landlord escapes much better than an ordinary tradesman who sells goods upon credit to an insolvent customer. The landlord gets back his land, having lost only the temporary profit that might be made of it; but the tradesman loses not merely his profit on the transaction, but the actual goods themselves which formed a portion of his capital. A banker would think that he was carrying on a very safe trade if he could be sure that in the case of any insolvent customer he should recover back the money actually lent, minus only the interest or the profit on the transaction.

It has been urged that the law of distress is useful, as it enables the tenant to get more extended credit from his landlord, and that this credit in some respects supplies the place of capital. As a fact, however, the landlord who sets his land at a reasonable rent has never occasion to resort to the law of distress. But is not this argument in favour of the law of distress precisely the same argument that was weighed and found wanting when the stringent remedies, which other creditors possessed, were taken away by act of parliament? It was then feared by many, that if the poor man was not to be liable to a long imprisonment for his debts, he would be unable to obtain the credit necessary to carry on his business, or to support himself and his family. It was also feared that the want of credit might throw him into the hands of usurers, or of others who would charge an excessive profit to make up for the risk that they ran. This last objection does not apply to the abolition of the law of distress, for it cannot be pretended that such a change in the law would induce the landlords to demand a higher rent.

It has not been found that the poor man suffers from want of credit caused by the change in the law; on the contrary, it has had the effect of making character more valuable, and prudence more necessary. It is far better that the poor should feel the advantage of ready money dealings.

There is no reason to doubt that it would be a great advantage to all parties if the landlord was obliged to trust more to the character and means of his tenant, and less to the summary process of the law, if a very short statute of limitations was placed on his demands, and if ready means were afforded him to recover possession of the land from the tenant who neglects to pay for it. This last remedy,

that of ejectment for non-payment of rent, is, notwithstanding the outcry raised against evictions, at once the mildest and most equitable. It would be like the case of a tradesman who should refuse to furnish any more goods to a man who had neglected to pay his last account. A tenant who cannot raise money enough to pay his rent cannot cultivate his farm skilfully. At present it may be said that the law of distress, and the large arrears that are legally recoverable, prevent the tenant from getting credit elsewhere. But if the law of distress was abolished, and only one year's arrears of rent made legally recoverable, every tenant with an adequately stocked farm would possess sufficient credit with his banker or the tradesman in his neighbourhood. Of all the people with whom he deals there is probably not one who cannot give him credit more conveniently, and therefore on better terms than the landlord can, for the latter is frequently himself an embarrassed man. In many instances the embarrassments of the landlords have been much increased by their ignorance of the exact state of their affairs, and their inability to calculate how much they might be certain of receiving each year from their tenants. The man who owes £5,000, and has no money to pay it, is in reality not in so bad a condition as the man who owes £10,000, but has £5,000 due to him on indifferent security; but the latter is more likely to be ignorant of the deplorable state of his affairs—whenever he thinks of any particular debt, he is able to comfort himself with the thought of some credit that he can set off against it.

III.—*Report of the Council at the Opening of the Eighteenth Session.*

[Read Saturday, 26th November, 1864.]

THE review of the past session of the Society affords abundant matter for congratulation, and permits of the council to indulge in sanguine anticipations for that which is to-night inaugurated.

At the opening meeting of the past session Dr. HANCOCK, one of your honorary secretaries, read an obituary notice of the late President of the Society, Archbishop WHATELY, and brought to your recollection such portions of his life as indicated the extent of his services to the advancement of social science, and as showed the lively interest he so long took in our advancement and prosperity. The presidency of this Society, vacated by the death of that distinguished prelate, was during the past session conferred upon, and is now held by, one who has taken a no less warm interest in our welfare, and the pursuits which engross our attention,—himself an eminent economist and deep thinker upon social problems,—the Honorable Judge LONGFIELD.

The address by which Dr. INGRAM, V.P., inaugurated the past session laid before you considerations on the present economic circumstances of Ireland, and the measures which appeared to him