JOURNAL

OF THE

STATISTICAL AND SOCIAL INQUIRY SOCIETY OF IRELAND.

PART LXV., *February*, 1887.

I.—*Address at the Opening of the Fortieth Session.*

By James McDonnell, Esq.

[Read, Friday, 19th November, 1886.]

THE STATISTICAL SOCIETY has now been in existence for thirty-nine years. In its youth it enjoyed a much larger share of popularity than has latterly been extended to it. This was due in a great degree to the fact, that at the commencement of its career it numbered among its members some very remarkable men. Archbishop Whately, Judge Longfield, and Professor Cairns may be named amongst those who contributed valuable papers upon the leading economic questions of the day. But in addition to, and independent of, the advantage derived from the writings and discussions of these eminent persons, political economy was itself popular, its teachings were often in advance of the legislation of the day, and its disciples were generally pioneers of reform. This gave an interest and reality to the discussions of our society, which of course were lost, when instead of being the pioneers of reform, we were left far behind by the passing of measures, for the justification of which it became necessary to banish political economy to Saturn and the Moon. But the evils arising from the neglect of economic laws has begun to tell; and the time has now come when the teachings of political economy will again become of much interest, and may be of essential service to the community. As in the days of the corn laws, so now, the evils of existing laws are so great, that much good may be effected by calm and dispassionate criticism and exposure of the injury to the community at large arising from them. I therefore propose to-night to state one or two of the fundamental truths of the science, and see how far some of our present laws have been made in conformity with, or in disregard of true principle. It will not of course be in my power to enunciate any new doctrine, and I must apologize for stating in detail before this society, what I may term some of the first

principles of economic science. But the general disregard of those principles now so prevalent makes it necessary to call special attention to them.

The right of private property in land was formerly by most people, and still is by many, looked on as a natural right; but this is an error—it is a civil right only. Its justification I take it lies in the fact, that by conceding this right to individuals, the community secures the largest yield from the soil. In those countries where the land is held in common, the population is very sparse, for the inhabitants have in a great degree to live on game, or those products which the earth yields naturally, without any or with very little cultivation. The foundation of private rights in land thus resting on the assumption that in following his own, the individual proprietor is also advancing the interest of the community, it follows that the community has a right to restrain individuals from abusing their right of ownership to the public detriment. It has also the right to resume possession of any land which is required for any important public purpose. It is not, however, competent for the community to do so, or to interfere with rights of ownership under the laws it has itself made, without making compensation to the individual proprietor for the loss he has thereby sustained. When I speak of what it is competent for the community to do, I of course speak of moral competence, as the Imperial Parliament is in such matters omnipotent. In America, however, where there is a written constitution, it is a fundamental article of the constitution, that no state can enact any law affecting existing contracts legal at the time that they were entered into; and the supreme court would set aside the law of any state so for as it purported to do so. Mr. Mill, also, who cannot be supposed to have been unduly favourable to the rights of property, lays down the same doctrine very distinctly, and refers with approbation to the compensation awarded to the slave owners when the Emancipation Act was passed, this being perhaps the extreme limit to which the principle was ever carried. In every instance (and there are several such in his book) in which he proposes to take away or modify the existing rights of property, he adds a proviso for the payment by the state of compensation for those rights.

I think I may cite the Ground Game Act of 1880 as an example of a legitimate interference with the then existing rights of property, carried out in a legitimate manner. It was felt that good husbandry, and as a consequence the community, suffered by the excessive multiplication of hares and rabbits. The farmer, however, as such, had no right to complain, for he had made his bargain with his eyes open, and gave less for the land in consequence of this disadvantage. The Act therefore declared that the occupying tenant of any farm should have the inalienable right to kill ground game on that farm; but with this proviso, that no tenant in occupation at the date of the passing of the Act, and holding under a lease in which the right to kill ground game was reserved to any other person, should have this inalienable right during the continuance of that lease, and that no then existing tenant from year to year should enjoy it, until such time had elapsed as would enable the landlord to determine the tenancy by a notice

to quit. This law (which I may observe in passing applied to the entire United Kingdom) seems to me to have been both just and politic. It prevented a use being made of the land injurious to the community, but it did so without any injustice to the landlord, and without any undue preference to the tenant. True it is that it postponed the benefit to the community, which was, however, no more than the community should bear, seeing that it was answerable for the existing state of the law, and had no moral right to alter it to the prejudice of the landlord, until he was in a position by a readjustment of his contracts to protect himself against loss. It would have been equally within the moral rights of the legislature, to have given immediate effect to the change compensating the landlords for their loss; but the mode adopted was far less expensive and irksome, and substantially as effectual.

Before the Land Act of 1870, the legal right of a landlord in all parts of the United Kingdom, with respect to a yearly letting, was to determine the tenancy by a six months' notice to quit, and to resume the holding with all improvements effected on it, either by his own or his tenant's outlay. In Ireland the tenant might, if the landlord did not buy it, cut and remove any timber planted by the tenant, and registered in the manner prescribed by the Act 9 Geo. II. c. 7. These rights of the landlord were not, I think, consistent with the dictates of natural justice, which would declare that the improvements were the property of the man who made them, and when made by the tenant should, if not bought up by the landlord, be removable by the tenant on the expiration of his tenancy, he leaving the premises in the same condition as he found them on taking possession. They arose at a time when agriculture was conducted in a primitive manner, and improvements were neither numerous nor expensive, and had their origin in policy and convenience, not in natural justice. When, however, agriculture improved, and scientific farming became common, their effect in England and Scotland was to oblige the landlord to make the more important improvements himself, or to give a lease sufficiently long to compensate the tenant for doing so. In Ireland, where capital was scarce, the farms smaller, and the farmers poorer and less skilful, they prevented in a great measure all improvements, save such as were absolutely unavoidable, such, for instance, as a residence of some kind for the tenant, and some sort of fences. The landlord often had not money to lay out in improvements; the holdings also were frequently so small, that it would have taken capital out of all proportion to their value to supply them with decent houses and out-offices. On the other hand, the tenant's only capital—his labour (I use the word capital here, not in its scientific but only in a popular sense), could not, except in the case of a very long lease, effect improvements sufficiently early in his tenancy, to enable him to reap the fruits of his toil.

Such improvements, however, as did exist in former times, were made, if not entirely, at least principally by the tenants, and out of this arose, as I believe, the custom of tenant-right. In lieu of compensation for his improvements, the tenant was in some parts,

especially in Ulster, allowed to sell the good-will of his farm. This custom, I have heard, had its origin in violence, but survived by reason of the element of natural justice contained in it. It was, however, a very crude custom, and one that courts of law could not recognize, by reason of its uncertainty; for although under it the tenant could sell, yet the landlord could raise the rent, and of course by this means diminish or destroy the tenant right. Arthur Young mentions it as an odd Irish custom existing in some places, under which the tenant can sell, and yet the landlord "cut" the tenant, *i.e.*, raise his rent at pleasure. Uncertain though it was, there is no doubt that where it existed the land was better cultivated, and improvements were more frequent than in the rest of Ireland, which was in a very backward state.

The famine of 1846–7, however, brought about a great change. As a consequence of that terrible visitation, a great number of the smaller tenants and more impecunious landlords disappeared, and a larger class of tenants, and richer and more thrifty landlords, took their place. Rents were generally reduced, the material condition of the country improved rapidly, and landlords expended large sums in improving their estates. It was, if not universal, at least a very common arrangement, especially in the north of Ireland, when a farm required a house or out office of any kind, for the landlord to supply the timber and slates, and other articles requiring a money outlay, and for the tenant to supply all labour. There was no increase of rent on this account; but the landlord took up the building without compensation to the tenant when at any time resuming possession. This was not a very business-like transaction; but it suited the tenants better than for the landlords to effect the improvement and charge interest on the capital so expended, for this reason, that the tenant could furnish the labour at a very insignificant cost, so that when supplied with the timber and other materials, he would often have for £50 or £60 a house which, if built by the landlord, would cost from £350 to £400. A good tenant who got a house or other improvement on these or similar terms was not, in fact, in any dread of eviction, although he was, in contemplation of law, liable to be dispossessed of his farm and all improvements on it at the expiration of a six months' notice to quit; and also in certain events, as in the case of a considerable rise in the value of land, quite aware that his rent might and probably would be raised. In fact most tenants in the North of Ireland preferred a tenancy from year to year to a lease for twenty one or thirty-one years, partly because as tenants from year to year they had a better case for asking assistance in making improvements, and partly because, although the lease secured them against any rise of rent during its continuance, yet on its determination a new contract became necessary, and the question of the amount of rent to be paid was brought into greater prominence. The cost of the lease also was an element in the tenant's calculation. But these considerations show that he was but little influenced by the fear of frequent or exorbitant rises of rent.

The gold discoveries, the American war, and the French and German wars, had the effect of throwing an immense additional

amount of lucrative business into England, where wealth advanced by leaps and bounds, and the value of land in Ireland was largely affected by the same causes.

The value of land and of the tenant-right in land had risen rapidly, and on the whole pretty steadily from 1856 or 1857 to 1868, and a general rise of rent was either taking place or in prospect; and men who had paid large sums for the tenant-right of their farms, felt that they held a very valuable property, by a very uncertain title, and farmers in all parts felt that a rise of rent, which might, and sometimes would, encroach on their improvements or good-will, was imminent.

At the same time there existed in Ireland a class who were called tenants, but who were in fact nearer akin to labourers with allotments. They had been greatly diminished by the famine; but there were still congested districts in which the population exceeded the number that could live in reasonable comfort and pay any rent. These people had theretofore used their little farms, as allotments are proposed to be used, to supply their families with potatoes, and perhaps a little milk and butter; but their money income was derived almost exclusively from their labour. They went in spring time and harvest to England and Scotland, and there worked for wages which enabled them to pay their rent, and clothe themselves and their families. The importation of foreign corn diminished the area of cultivated land in England and Scotland, and the introduction of improved machinery for reaping and binding corn, and for performing other farming operations, diminished the demand for their labour, and threw them to a great extent on their small farms, which were inadequate for their support. These men complained that their rent was excessive—not because a solvent tenant could not afford to pay as much as they did for as many of their farms as would make a reasonable holding, but because any rent is excessive to a man whose sole means of subsistence is a farm so small that it can barely supply him with the necessaries of life. It was, I think, the pitiable condition of these cottiers, who were not distinguished in men's minds from the tenant class proper, that gave a color to the cry of exorbitant rents. In no other way can I account for the opinion so generally prevalent, that Irish rents were, and indeed still are, exorbitant. It seems to me clear that if rents were exorbitant, tenant-right would be worthless; but we know it is sold daily, and in all parts of Ireland, for considerable sums—which is, I think, conclusive evidence that rents, speaking generally, are not only not exorbitant, but are not believed to be likely to become so; and the fact that this was the case before as well as since the Act of 1870 shows that in the north, at least, the tenants had a perfect confidence that the rent would not be raised to an unreasonable point. It is quite true that a sharp landlord sometimes raised the rent so as to encroach on his tenant's improvements, as the tenant sometimes (I think I may say more frequently) disposed of some of the unearned increment as part of his tenant-right. This was the vice of the system, which was, however, worked on the whole with sufficient forbearance not to shake seriously the confidence of the tenant class in its value.

So far, therefore, as economic, as distinguished from purely

political, causes were concerned, I think it was not exorbitant rents, but the wretched condition of the cottier class on the one hand, and the apprehension of a general rise of rent on the part of the farming class proper on the other, which gave rise to the agitation which preceded the Act of 1870.

If I have rightly described the state of affairs, it is evident that there were two totally distinct problems for the consideration of a statesman. One, that of the small cottier tenants which resembled the condition of hand-loom weavers when power-looms were introduced, and could only be relieved by finding remunerative occupation for the people at home, or by aiding them to go elsewhere in search of employment. The other, that of persons more properly called tenant-farmers, who had just although probably exaggerated claims in respect of tenant-right and improvements. The duty of the legislator with respect to this class was to define and give legal effect to such portion of their claim as was equitable and just, and to make such changes in the law as to future letting, as would secure an improving tenant in the fruits of his toil, and encourage him to improve still more.

The original claim put forward on behalf of the tenant, and advocated by several leading Irishmen, was that the tenant should be declared entitled to whatever he had, with the knowledge and consent of his landlord, paid for the good-will of his farm, and in addition to the value of any improvements effected by him since the date of his purchase. The claim for past improvements was perhaps in excess of his strict right, but cannot be considered immoral, and would I think, in most instances have been readily acquiesced in by the landlords. The value of these claims, when ascertained once for all, either by agreement between the parties, or by the judgment of a court, it was proposed to express in so many years purchase of the rent paid by the tenant for his farm, which by a simple and self-working arrangement rose or fell with the rise and fall in the value of the farm, so that at all times both landlord and tenant knew exactly what their respective rights were, without any further controversy between themselves or necessity for appealing to a court of law. This proposal at once removed the only real objection to tenant-right, viz., its uncertainty, and would, if adopted, have been in harmony both with natural justice and the feelings and customs of the country. It contained, however, within it the principle of part ownership by the tenant, which was altogether repugnant to English ideas, and it was put aside, and the Act of 1870 was passed to meet all the requirements of the situation.

This Act legalized, without in any way defining, tenant-right, thus leaving the knotty problem as to how the landlords could raise the rent at pleasure and the tenant sell at pleasure, unsolved. Reversing the existing law, it declared all improvement to be *primâ facie* the property of the tenant, and in addition it gave him conpensation for disturbance on being deprived of his farm by a notice to quit, and as a general result it established the principle of a compulsory valuation of rents by a legal tribunal, whenever a landlord wished either to raise his rent or take up possession of his land. It did not,

however, go the length of the Land Act of 1881, in permitting the tenant to repudiate his original contract altogether, and yet hold on the land at a rent less than he had contracted to pay, or the landlord agreed to accept. It would have been just and might have been politic to declare, that with respect to future lettings all improvements should belong to the man who made them ; and also (following the precedent of the Ground Game Act) that all tenancies from year to year should be deemed future lettings at the expiration of the period when a notice to quit would determine the tenancy. But the change in the law with respect to past improvements was both unjust and impolitic. The state gained nothing by it, the advantage went entirely to the existing tenants at the expense of existing landlords, who had seldom, when they effected improvements, thought of preserving any evidence of having done so. Many people had accepted a smaller rent, or postponed a rise of rent, in consideration of what the tenant had done, but had no means of proving this to the satisfaction of a court of law. Many men who could show and prove a large expenditure on their estates, could not ear mark the part expended on a particular tenant's holding.

This law therefore violated the principle I have before mentioned, viz :—that it is unjust, without compensation, to interfere with contracts valid under the existing law. The clause with respect to disturbance had the same fault—it was a handing over of so much of the property of the existing landlords to the existing tenants. And with respect to the future; while the clause with respect to improvements prevented the landlord from making, or assisting the tenant to make any improvements, that with respect to disturbance made it his clear interest either to throw his farms together so as to make them large enough to enable him to contract out of the Act, or to set on fines equal to the number of years purchase which the disturbance would amount to, so that where a claim was made for disturbance the tenant would but receive back his own money. The tendency therefore of this legislation is to prevent landlords' improvements, and to tie up a larger part of the tenant's capital in improvements and fines, and thus leave him a smaller sum wherewith to work his farm. The scale also on which the compensation for disturbance was made was calculated to produce much dissatisfaction among farmers themselves. The smaller the farm the larger the proportional compensation, but the large farmers argued reasonably enough, that once admitting the principle, they suffered much more inconvenience and loss than their smaller brethren, they having to remove and adapt to new surroundings a much greater and more complicated amount of farming apparatus, and were therefore entitled to not a smaller, but a larger proportional compensation. Another result of the disturbance clause was to increase the expense of consolidating holdings, and at the same time to render it well nigh impossible for a small man to get a few acres to commence on. No landlord could afford to let land in small quantities, except on fines which the humbler classes could not afford to pay.

The several advantages given to the tenant by this Act were to be worked out by the machinery of the Act, which was in every case an

action in the county court. The tenant had no rights given him which he could enforce or measure until he himself was quitting the holding, or the landlord did some act to disturb him; and as no principles were laid down in the Act, nor any definition of tenant-right supplied in it, there was nothing to guide either the landlord or tenant as to what the chairman was likely to decide. And thus in effect, almost every case had to go to the court on every occasion of a dealing either between the landlord or tenant, or between the tenant and a purchaser; and great as the loss was to the landlord, the advantage to the tenant, by reason of the law costs, was almost nil. The poorer class of cottiers, when their attorneys were paid, had a sum of money insufficient to enable them to move away, and neither the sympathy nor assistance that they often received from their landlords before the Act.

The original claims which I have alluded to as put forward on behalf of the tenants were founded on real rights, and were therefore frequently capable of settlement by the parties themselves, and if disputed, could be quickly decided by competent tribunals. The principles on which the Act of 1870 was founded were, as well as I can see, two—charity and concession. Neither of these are principles recognized either in law or political economy, and therefore every case had to be decided according, not to any known or recognized principles, but according to the feelings of the particular judge before whom the case was tried.

This law, based on no solid principle of justice or policy, satisfied no party. It did not for a moment allay agitation; but it gave a serious blow to the security of property, by enabling tenants partially to violate their contracts. Having, even by the admission of its framers, failed, it was followed by the Act of 1881. The principal provisions of this Act increase the sums payable for disturbance; or, at the option of the tenant, and without waiting for any act of disturbance by the landlord, give him in effect a perpetual tenure in his farm, at a rent to be fixed by a legal tribunal, and subject to revision by the same court at the end of every fifteen years at the suit of either landlord or tenant. The landlord cannot raise the rent or dispossess the tenant save for non-payment of rent, or breach of certain statutory conditions; but the tenant can at any time surrender the tenancy on the expiration of the usual notice to quit served on the landlord.

The observations made by the late Judge Longfield in his opening address, read before this society in the year 1865, seem to me so just a criticism on the provisions of this Act, that I make no apology for repeating them here. The Judge's observations were made on the supposition that the rent was to be fixed once for all, and that the tenant had a right to sub-let. I have made some verbal alterations, to make his language suit the actual state of facts created by the Act of 1881; but in other respects the quotation is an exact copy of the Judge's words.

"Nothing can be more unjust than to substitute a valuation for a contract; but the injustice is not manifest at first sight, for the words appear fair. Why, it is said, should any tenant be required to pay more than the fair value for his farm? But every one who

has any experience knows that nothing can be more uncertain and undetermined than the valuation of land. It is not uncommon to see two valuators differing enormously in their estimates, and yet neither suffering in reputation as if he had made a discreditable mistake. In this case all the mistakes will be made in favour of the tenant. If any mistake were made against him the remedy would be in his own hands, as he would not take the land; but indeed no such mistake will be made, for there will be a constant leaning in favour of the tenant. It is certain that the value as fixed under this measure will be less than half the fair rent which a solvent tenant would willingly pay for the land. It is obvious that as soon as the possession of land ceases to be a subject of contract by mutual agreement, the valuators will have no average market value to refer to, and will form their estimates on the wildest principles.

"Waiving for a moment all objections to the injustice of this proceeding, the question still arises, will it be of any benefit to the farmers as a class? Of course the individuals at present in possession gain a pecuniary advantage, by being permitted to break their contracts, and confiscate the property of their landlords. But what will be the position of future tenants? A farmer has a lease for twenty-one years at a rent of £100 a year: at the expiration of that term he gets the farm at a rent of £50. But if he or his son wishes to change his residence, and follow some other pursuit, does any man suppose that he will hand it over to a purchaser at a rent that has been considered fair in his own case? No. He would know that this would be to give away his property to a stranger. He will sell his farm probably for £1,500, and his successor will substantially have to pay not £50, but £125 a year for the land; viz. £50 for the rent, and £75 interest on the capital expended in the purchase. Entering upon the land with crippled means, the capital that might have been more usefully employed in the cultivation of the soil having been expended in the purchase of the tenant-right, he will have reason to regret the change in the law which prevented him from dealing directly with the head landlord. The change as to all future farmers is equivalent to a law that no man shall be permitted to occupy land as a farmer, except on the payment of a heavy fine. On the effect of this change on the cultivation of land there is not room for much difference of opinion. Adam Smith* thus describes the effect:—'Some landlords, instead of raising the rent, take a fine for the renewal of the lease. This practice is in most cases the expedient of a spendthrift, who for a sum of ready money sells a future revenue of much greater value. It is in most cases therefore hurtful to the landlord. It is frequently hurtful to the tenant, and it is always hurtful to the community. It frequently takes from the tenant so great a part of his capital and thereby diminishes so much his ability to cultivate the land, that he finds it more difficult to pay a small rent, than it otherwise would have been to pay a great one. Whatever diminishes his ability to cultivate

* *Wealth of Nations*, book v. chap. 2.

necessarily keeps down, below what it would otherwise have been, the most important part of the revenue of the community. By rendering the tax upon such fines a good deal heavier than upon the ordinary rent, this hurtful practice might be discouraged, to the no small advantage of the different parties concerned—of the landlord, of the tenant, of the sovereign, and of the whole community.' This 'hurtful practice,' which Adam Smith wished to discourage by increased taxation, has then under this system become the necessary universal practice throughout all Ireland. No tenant can obtain the possession of land without the payment of a considerable fine, the only difference being that the fine is paid to the preceding tenant instead of to the landlord, a difference not affecting his interests or the interests of the public. It will most usually happen that the fine or purchase money exacted will be so large that the incoming tenant must have recourse to a loan to raise the greater part of it. The condition of the new tenant will then be this—that he will hold his land at a moderate rent, but on the other hand he will have been deprived of all the capital with which he could have cultivated it successfully, and in addition he will be subject to payment of interest to the mortgagee of an annual sum which, with the rent he pays will make at least the full value of the land. In any season of distress he will feel the difference between having the landlord or the mortgagee as his creditor. The labouring classes will be great sufferers by this change. The inferior cultivation of the land will diminish the amount of profitable employment for their labour, and reduce wages. The change will increase the disadvantages under which poorer men or men of small capital unavoidably labour. At present, if a man possesses a small capital, and some agricultural skill and energy, he may hope to procure a farm of sufficient extent to employ all his capital with profit. But on the new system he must expend the greater part of his capital in the purchase of a very small farm, and reserve a small remnant only for profitable employment. At the same time the poorer man can never hope to rise above the condition of a common day labourer, as he never can save enough of money both to buy a farm and to cultivate it.

"And while no class of persons will derive any advantage from the proposed change, it may be fairly asked why should the landlords be robbed of their clear rights, for the benefit not of any class, but of the individuals merely who happen at present to be the occupying tenants? If the landlords are to be robbed, it should be done for the benefit of the community at large, and not of any individuals; least of all, the individuals who alone profit by the proceeding. Their only claim is this: they say that too hard a bargain has been made with them, and that they are obliged to pay too high a rent. But no deceit has been practised on them—they entered into the contract voluntarily and ought to abide by it. But if they are entitled to any redress, the only just remedy would be to rescind the contract of which they complain, to let them give back the land to the landlord, and be free from all future liability to pay rent.

"In any other transaction anything like this law would be thought too absurd for argument. Mr. Patrick Murphy takes a fancy to my hunter and offers me 120 guineas for it. He gets it, and then complains that the horse is too dear. I offer to take back the horse and give him his money. He wont agree to that. He says that the horse suits him, and that he is determined to keep it, and only to pay such a price as will enable him to sell it the next day at cent. per cent. profit. This is exactly analogous to the claim legalized by the Act. In the case of the sale of land, the injustice of the demand would be equally apparent. Mr. Murphy offers me £3,000 for my land, and induces me to give him up the possession of it. He then complains that the price is too dear. I am ready to give him back the money, if he will give me back the land, or I find a person who will gladly give him £100 for his bargain. He refuses; he says he must keep the land, and refer the price to some friends of his who will value it on this novel principle, that the price which every man in the country would be ready to pay for it shall not be taken into consideration in estimating the value. This is the effect of the present law, substituting merely a setting instead of a sale.

"Some reason must be given for making land an exception to the ordinary rules of commerce, and fixing the price by law, instead of letting it be arranged by mutual agreement between the buyer and the seller, the landlord and the tenant. The reason formerly assigned was that the possession of land was a question of life or death to the tenant, that he had no other resource to preserve himself and his family from starvation, and that therefore he was obliged to submit to any terms which an avaricious landlord might impose: that the parties to the contract stood on such unequal ground as to make it necessary for the law to interfere to protect the weaker party. It could not be pretended that this argument ever was applicable except to the case of small pauper tenants. It never could have had any bearing on the case of those tenants who hold the greatest part of Ireland, viz. men who have capitals of two or three hundred pounds, and who are farmers, not from necessity, but from choice; because they find the occupation of a farmer more profitable, or more suitable to their taste or education, than any other employment. The introduction of poor-laws and the increased demand for labour, now put it out of any man's power to say that he is obliged to offer an exorbitant rent for a farm in order to preserve himself from destitution.

"It should always be borne in mind that it is essentially a dishonest act for a man to enter into a contract which he does not believe that he will be able to fulfil. The man who has obtained possession of a farm by promising a rent which he cannot afford to pay, has committed a dishonest act, and an act injurious to society. He has done a wrong to the landlord from whom he has obtained possession of the land on false pretences, and he has done wrong to the competitors for the farm whom he has outbid. The dishonesty may be palliated by the strength of the temptation to which he yielded, but it cannot be altogether justified, and it certainly should not be made the subject of approbation or reward. Granting even that he has no resource to keep him from the workhouse, except by

promising what he cannot perform, has he any claim to a higher standard of maintenance than his neighbour, who may be actually in the poorhouse on account of the sturdy honesty which prevents him from promising what he cannot afford to pay. There is no peculiar merit in the man who has got a farm under false pretences, and if he is entitled to a better support than a common pauper, merely because he is called a farmer, no matter by what means he obtained the farm, it is not easy to see why this support should be given to him not by the entire neighbourhood, but by the landlord whom he has defrauded. If land is to be set at a price not fixed by contract, the fairest means of carrying out such a measure would be for the present occupiers to give up possession, and then to divide the land among all the inhabitants equally. Undoubtedly the person who obtains possession of land by false promises ought not to gain any advantage over his more honest competitors."

I have now pointed out what seem to me to be some of the objections which in a society such as this may be urged against the Acts of 1870 and 1881; and it only remains very briefly to indicate what are the remedies for the unfortunate condition in which they have placed us. As regards the cottier class, who are not now nearly so numerous as formerly, their present condition is owing, in a considerable degree, to circumstances over which they had no control, and they are therefore justly an object of pity. The state is justified in dealing with their condition in the interest of the whole community; as it is obvious that a considerable body of men in their condition are at once a menace and a disgrace to our civilization. The first consideration is, from whence should come the fund necessary for their relief; and it seems to me that a very large portion of it should be levied on the individual properties on which these poor people reside, as it was in a great measure owing to the neglect and mismanagement of the owners of those properties, or their predecessors, that the land was allowed to be subdivided and the population to increase in so improvident a manner. I think, however, that the state might fairly be called upon to contribute towards the cost, as there can be no doubt that farmers and capitalists in England and Scotland benefited largely, and for a considerable period, by reason of the cheap labour of these poor people. What I propose would be somewhat analogous to a still further extension of union rating. The next consideration is, in what way can the cottiers be best placed in a position to do for themselves. Irish feeling, and the great authority of Mr. Mill, seem to lean towards a purchase up of what are called the waste lands of Ireland, and the settlement of the cottiers upon them. I cannot follow the reasoning on which this proposal is based.

It seems to me pretty certain, that in an old and fully peopled country like this, that when land is left waste, it is because its quality is so poor that it cannot be cultivated with profit; and although it may be possible, by the expenditure of a large amount of capital, to make it capable of supplying some population with a scanty subsistence, still it would be for a country, like ours, having colonies with plenty of unoccupied land of the best quality, the greatest folly to

settle these poor people on an inhospitable waste, rather than enable them by emigration to settle on some of the most fertile land in the world, where they could live in the midst of abundance, and soon become valuable customers for our manufactures.

I therefore think that the true remedy for the deplorable condition of the cottier class is emigration. I am aware that to conduct it on a sufficient scale, and with proper humanity, would cost a considerable sum; but I do not think it would be nearly so expensive as settling the cottiers on the waste land; nor anything like the capitalized value of the extraordinary cost now annually incurred in abortive attempts to keep order in the country.

As to the class of tenants proper it is a more difficult question, owing to the unfortunate nature of the new departure. Many rights have arisen under the Acts of 1870 and 1881, and they, of course, must be respected; but subject to the preservation of those rights those laws should be repealed, and more equitable arrangements, such as I have already referred to, or others of a like kind and founded on the same principle, substituted for them. I shall be told, and I admit, that such a proposal is not at present within the range of practical politics; but changes come rapidly in these days, and nothing is more certain than that if either by purchase or confiscation the bulk of the tenantry of Ireland ever become absolute owners of their farms, they will not, and should not, endure for a single session a law which prevents them either setting or selling their land at the best price they can get for it in the open market.

On the last occasion on which I had the honor of addressing this society I had to record the death of one of our oldest and ablest members, the late Judge Longfield; and to-night we have to lament the death of another very old and much respected member, the late Sir John Lentaigne. He took a warm and active interest in our proceedings, and in all things calculated to benefit Ireland; but his energies were more particularly directed to the reform of our prison system, and the establishment and improvement of Reformatory and Industrial Schools. His earnest and successful services in these important departments will long be remembered with gratitude by every true lover of his country.

II.—*Considerations as to an Extended Scheme of Land Purchase.* By Richard R. Cherry, Barrister-at-Law.

[Read, Tuesday, 7th December, 1886.]

THERE appears to be a general concensus of opinion that the Irish Land question can only be finally settled by an extension, on a wide scale, of the system of land purchase inaugurated by Lord Ashbourne's Act, and by the creation of a large number of occupying owners throughout the country. I do not propose now to discuss the wisdom of this policy, but rather to consider how the objects sought for can best be attained, and in what manner a sound system of land