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NUI MAYNOOTH

Oifacol na hÉireann Mhá Nuad

**THE WYNDHAM LAND ACT, 1903: THE FINAL
SOLUTION TO THE IRISH LAND QUESTION?**

by

PATRICK JOHN COSGROVE

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DEPARTMENT OF HISTORY
NATIONAL UNIVERSITY OF IRELAND
MAYNOOTH**

**HEAD OF DEPARTMENT: Professor R. V. Comerford
Supervisor of Research: Dr Terence Dooley**

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Abbreviations

C.C.	County Council
C.D.B.	Congested Districts Board
C.I.	County Inspector of Royal Irish Constabulary
F.A.	Football Association
<i>F.J.</i>	<i>Freeman's Journal</i>
I.G.	Inspector General Royal Irish Constabulary
<i>I.I.</i>	<i>Irish Independent</i>
I.P.P.	Irish Parliamentary Party
I.R.A.	Irish Republican Army
<i>I.T.</i>	<i>Irish Times</i>
I.U.P.P.	Irish Unionist Parliamentary Party
M.P.	Member of Parliament
N.A.I.	National Archives of Ireland, Dublin
n.d.	no date/not dated
N.L.I.	National Library of Ireland, Dublin
N.D.C.	National Debt Commissioners
N.U.I.	National University of Ireland
P.R.O.N.I.	Public Record Office Northern Ireland, Belfast
R.I.C.	Royal Irish Constabulary
T.C.D.	Trinity College Dublin
T.D.	Teachta Dála (member of Dáil Éireann)
T.N.A.	The National Archives
U.I.L.	United Irish League

INTRODUCTION.

The Irish Land Act, 1903 was better known as the Wyndham Act after its author George Wyndham, chief secretary of Ireland from 1900 to 1905. Despite being the most comprehensive and ambitious of all of the land acts introduced by the British government for Ireland, it has received little attention from historians. In fact, apart from some contemporary explanatory legal texts, there is not a single published work devoted to the Wyndham Act. This thesis intends to address that lacuna and provide the first scholarly study of the act from its origins to its subsequent amendment by the 1909 land act.

By extension this thesis is a study of various aspects of the Irish land question from c.1900 to 1909. However, it does not purport to be a systematic examination of the nationalist political response to the act or, indeed, of its contribution to the history of the United Irish League (U.I.L.). Nor is it a comprehensive analysis of the unionist political response. While both have been examined and their relationship to the land question and the Wyndham Act investigated they do not form the central focus of this thesis. Instead the main focus is on the origins, operation and legacy of the act.

It should be noted that contemporary usage has been followed in describing the parties and factions of the period covered by this thesis. The term 'unionist' refers to those who were in favour of maintaining the political and economic union with Britain while the term 'nationalist' is used in a broad sense to denote those who were largely opposed to the union and were in favour of some measure of self-government and included such groups as the U.I.L., independent nationalist M.P.s and the Irish Parliamentary Party. The I.P.P. refers to the body of nationalist M.P.s in the House of Commons under the leadership of John Redmond during the period 1900 to 1909. Likewise Irish Unionist Parliamentary Party (I.U.P.P.) refers to the body of Irish unionist M.P.s during the time period. It should also be noted that in this thesis 'bill' refers to a proposed statute that has not yet been passed into law by parliament whereas 'act' refers to the statute once it has passed through parliament and been made law.

The time period covered by this dissertation corresponds with the Conservative party administration of 1900 to 1905 and that of the Liberal party from 1905 up to the passing of the 1909 Land Act. George Wyndham served as Irish chief secretary from November 1900 until his resignation in March 1905, when he was

succeeded by Walter Long. Following the collapse of the Conservative government in late 1905, James Bryce became the new Liberal chief secretary. However, in January 1907 Bryce was appointed ambassador to the United States of America and Augustine Birrell replaced him as chief secretary, a post he held until 1916.

Prior to the 1903 Land Act the two principal political parties in Britain, the Conservatives and the Liberals, had both come to accept voluntary land purchase as the most suitable solution to the Irish land question. David Cannadine, in his seminal work *The decline and fall of the British aristocracy* (1990), identified this: 'In the aftermath of the Land War, it was widely believed, by Liberals and Conservatives alike, that land purchase was the only viable solution to the land question'.¹ By 1903 the question was no longer whether or not land purchase was a viable option but whether the transfer of land would be voluntary or compulsory.

The I.P.P. and the movement led by the independent unionist, T. W. Russell, in Ulster were both strongly in favour of the compulsory purchase of landlords' land. They had begun to receive increased support from the Liberal party. In the south and west of Ireland the compulsory purchase banner was one behind which many shades of nationalist opinion could unite. It appealed to divergent groups such as the smallholders of Connaught and the graziers of Leinster who all lent their support to the U.I.L. campaign. Compulsory purchase promised a swift transfer of land from landlord to tenant and it dangled the carrot of lower prices in front of the tenant farmers.

The province of Ulster was relatively free from agrarian agitation since the Land War. In the absence of such agitation many landlords were relatively content to remain as they were and to continue to draw their rents. The compulsory purchase campaign potentially provided the means for tenant farmers in the province to obtain the ownership of their farms without resorting to the tactics of agrarian agitation and intimidation which had characterised the south and west of Ireland.

On the other hand the vast majority of landlords were quite opposed to any compulsory system, as were the majority of Irish unionists, although they flirted with the issue to undermine T. W. Russell's support amongst the tenant farmers in Ulster. Landlords foresaw that the prices set by the government under a compulsory act would not be as generous as those they might obtain through their own negotiations

¹ David Cannadine, *The decline and fall of the British aristocracy* (New Haven and London, 1990), p. 65.

with their tenants under a voluntary scheme. Equally important was the fact that some landlords throughout Ireland only wished to sell a portion of their lands while others, such as Lord Clonbrock of Galway, simply had no intention of selling at all. The Conservative party lead by A. J. Balfour had little time for compulsory purchase and was committed to a voluntary scheme. The conflict between the supporters of compulsory purchase and the supporters of voluntary purchase dominated the years prior to the introduction of the Wyndham Act and continually reoccurred during the act's lifetime, culminating in the introduction of a modified form of compulsion in the congested districts under the 1909 Land Act. The first land act introduced by the Irish Free State in 1923 also contained significant compulsory purchase powers.²

What was the Irish land question in the first decade of the twentieth century? While the issue of land purchase was undoubtedly a major ingredient, the transfer of the land from landlord to tenant was only one of many aspects. There was an underbelly to the land question that had more to do with land redistribution than with land purchase. The process of making the tenant farmers of the country the owners of their existing holdings held little incentives for groups such as evicted tenants, agricultural labourers, disinherited farmers' sons and other landless elements. For those living in the agricultural slums of the congested districts or on uneconomic small holdings scattered throughout Ireland land purchase was of little benefit. They required additional land to make their farms economically viable. Evicted tenants, a visible reminder of the Land War of the 1880s, wished to return to their old holdings or be provided with new farms. They also required financial assistance. Agricultural labourers hoped for a cottage and a plot of land to grow potatoes and vegetables. The more progressive hoped to ascend the social ladder by obtaining a farm of land and becoming a member of the farming class. The sons of farmers who were not in line to inherit and the other landless groups in agricultural society hungered for farms of their own. In order to fulfil their ambitions all of these groups required untenanted land to be redistributed. Such land was often farmed by landlords themselves or let on the profitable eleven-month system to graziers often referred to as conacre. Land let by landlords on an eleven-month lease was not subject to the rent-fixing provisions of the land courts (established under the 1881 Land Act to regulate the fixing of rents) as they only dealt with tenancies of a year or greater. The system was

² The Land Act 1923: An act to amend the law relating to the occupation and ownership of land and for other purposes relating thereto (9 Aug. 1923), (no. 42/1923).

quite popular among landlords as the rent was determined by the market demand and not the land courts. This was an aspect of the land question which land purchase would do little to alleviate.

At the beginning of the twentieth century land purchase in Ireland, under the land purchase acts passed by the British government between 1881 and 1896, had ground to a virtual standstill. The numbers within the landlord class who wished to sell had been exhausted but demand from occupiers continued to grow for a comprehensive land purchase measure. The Wyndham Land Act was introduced in the House of Commons on 25 March 1903. The act was the pinnacle of George Wyndham's term of office as chief secretary of Ireland and it was hailed as one of the most important pieces of social legislation since the act of union. Indeed for many historians it has been regarded as the climax of the Conservative policy known as constructive unionism which was essentially an attempt to 'kill home rule by kindness'.³ George Wyndham had close family ties with Ireland and his mother had been born in the country. He was the great grandson of Pamela, the daughter of Lord Edward Fitzgerald of 1798 fame, and was thus related to the Fitzgeralds, dukes of Leinster. His uncle, Henry Wyndham, was the second Baron Leconfield. Upon his death in 1901 Henry's son and George's first cousin, Charles Henry Wyndham, became the third Baron Leconfield. The baron owned a considerable amount of land in the counties Clare, Tipperary and Limerick. The seventh earl of Mayo, Dermot Robert Wyndham Bourke, was also George Wyndham's first cousin.

Social, political and economic historians traditionally have explained the origins of the act in terms of Captain John Shawe-Taylor's independent initiative of 1902. Shawe-Taylor was a little-known Galway landlord who sent a letter to the press advocating a conference of landlord and tenant representatives. This led to the Land Conference that sat over the months of December 1902 and January 1903, which comprised both tenant and landlord representatives. Its recommendations formed the basis of the Wyndham Act. In the 1930s Edmund Curtis was one of the first advocates of this interpretation:

But in 1902 a landlord gentleman named Shawe Taylor brought about a conference between landowners and the leaders of the home rule party as representing the tenants, and following their report which was accepted at a landowners' convention, it was decided that dual

³ See Andrew Gailey, *Ireland and the death of kindness. The experience of constructive unionism 1890-1905* (Cork, 1987).

ownership in the land should be abolished. This was the principle expressed in the act of 1903.⁴

In the 1960s J.C. Beckett followed a similar line of argument to Curtis. He concluded that the 1903 act originated from landlord and tenant dissatisfaction with the 1891 and 1896 land acts which in turn led to the Land Conference. Although Beckett acknowledged the compulsory purchase campaign in Ulster, he seems to have underestimated its influence on the origins of the 1903 Land Act.⁵ F.S.L. Lyons carried this interpretation forward into the 1970s:

On 2 September 1902 he [Shawe-Taylor] wrote a short letter to the newspapers inviting certain named representatives of the landlords and tenants to meet in conference...after only a fortnight's discussion the Conference produced a unanimous report which, though brief, was comprehensive enough...The report formed the basis of the Land Act Wyndham triumphantly passed through parliament during the session of 1903.⁶

In recent years this view of the act's origins has been reassessed. Fergus Campbell, for example, has drawn attention to the campaign of the U.I.L. He argues that the U.I.L. agitation for the break up of large grazing farms, and later compulsory sale, had a significant bearing on the origins of the Wyndham Act.⁷ While Campbell's interpretation is valid for most of southern Ireland it needs to be reappraised in light of the different conditions that prevailed in Ulster. One of the aims of this dissertation, therefore, is to highlight the compulsory purchase campaign of T. W. Russell in the province thus illuminating the role it played, in conjunction with the parallel U.I.L. agitation in the south, in bringing about the Wyndham Act.

With the absence of any concentrated study on the Wyndham Act and its legacy the conclusions drawn by historians have tended to be vague. The notion that the sole purpose of the act was to accelerate land purchase and that the Irish land question in the period was essentially a struggle to make tenants the owners of their holdings has been to the fore. According to Oliver MacDonagh:

Largely because of traditional suspicions and the political exploitation of these suspicions on both sides...the 1903 act did not immediately achieve the

⁴ Edmund Curtis, *A history of Ireland* (6th ed., London, 1952), p. 389.

⁵ J.C. Beckett, *The making of modern Ireland 1600-1923* (London, 1969), pp 406-7.

⁶ F.S.L. Lyons, *Ireland since the famine* (Glasgow, 1973), pp 218-9.

⁷ Fergus Campbell, *Land and revolution: nationalist politics in the west of Ireland 1891-1921* (Oxford, 2005), pp 8-84; idem, 'Irish popular politics and the making of the Wyndham Land Act, 1901-1903' in *The Historical Journal*, xlv, no. 4 (2002), pp 755-73.

universal transference in land ownership which it proposed. But in the long run, supplemented by further concessions, it issued in the general social revolution whereby rural Ireland became a nation of petty freeholders.⁸

There has been an assumption that the Wyndham Act consolidated the policy of land purchase as the cure for the agrarian question in Ireland. As D. George Boyce stated: 'The act was defective, and had to be revised by the Liberal government in 1909; but it established land purchase as the final solution of the land question.'⁹ This thesis shows that land purchase was not the final solution to the land question. It failed, in particular, to address the needs of uneconomic smallholders, evicted tenants, agricultural labourers and the various landless elements in agricultural society. Land purchase, in fact, only magnified the plight of these groups.

A close analysis of the impact of the Wyndham Act reveals that it created as many problems as it solved. While it was highly successful in transferring land from landlord to tenant it inadvertently unleashed a wave of tensions in Irish agricultural society. The owners of small uneconomic holdings quickly realised that land purchase did not make their farms economically viable overnight. They sought to acquire parcels of land to consolidate their holdings and looked towards the untenanted grazing ranches. With the Wyndham Act having raised expectations to a fever pitch there was intense speculation among various sections of the agricultural community that land would become accessible. The act exacerbated matters by enabling the sons of tenants to obtain a farm from any untenanted land which was sold along with an estate. This significant group of young landless men soon became disillusioned with the slow rate of progress. In the early years of the act the ability of the estates commissioners and the Congested Districts Board (C.D.B.) to buy untenanted land was curbed by legal doubts and financial difficulties. Disillusioned, these landless men quickly became the backbone of the anti-grazing agitation that culminated in the Ranch War of 1906 to 1909.¹⁰

While it has been generally acknowledged that the financial provisions of the act were inadequate there has been virtually no attempt to analyse why. F. S. L. Lyons, L. P. Curtis and Eunan O'Halpin all point out that there were financial

⁸ Oliver MacDonagh, *Ireland: The union and its aftermath* (London, 1977), p. 50.

⁹ D. George Boyce, *Nineteenth-century Ireland: The search for stability* (Dublin, 1990), p. 226.

¹⁰ For a study of graziers and the Ranch War see David Seth Jones, *Graziers, land reform and political conflict in Ireland* (Washington, 1995); idem, 'The cleavage between graziers and peasants in the land struggle, 1890-1910' in Samuel Clark and James S. Donnelly, Jr. (eds), *Irish peasants: Violence and political unrest 1780-1914* (Manchester, 1983), pp 374-417.

problems but make little attempt to explain them.¹¹ Chapter five of this thesis deals exclusively with land purchase and the impact of the financial difficulties associated with the act.

Terence Dooley's work '*The land for the people: The land question in independent Ireland* (2003) debunked the myth that the adherence by successive British governments to the policy of state-aided land purchase ensured that there was no land question in Ireland post-1922. Even where the Wyndham Act had been most successful, in terms of land purchase, the Irish Free State government still required a loan in 1923 of £30,000,000 to complete the process.¹² It should be kept in mind that the 1923 Act was not simply passed to try to complete land purchase but was designed to tackle congestion through the compulsory purchase and division of land. Groups such as evicted tenants, agricultural labourers, the landless and the holders of uneconomic holdings all formed part of the land question post-1923 as they had done pre-1903. Issues at the core of the question such as untenanted land, land redistribution and congestion were also to the fore. With this in mind the statement by Philip Bull that: 'The claim that the Wyndham Act had finally solved the land question has by and large received the endorsement of history' certainly needs to be reassessed.¹³ P.N.S. Mansergh and Lawrence W. McBride also adhere to this line of thought in their respective works.¹⁴ David W. Miller argued that a 'land settlement had been enacted in 1903', leaving the I.P.P. free to focus on obtaining home rule.¹⁵ Such an assessment as noted above fails to take into account the underbelly of the Irish land question which was more about land redistribution than land purchase. The fact that after 1923 the Irish Land Commission acquired and redistributed 1.5 million acres, divided 840,000 acres acquired under acts prior to the creation of the Irish Free State and migrated over 14,500 farmers from congested areas in the west to the east

¹¹ F.S.L. Lyons and L.P. Curtis in W. E. Vaughan (ed.), *A new history of Ireland*, vi. *Ireland under the union ii, 1970-1921* (Oxford, 1996), pp 96-7 and p. 158 respectively. Eunan O'Halpin, *The decline of the union. British government in Ireland 1892-1920* (Dublin, 1987), p. 56.

¹² *Dáil Éireann parliamentary debates official report* (Stationery Office, Dublin), iii, 1147 (28 May 1923).

¹³ Philip Bull, *Land politics and nationalism: A study of the Irish land question* (Dublin, 1996), p. 176.

¹⁴ See P. N. S. Mansergh, *The Irish question 1840-1921* (London, 1965), p. 201 and Lawrence W. McBride, *The greening of Dublin Castle. The transformation of bureaucratic and judicial personnel in Ireland 1892-1922* (Washington, 1991), p. 100.

¹⁵ David W. Miller, 'The Roman Catholic Church in Ireland: 1898-1918' in Alan O'Day (ed.) *Reactions to Irish Nationalism 1865-1914* (London, 1987), p. 191.

and midlands between 1937 and 1978 confirms that the Wyndham Act did not solve the land question.¹⁶

In order to reappraise the traditional orthodoxy which surrounds the Wyndham Act a wide range of sources have been consulted during research. To examine and understand the responses to the introduction and operation of the act an exhaustive search of national and local newspapers was conducted while a number of English newspapers were accessed also. Newspapers have proved extremely important as a source for understanding the attitudes towards and the workings of the act at local and national level. A systematic analysis and a very broad cross-section of local newspapers spread over a wide geographical area, representative of both nationalist and unionist opinion, was carried out. This helped to ascertain grassroots opinion which was not always to be found in other primary sources.

The Hansard parliamentary debates have provided a rich source of information and reflected the thoughts of tenant representatives and of Irish landlords not always found in private correspondence. The benefits of carrying out a painstaking analysis of Hansard parliamentary debates cannot be overemphasised. In this context such an analysis provided a freshness to the understanding not only of the land question but also as to how the land act was received and viewed during the period. The analysis for this thesis showed for example, that after the act had only been in operation for three months, Lord Muskerry effectively called for the cessation of its operation:

That the failure of the Land Act, 1903, to settle the land question, to promote goodwill between landlord and tenant, or even check emigration, is due to the facts that the only classes it proposes to benefit are the substantial farmers already amply benefited by previous legislation and that practically nothing has been done for the small tenants and cottiers while at the same time the employment of labour has been, and will be still more, seriously affected by the displacement and exile of a residential proprietary and of the employing classes dependent on them; therefore it is advisable to suspend the working of the said act...until such time as a proper inquiry can be made into the effect of such legislation on the poorer classes in Ireland.¹⁷

¹⁶ Terence Dooley, *'The land for the people'. The land question in independent Ireland* (Dublin, 2004), p. 20 and *Irish Land Commission reports, 1937-78*; P.J. Sammon, *In the Land Commission: A memoir 1933-1978* (Dublin, 1997), pp 260-1.

¹⁷ *The parliamentary debates*, fourth series, 1892-1908 (vols i-cxcix, London, 1892-1909) [hereafter cited as *Hansard 4*], cxxx, 524-5 (22 Feb. 1904).

John Dillon made the salient point in 1907 that it was wealthy landlords in the north and east of Ireland, such as the duke of Leinster, who had benefited most from the 'bonus' (all vendors received a 12 % cash 'bonus' based on the purchase money of the estate), whereas those in the west where the money was most desperately required had gained the least:

What was the system? It was this: That the greater the price the more 'bonus' the landlord got. The great gift of £12,000,000 [the 'bonus' fund for sales], intended to settle the cases of the poor tenantry in the west of Ireland, and generally to make it possible to buy out the poor estates, had been seized upon by the great landlords of Ulster and Leinster, who had obtained under it prices which would make the mouth of any English landlord water. He asserted positively that no English landlord dreamt of getting such prices. And the 'bonus' was availed of by the landlord to squeeze the last cent out of the tenants.¹⁸

A further exhaustive investigation of the various parliamentary papers, commissions, returns and committees greatly contributed to the regenerative approach of this work and exposed dimensions to the land question not much debated until now. For example, although ostensibly formed to investigate congestion throughout Ireland, the royal commission on congestion actually identified many of the weaknesses of the Wyndham Act and the problems which had arisen during its operation.

The annual reports of the Irish Land Commission, the Estates Commission and the C.D.B. also proved invaluable sources. The reports of these bodies enhance the understanding of the act but particularly its operation and the problems that arose. The returns of advances under the act allowed sales to be examined in great detail and for sale prices to be calculated. With the inaccessibility of the Land Commission records this was really the only method of obtaining the figures for individual sales. Fortunately there is such a voluminous amount of other primary source material available that the inaccessibility of the Land Commission records has not proved problematic.

Landed estates papers provided an abundance of records and correspondence from the period which illuminated the reality of estate sales under the act. Chief amongst these was the estate papers of the fourth Baron Clonbrock, Luke Gerald

¹⁸ *Hansard* 4, clxxii, 1296 (19 Apr. 1907). The word 'bonus' does not appear in the 1903 act. However, the grant-in-aid, as it is called in the act, of 12 % was commonly referred to as the 'bonus'.

Dillon. This is a very extensive collection and because Clonbrock was involved with so many landlord organisations there is a wealth of correspondence with many other landlords throughout Ireland. The Leinster estate papers provided a wealth of information on the sale of the estate. The personal papers of figures such as George Wyndham, John Redmond, and Horace Plunkett were also scrutinised.

This dissertation is essentially divided into two parts. The first section encompasses chapters one to three. Chapter one investigates the origins of the act and highlights the influence of the compulsory purchase campaigns of the U.I.L. and of the independent unionist M.P., T. W. Russell, in Ulster. Chapters two and three clarify what the Irish land question was at the time in addition to exploring the parliamentary process that was involved in the passage of a land bill. The attitudes towards and the response to the bill in both Britain and Ireland are scrutinised.

The second section of the thesis covers chapters four to six. This section deals with the operation of the Wyndham Act and its legacy concentrating on whether or not the generalisations put forth about the act by historians stand up to scrutiny. Despite being hailed as the solution to the Irish land question this thesis will show that the act failed to adequately address many aspects of the problem. Through a series of local case studies chapter four explores the sale of estates under the act and the attitudes of landlords during the period. The financial difficulties and their impact on tenants, landlords and the wider community are discussed in chapter five. The final chapter tackles the areas of the land question that the Wyndham Act magnified rather than resolved. The question of land redistribution, the sale of untenanted land, congestion, uneconomic holdings, evicted tenants and the landless are all systematically examined. This work is an attempt to offer an original perspective on the origins, operation and legacy of the Wyndham Act.

CHAPTER ONE: THE ORIGINS OF THE WYNDHAM LAND BILL, 1903.

D). Introduction.

This chapter is intended as an examination of the origins of the Wyndham Land Bill and will give greater recognition to the role of the independent unionist, T. W. Russell, in the events leading up to its introduction. Historians such as Fergus Campbell have successfully demonstrated the influence of the U.I.L. campaign for compulsory purchase on the origins of the act.¹ Although Campbell acknowledged that the ‘architect of the demand for compulsory land purchase was T.W. Russell’ his work concentrated solely on the influence of the U.I.L.² Campbell argues that the compulsory purchase campaign of the U.I.L. from 1901 to 1903 had a profound effect on the Conservative government and influenced both the ‘timing and substance of the 1903 Land Act’.³ This chapter will argue that the U.I.L. took their lead from Russell’s compulsory purchase campaign in Ulster and that the two parallel campaigns had a significant influence on the genesis of the 1903 act. However, as Campbell’s work has adequately covered the U.I.L. campaign this chapter will focus predominantly on Russell’s Ulster campaign which has failed to receive sufficient acknowledgement to date.

Thomas Wallace Russell was born in Cupar, Fife in Scotland on 28 February 1841. A Presbyterian, he moved to Ireland at the age of eighteen and settled at Donaghmore, Co. Tyrone.⁴ He was very involved in the temperance movement and between 1864 and 1882 he was secretary of various temperance organisations. His work for this cause led him into politics.⁵ As a unionist M.P. for South Tyrone (1886-1910), he was appointed parliamentary secretary to the Local Government Board in 1895. He held this position until 1900.⁶ In the 1880s and early 1890s, he had firmly supported the transfer of land from landlord to tenant but had drawn a line at compulsion, even speaking out against it.

¹ See Fergus Campbell, ‘Irish popular politics and the making of the Wyndham Land Act, 1901-1903’ in *The Historical Journal*, xlv, no. 4 (2002), pp 755-73 and idem, *Land and Revolution. Nationalist politics in the west of Ireland 1891-1921* (Oxford, 2005).

² Ibid., p. 47.

³ Campbell, *Land and Revolution*, p. 84.

⁴ T.W. Russell, ‘The Irish land question. What remains to be done’ in W.T. Stead (ed.), *Coming men on coming questions* (London, 1905), p. 2.

⁵ William Roulston, ‘Landlordism and Unionism in Tyrone, 1885-1910’ in Charles Dillon and Henry A. Jefferies (eds), *Tyrone: history and society* (Dublin, 2000), pp 741-64.

⁶ *Who’s Who 1914: an annual biographical dictionary with which is incorporated “men and women of the time”* (London, 1914.).

Unlike the other three Irish provinces, Ulster contained a significant number of Presbyterian tenant farmers, whose landlords predominantly belonged to the Church of Ireland. Landlord and tenant were united in their loyalty to the union during the turbulent 1880s. However, following the defeat of the second home rule bill in 1893 the threat to the union appeared to have receded. Consequently, Ulster Presbyterian farmers became more amenable to an alliance with Catholic farmers in the rest of Ireland, in order to secure the ownership of their holdings. T.W. Russell exploited this situation, accurately gauging public opinion, and built a political campaign around compulsory purchase.

Brief references to Russell and his campaign have been made by a number of twentieth century historians in a variety of contexts.⁷ However, Russell has gained more prominence and relevance in recent times owing to the works of certain historians. Alvin Jackson has outlined how Russellism represented a serious electoral threat to Ulster unionism between the years 1894 and 1906. Furthermore, he identified that Russell's campaign, allied with the activities of the U.I.L., 'compelled the unionist governments towards pliability.'⁸ Andrew Gailey, in his work on constructive unionism, highlighted how Russell fractured the fragile unity of unionist Ulster with his campaign. Gailey argued that the adoption of land reform by the government in the period was an attempt to pre-empt Russell's compulsory purchase campaign.⁹ Paul Bew explored the advent of T.W. Russell in his work on conflict and conciliation during the period 1890 to 1910 while James Loughlin shed light on his earlier career between 1886 and 1900.¹⁰ This chapter elaborates on the work of

⁷ Some of these include Elizabeth Hooker who acknowledged that Russell commenced the compulsory purchase movement of the period. Unfortunately, she did not touch on the influence of his campaign on the origins of the Wyndham Act. See *Readjustments of agricultural tenure in Ireland* (North Carolina, 1938). John E. Pomfret was one of the earliest to identify the potential of T. W. Russell's declaration, in favour of compulsory purchase, to unite Ireland in support of expropriating the landlords. See *The struggle for land in Ireland 1800-1923* (New York, 1969), pp 276-314. Catherine Shannon identified the fears that Russell's campaign evoked not only for Irish landlords but for the official Ulster unionist party. See *Arthur J. Balfour and Ireland 1874-1922* (Washington, 1988), pp 82-135. Sally Warwick Haller briefly acknowledged how Russell popularised compulsory purchase. See *William O'Brien and the Irish land war* (Cork, 1990), pp 214-20. Philip Bull briefly referred to the movement in Ulster in his study of the Irish land question. See *Land, politics and nationalism: a study of the Irish land question* (Dublin, 1996).

⁸ Alvin Jackson, *The Ulster party: Irish Unionists in the House of Commons 1884-1911* (New York, 1989), p. 158; idem, 'Irish unionism and the Russellite threat 1894-1906' in *Irish Historical Studies*, xxv, no. 100 (Nov. 1987), pp 376-404.

⁹ See *Ireland and the death of kindness: the experience of constructive unionism 1890-1905* (Cork, 1987), pp 171-2.

¹⁰ See Paul Bew, *Conflict and conciliation in Ireland 1890-1910: parnellities and radical agrarians* (Oxford, 1987), pp 86-98 and James Loughlin, 'T.W. Russell, the tenant-farmer interest, and

these historians and will argue that the U.I.L. took its lead from the compulsory purchase campaign that Russell initiated in Ulster and that it was this two-pronged assault that helped create the conditions for the Land Conference, which subsequently laid the ground for the 1903 act.

II). T. W. Russell at Clogher, Co. Tyrone, September 1900.

On 20 September 1900, at Clogher, Co. Tyrone, Russell publicly advocated compulsory purchase. By then, the demand for compulsion had garnered considerable support in Ulster and Russell had begun to promote the compulsory purchase of the landlords' interest in the land as the only solution to the land question. Compulsory purchase would force the landlords to sell their land, whereas in previous land purchase acts, sales had been on a voluntary basis. In Russell's opinion, the relative success of the land purchase acts of 1881 to 1896 in Ulster had made the introduction of a compulsory measure more pressing. As the number of tenant-purchasers increased, unrest grew among those tenants whose landlords refused to sell. The root of the unrest lay in the fact that the majority of tenants who had purchased their holdings were paying less in annuities (the repayments of the government loan) than their neighbours were paying in rent. At Clogher, Russell explained what compulsory purchase would entail:

The central proposition is that the fee simple of the agricultural land in the country not in the use and occupation of the landlord himself should as speedily as possible be transferred to the occupier at a fair valuation, the state advancing the purchase money to the purchaser, and in certain cases, adding a 'bonus' to the agreed sum as a compensation for compulsion.¹¹

Russell put the cost of such a transaction at approximately £100,000,000.¹² He argued that there was a precedent for a state 'bonus' in the Irish Local Government Act of 1898 whereby landlords were made exempt from their share of the poor rate. This annual charge of approximately £300,000 a year was now charged on the imperial exchequer. If such a system could be used to lubricate the operation

progressive unionism in Ulster, 1886-1900' in *Eire-Ireland*, xxv, no. 1 (1996), pp 44-63. See also Paschal A. McKeown, *T. W. Russell: temperance orator, militant Unionist missionary, radical reformer and political pragmatist* (Unpublished Ph.D thesis, Queen's University Belfast, 1991).

¹¹ *Northern Whig*, 21 Sept. 1900.

¹² T.W. Russell, 'Ireland and Irish land once more' in *Fortnightly Review*, lxix, no. 409 (Jan. 1901), p. 16.

of the 1898 act then something similar could help grease the wheels of a land act.¹³ The notion of a state 'bonus' to induce landlords to sell their estates would become one of the key recommendations of the Land Conference and would form an essential component of the 1903 Land Act.

Russell's scheme immediately came under attack from Irish landlords. The Irish Landowners' Convention was an organisation of landlords created in 1886 to defend landlord interests.¹⁴ It adopted the following resolution condemning Russell's Clogher speech: 'We desire to protest in the strongest manner against the scheme of spoliation and confiscation just proposed by a member of government, Mr. T. W. Russell, under the name of "compulsory purchase".'¹⁵ In addition, a number of individual landlords bitterly attacked scheme. Lord Clonbrock of Galway and Anthony Traill, who became provost of Trinity College in 1904, saw it as little more than confiscation.¹⁶ Such criticism did not silence Russell, who in October elaborated further upon his scheme. He argued that the bulk of Irish landlords would obtain nineteen years' purchase whereas the average price under the existing land purchase acts was just sixteen years.¹⁷

Significantly, the U.I.L. was quick to recognise the potential of Russell's compulsory purchase strategy and William O'Brien, the founder of the organisation, adopted it into the league's constitution in November 1900.¹⁸ The U.I.L. had been founded in 1898 at Westport, Co. Mayo. The principal aim of the organisation was the redistribution of the grazing ranches (also known as grasslands) in the congested districts. William O'Brien declared that they would help the C.D.B. to:

obtain grazing lands for division amongst the people, which efforts had been balked by the action of landlords in demanding monstrous prices for their lands, and above all by the selfishness and greed of land-grabbers who had stepped in and taken land which the Congested Districts Board would otherwise have purchased.¹⁹

¹³ Ibid., pp 16-18.

¹⁴ For a more detailed description see Terence Dooley, *The decline of the big house in Ireland* (Dublin, 2001), p. 304.

¹⁵ *The Times*, 28 Sept. 1900.

¹⁶ *Irish Times* [hereafter cited as *I.T.*], 25 and 29 Sept. 1900.

¹⁷ Ibid., 29 Oct. 1900. One year's purchase was equivalent to the rent a tenant paid to his landlord for a single year. Therefore, sixteen years' purchase was the equivalent of sixteen years rent.

¹⁸ Campbell, *Land and revolution*, p. 47.

¹⁹ 'The confidential print, 1898-1901', PRO CO 903/8/31 cited in Fergus Campbell, *Land and Revolution. Nationalist politics in the west of Ireland 1891-1921* (Oxford 2005), p. 32.

Initially, the U.I.L. was confined mainly to Connaught where it helped organise the boycotting of auctions where grazing land was available. Labourers who worked for graziers would be ostracised and shopkeepers who failed to join and advertise their membership of the U.I.L. would suffer a loss of business. As the movement grew, O'Brien employed paid organisers who promoted the agitation and the spread of the U.I.L. On 19 and 20 June 1900, a national convention was held in the Mansion House, Dublin and the I.P.P., which had been fragmented since the Parnellite split, was reunited:

The branches of the United Irish League became the provincial rank and file branches of the party; the U.I.L. divisional executives were given the authority to select parliamentary candidates; and John Redmond, the chairman of the Party, was elected to the presidency of the national executive of the United Irish League.²⁰

In order for the U.I.L. to become a truly national organisation and to spread outside Connaught, a new objective or catch-cry, which would appeal to the farmers of Munster, and especially of Leinster, was required. These provinces contained significant numbers of graziers who were not enamoured by the idea of dividing the grasslands. The compulsory purchase of the landlords' interest in the land, advocated by Russell at Clogher, provided the U.I.L. with the means of expanding its power base. The U.I.L. enjoyed considerable national success in the 1900 general election although Connaught continued to be its stronghold. The Inspector General of the Royal Irish Constabulary (R.I.C.) correctly predicted the direction that the U.I.L. would pursue in his October report: 'William O'Brien is sufficiently ingenious to perceive in the question of compulsory sale a cry which would once more appeal to the cupidity of certain farmers; and which might with success be used as the basis for a new land war.'²¹

Prior to the incorporation of compulsory purchase into the U.I.L. constitution in November 1900, the large grazing farmers of Leinster had looked on the U.I.L. with suspicion when they advocated the break-up of the grasslands. However, the idea of compulsory purchase appealed to them. As a result the U.I.L. was able to expand outside of Connaught and become a truly national organisation. Throughout

²⁰ *United Irish League: constitution and rules adopted by the Irish national convention, 19th and 20th June, 1900* (Dublin, 1900), pp 1-4 cited in Campbell, *Land and Revolution*, p. 42.

²¹ Inspector General monthly report [hereafter cited as I. G. monthly report] Oct. 1900, CO 904 part iii.

the first half of 1901 it began to spread throughout the country. In Ulster, where branches existed, they tended to be sectarian in nature and largely functioned in opposition to Orange Lodges.²²

William O'Brien's newspaper, the *Irish People*, proclaimed that there was significant nationalist support for the South Tyrone member's campaign: 'We may regret Mr. Russell's unionism; but we have to deal with him solely as a land reformer, and when he avows himself an irreconcilable enemy of Irish landlordism, we can honestly wish God speed to his mission in the north.'²³

In November 1900, George Wyndham, shortly after being appointed chief secretary of Ireland, acknowledged the potency of Russell's campaign and its effect on the U.I.L. in a memorandum to A. J. Balfour, first lord of the treasury: 'The League began by an attack upon "graziers". Thanks to T.W Russell they are now doubling this policy with "compulsory land purchase".'²⁴

Russell was sacked from the Conservative government subsequently, because of his stance on compulsory purchase. Lord Salisbury, who was Conservative prime minister from 1885 to 1902, stated that Russell could not hope to remain a part of the government after pledging himself to 'a measure of the first importance in Irish politics which her majesty's government had given no kind of indication that they were prepared to accept, and to which indeed they are under existing circumstances strongly opposed'.²⁵

In mid-November 1900, Russell received a letter from some of his constituents requesting his assistance with the formation of a South Tyrone Tenant's Defence Association.²⁶ Delighted with its support, he briefly outlined the intentions of the movement: 'Our course in Ulster is clear. We shall strive to convince parliament by every constitutional method of the justice and necessity of our cause.'²⁷ From the outset he was keen to keep the campaign within constitutional parameters.

²² Campbell, 'Irish popular politics and the making of the Wyndham Land Act, 1901-1903', p. 761.

²³ *Irish People*, 8 Dec. 1900.

²⁴ George Wyndham to A.J. Balfour, 26 Nov. 1900 in J.W. Mackail and Guy Wyndham (eds), *Life and letters of George Wyndham vol. ii* (London, 1925), p. 410. A. J. Balfour led the Conservative party in the House of Commons as his uncle, the prime minister, Lord Salisbury, operated his administration from the House of Lords.

²⁵ *I. T.*, 5 Jan. 1901.

²⁶ *Ibid.*, 21 Nov. 1900.

²⁷ *Ibid.*

III). The official launch of the compulsory purchase campaign in Ulster.

On 29 November 1900, Russell's campaign for compulsory purchase was officially launched at Ballymoney, Co. Antrim. While reassuring his audience that he was not in league or in competition with William O'Brien and the U.I.L., Russell did not dismiss the idea of co-operation: 'Where Mr O'Brien's object in this matter is the same as mine, and where his methods are lawful and fair, I shall co-operate gladly with him or with anybody else.'²⁸

At the official launch Russell stressed that it was equally important that both the landlords and the tenants receive a fair settlement in any compulsory purchase scheme. He also spelt out the difficulties facing the implementation of compulsory purchase. Landlord opposition was, to Russell, the chief obstacle. He was quick, however, to rubbish claims that he was anti-landlord seeing them only as having 'been overtaken by a social, economic, and political revolution'.²⁹ Indeed, he specifically recommended a measure to help those landlords whose estates were encumbered or indebted, arguing that the British treasury would have to intervene. Russell also made the point that the coming together of the land and national questions since the 1880s had led to the alienation of landlords:

By birth, by education, and by ability many of them are entitled to lead. Why are they clean out of the public life of this country? They are out of it because of their relationship to the land, and nothing else. (Hear, hear.). Freed from this encumbrance they would speedily regain their proper place. The gentry would once again come to the front and lead their districts.³⁰

On the very day that the campaign was launched, the chief secretary George Wyndham, confided to his brother Guy: 'My work is cut out for me here and no mistake. Everybody was up on end and T.W. Russell has gone nap on a wild compulsory purchase scheme.'³¹ Wyndham was firmly opposed to any form of compulsion, holding that it would only consolidate congestion:

Compulsion apart from all other and prior objections would stereotype the existing and intolerable situation. The family of seven, inhabiting a hovel,

²⁸ Ibid., 30 Nov. 1900.

²⁹ Ibid.

³⁰ Ibid.

³¹ George Wyndham to his brother Guy, 29 Nov. 1900 in Guy Wyndham (ed.), *Letters of George Wyndham 1877-1913* (Edinburgh, 1915), p. 5.

and reclaiming 4 acres scattered in from 10 to 15 patches, would be made owners (!) of that 'hereditas'.³²

Aside from stereotyping uneconomic holdings, he held that it would also be unfair to the landlord class and would increase the volume of costly litigation.³³

As Russell's campaign gathered momentum, the I.U.P.P. became increasingly concerned. Many Ulster unionist M.P.s felt antagonised by Russell's entry into their constituencies without first asking their permission. Russell, however, claimed that he only entered other constituencies upon receiving an invitation to speak. Unionist opposition to the member for South Tyrone began to intensify, as did efforts to discredit him. This was despite the fact that virtually all Ulster unionist members from agricultural constituencies were pledged to support compulsory purchase. In the 1900 election, such a pledge had become a prerequisite. With the notable exception of Colonel Edward Saunderson, whose constituency contained significant urban centres such as Portadown and Lurgan, virtually all Ulster unionist M.P.s from predominantly agricultural constituencies had pledged their support for compulsory purchase. However, the majority were content to simply pay lip service to their pledge.

One of the most senior Ulster unionists, James Rentoul, M.P. for East Down, dismissed the claims that Russell had been ejected from the government because of his stance on compulsory purchase and he held a series of public meetings condemning the member for South Tyrone. However, when Russell obtained Lord Salisbury's permission to publish a letter in the press clearly showing that he had been dismissed because of his stance, Rentoul's campaign was completely undermined. Russell's confirmation that he had been sacked because of his standpoint only added to his credibility and reputation as the leader of the compulsory purchase cause in Ulster. It highlighted the virtual inactivity of the other Ulster unionist members on the subject. Rentoul and the other unionist M.P.s were placed in an awkward position. They were supporting a government who had dismissed a junior minister because of his advocacy of a cause they were pledged to further.

³² George Wyndham to A.J. Balfour, 26 Nov. 1900 in Mackail and Wyndham (eds), *The letters of George Wyndham vol ii*, p. 411.

³³ George Wyndham, 'The Irish land question and the need for legislation', 1901 (The National Archives, Kew [hereafter cited as T.N.A.], CAB 37/59/147), pp 4-5.

Other attempts to discredit Russell were undertaken by unionists such as William Moore, M.P. for North Antrim. He had close links with the government and would later become parliamentary secretary to George Wyndham. He also sought to discredit Russell in a speech at Finvoy, Co. Antrim, in early January 1901. Moore held that Russell's campaign and his speeches would inevitably lead to violence and lawlessness. He was also keen to associate Russell not only with the nationalists and the U.I.L. but also their methods of agrarian agitation.³⁴

Colonel Saunderson, M.P. for North Armagh and the leader of the I.U.P.P. and the chief landlord spokesman in the House of Commons, was also vehemently opposed to Russell's movement. He declared that 'compulsory purchase appeared to him...to be a simple way of expressing pure and unadulterated robbery.'³⁵ A number of anonymous pamphlets were also produced in 1901 attempting to discredit Russell in unionist eyes and to highlight inconsistencies in his speeches.³⁶ Southern unionists and landlords such as Dudley Cosby also viewed his campaign with horror. Dudley was the son of Col. Robert Ashworth Godolphin Cosby of Stradbally Hall, Queen's County. He believed that Russell's scheme was confiscation without 'adequate compensation' and that it was 'downright robbery'.³⁷

Despite the opposition of the I.U.P.P., Russell continued his campaign with a series of speeches throughout Ulster during January 1901. On 18 January, a large meeting of tenant farmers was held at Montnorris, in South Armagh. One of the resolutions passed at the meeting declared:

We hail with satisfaction Mr. T. W. Russell's advocacy of compulsory sale; we rejoice that a member of parliament, whose services to the state were recognised as entitling him to office in her majesty's government, has come forward to voice on the public platform, and we trust in the House of Commons, the felt need of the Irish tenantry... and we heartily express our confidence in the wisdom and timeliness of his policy, and assure him of our united and earnest support.³⁸

³⁴ *J. T.*, 4 Jan. 1901.

³⁵ *The Times*, 13 July 1901. Saunderson was a Co. Cavan landlord.

³⁶ See Anonymous, "Compulsory purchase". *A reply to Mr. T. W. Russell* (Dublin, 1901) and Anonymous, "Compulsory purchase" in *Ireland. Five speeches made by Mr. T. W. Russell M.P.* (Dublin, 1901). The first pamphlet attempted to discredit Russell and his ideas concerning compulsory purchase. The second was concerned with portraying him as inconsistent by printing copies of speeches he had given in the late 1880s and early 1890s where he had spoken against the idea of compulsory purchase.

³⁷ Dudley S. A. Cosby, *The Irish land problem and how to solve it: a defence of the Irish landlords* (London, 1901) pp 58-87.

³⁸ *J. T.*, 19 Jan. 1901.

In his January report, the inspector general of the R.I.C. noted that 'in Ulster, Tenant Defence Associations are springing up in response to T. W. Russell's agitation for compulsory sale; and these bodies may be expected to vigorously back up Mr. Russell's efforts'.³⁹ Russell already had the firm support of the Presbyterian farmers whose clergy were 'prominently identifying themselves with the proceedings at all the meetings'.⁴⁰ An alliance of Presbyterians and Catholics would give the movement greater force and unquestioned credibility to speak on behalf of the tenant farmers of the entire province.

At his speech at Dromore, Co. Down on 16 January 1901, Russell shed light on his views and his proposed strategy in relation to the nationalists. As the *Irish Times* reported:

He was not a nationalist, and he had fought them more fiercely than any other unionist member. He was prepared to step side by side and shoulder to shoulder with the nationalists to achieve that great object [compulsory purchase] so long as that agitation was confined to constitutional action. He should welcome their aid, and if the two parties did not step together for the emancipation of the land it would not be his fault. He did not see anything that would prevent the union of Irishmen on that holy issue.⁴¹

Russell continued his campaign, addressing large and enthusiastic crowds in Co. Antrim at Lisburn and Larne.⁴² He now apparently felt that a countrywide agitation for compulsory sale would exert greater influence on the government who were becoming increasingly alarmed by the growing agitation in Ulster.

Russell was always quick to point out that his movement posed no threat to the union and that talk of home rule was only a scare tactic used by those unionists opposed to compulsory purchase. Indeed, he was of the belief that if the land question was satisfactorily solved, any demand for home rule would disappear as compulsory purchase would actually secure and reinforce the union. On 20 January 1901 at Cookstown, Co. Tyrone, John Redmond, leader of the I.P.P., responded to Russell's overtures of an alliance with nationalists on the question of compulsory purchase. The *Irish Times* reported Redmond's speech:

³⁹ I.G. monthly report, Jan. 1901.

⁴⁰ County Inspector monthly report [hereafter cited as C. I. monthly report], Co. Antrim, Jan. 1901, CO 904 part iii.

⁴¹ *J.T.*, 21 Jan. 1901.

⁴² *Ulster Gazette*, 26 Jan. 1901.

When Mr. Russell came to Ulster and took a lead in that province on the question of compulsory purchase they wished him God speed; and though they could not travel on the same lines on which he travelled they were glad to see him running on parallel lines towards the object that they both had in view.⁴³

On 8 February 1901, a demonstration in favour of compulsory purchase was held in Belfast under the auspices of the Ulster Tenants' Defence Association. The chairman, Andrew Kennedy, declared that 'they were met, independently of creed or politics, to discuss the great social question of land'.⁴⁴ A petition was drawn up by the association, which was to be presented to the House of Commons, declaring that there was a 'practically unanimous desire among the farmers and other classes in the province of Ulster in favour of an equitable scheme, to be universally applied, which shall compulsorily end the present unsatisfactory system of dual ownership in Irish land'.⁴⁵

On 21 February 1901, in the House of Commons, John Redmond proposed an amendment to the parliamentary address in reply to the king's speech.⁴⁶ It stated that the administration of the land acts in Ireland had broken down and that the only solution to the land question was to immediately introduce a scheme of compulsory sale and purchase.⁴⁷ Significantly, Russell seconded the amendment declaring: 'I never rose with a greater sense of responsibility, with a stronger sense of duty... [and] I am supported by an absolutely united Ireland upon this question.'⁴⁸ He emphatically stated that 'no cry of trafficking with traitors; and no bogey of home rule will turn the Ulster tenants from the path they have entered on'.⁴⁹ A. J. Balfour, first lord of the treasury, was scathing in his response to the proposed amendment. He accused Russell of agitating the passions of the farming class in his Ulster campaign and ridiculed the Russell/Redmond alliance.⁵⁰ The chief secretary, George

⁴³ *I.T.*, 21 Jan. 1901.

⁴⁴ *Ibid.*, 9 Feb. 1901.

⁴⁵ *Ibid.*

⁴⁶ The king's speech was presented to parliament at the commencement of a new session. It usually contained references to government policy or legislation. Traditionally a vote of thanks was proposed in the form of an address to the king. This was usually followed by debate over any number of wide ranging issues concerning parliament. Amendments to the address were normally attempts by members to highlight specific issues or grievances.

⁴⁷ *Hansard* 4, lxxxix, 726 (21 Feb. 1901).

⁴⁸ *Ibid.*, col. 728.

⁴⁹ *Ibid.*, col. 732.

⁵⁰ *Ibid.*, col. 753.

Wyndham, was equally combative in his response to the amendment, highlighting what he saw as the recklessness and impetuosity of Russell's campaign.⁵¹

This opposition to Russell's campaign, in the House of Commons, can be largely explained by the fact that Lord Salisbury and his government, while in favour of extending tenant proprietorship through voluntary purchase, were very much opposed to the principle of compulsion. A. J. Balfour presented the vote on Redmond's amendment as a vote of confidence in the government.

Because the majority of Ulster unionist members were content to only pay lip service to the policy of compulsory purchase, a large number voted against the amendment. Only three Ulster unionist members from agricultural constituencies voted for Redmond's amendment (T. W. Russell, T. L. Corbett and John Lonsdale). John Gordon, Col. McCalmont, William Moore, William Johnston, Robert O'Neill, Col. Saunderson, John Atkinson, Hugh Arnold-Forster, James Rentoul and the marquis of Hamilton voted with the government while W. E. Macartney abstained.⁵² According to the nationalist M.P. for North Donegal, William O'Doherty, those M.P.s who had voted with the government against the wishes of their constituents had committed political suicide.⁵³ In a published telegram, on 2 March 1901, Russell stated that the next step in the campaign was up to the people of Ulster. Only they could decide how they would react to those M.P.s who had broken their pledge to support compulsory purchase.⁵⁴

IV). The Ulster Farmers' and Labourers' Union and Compulsory Sale Association.

The report of the inspector general of the R.I.C. for March 1901 revealed much about the vitality of the compulsory purchase movement in Ulster and who exactly was supporting it:

The great body of farmers are in favour of the scheme and associations are being gradually formed for the furtherance of the movement. It was rather remarkable to find at some of Russell's meetings, the Roman Catholic clergy on the same platform with him while a good many nationalists were among the audiences. As yet, however, the

⁵¹ Ibid., col. 787.

⁵² See *The Times*, 22 Feb. 1901.

⁵³ *Hansard* 4, lxxxix, 930 (21 Feb. 1901).

⁵⁴ *I.T.*, 2 Mar. 1901.

Presbyterians and their clergy are the backbone of this agitation. The Episcopalians also favour it but they are slow to take an active part in it.⁵⁵

The sluggish response from the Episcopalians was probably due to the fact that landlords made up a significant proportion of their congregation and this prevented them from publicly supporting compulsory purchase. Interestingly, Russell's movement was increasingly attracting people from all sections of Ulster society, regardless of political or religious background. Indeed, the *Irish Times*, usually quite hostile to Russell, acknowledged that 'in view of the reactions accorded to Mr. T. W. Russell, and the pledges given by Ulster members generally, there is no doubt that the idea of compulsory purchase has caught hold of the imagination of the northern farmer, and will not easily be dislodged'.⁵⁶

Russell resigned from the South Tyrone Unionist Association, signalling his break from the official unionist party, on 27 May 1901. A week later he helped establish the Ulster Farmers' and Labourers' Union and Compulsory Sale Association in the Ulster Hall, Belfast.⁵⁷ The attendance was so large that an overflow meeting had to be held nearby in the rooms of the Young Men's Christian Association.⁵⁸ The aim of the association was to organise the unionist farmers and labourers of Ulster, with regard to contesting future elections, but it would be 'non-sectarian and non-political'.⁵⁹ However, in the House of Commons, on 1 August 1901, A. J. Balfour along with George Wyndham forcefully declared their adherence to voluntary sale and their opposition to any scheme in which landlords would be forced to sell their estates.⁶⁰

V). Official launch of the U. I. L. campaign for compulsory purchase.

With Russell setting Ulster ablaze, John Dillon and John Redmond gave permission for the U.I.L. to commence an agitation in favour of compulsory purchase in August 1901.⁶¹ The campaign was officially launched by the U.I.L. on 1 September 1901 at Westport. Fergus Campbell outlined how it was to operate on two levels: 'First, the U.I.L. branches were to increase the level of boycotting in Ireland and thereby

⁵⁵ I.G. monthly report, Apr. 1901.

⁵⁶ *I.T.*, 4 Apr. 1901.

⁵⁷ From here on known as The Ulster Farmers' and Labourers' Union.

⁵⁸ *I.T.*, 6 June 1901.

⁵⁹ *Ibid.*

⁶⁰ *Hansard* 4, xcvi, 877 (1 Aug. 1901).

⁶¹ J.V. O'Brien, *William O'Brien and the course of Irish politics* (Berkeley 1976), p. 130.

undermine the authority of the law in an increasingly large area. Second, the Irish parliamentary party were to articulate the political demand of the agitation in the House of Commons'.⁶² The U.I.L. agitation was greatly helped by both the provincial and nationalist press who published speeches, lists of those who were boycotted, as well as minutes of branch meetings.

Russell recommenced the Ulster campaign for compulsory purchase on 2 October 1901 in Derry City. During the months of August and September, he had spent a considerable period touring the west of Ireland and his book *Ireland and the empire* was also published.⁶³ The inspector general of the R.I.C. commented that 'Russell's compulsory sale agitation has made considerable progress in the north. Several meetings were held during the month and the Presbyterian farmers in Tyrone, Derry &c are zealously supporting it. They are thrifty industrious people and their influence will be felt at the next election.'⁶⁴ To allay fears that co-operation with nationalists would be to renounce unionism, Russell declared:

My unionism is not the unionism of the landlords' convention. Much less is it the unionism of the Shankill road. (Applause.) The union which I fought for, and am ready still to maintain, is one for the benefit, the advantage of all classes of the Irish people...The machinery of parliament itself has to be reformed, and the frank and fair recognition of Irish opinion in Irish affairs must be recognised. Gentlemen, my inmost conviction is that in seeking to make the Irish occupier into an Irish owner I am doing work that will make the union between the two countries a reality - one of interest and affection, not of mere parchment.⁶⁵

Russell predicted that compulsory purchase would dilute any movement for home rule. In fact, he felt that it would make farmers in the south and west loyal to the government thus strengthening the union.

The South Tyrone M.P. had garnered considerable support which greatly elevated his political standing. By late 1901 his position was fearfully recognised by landlords. According to Dudley Cosby: 'Mr. Russell has apparently secured the tacit, if not active, support of the Irish home rule members to his plan, and has, we

⁶² Campbell, *Land and revolution* p. 59.

⁶³ T. W. Russell, *Ireland and the empire* (London, 1901). The work dealt with the history of Ireland from the union up until 1901. Russell discusses the education question, the land question, home rule and the union as well as the financial position of Ireland within the empire.

⁶⁴ I.G. monthly report, Oct. 1901.

⁶⁵ *I.T.*, 24 Oct. 1901.

presume, in addition at his back, not only the Ulster tenantry, but those of the south of Ireland as well.⁶⁶

On 24 October 1901 Russell addressed a large meeting at Monaghan town, held by the Monaghan Unionist Land Purchase Association. The county inspector of the R.I.C. observed that the meeting was comprised mainly of Presbyterians and their clergy but that there was also a sizeable number of nationalists present.⁶⁷ In his address, Russell told his audience not to desert its unionism or nationalism but to unite on the land question.⁶⁸ The meeting demonstrated the power of the compulsory purchase movement and its ability to transcend religious and political differences.

The chief secretary, George Wyndham, expressed his concern about the lack of a government land policy to A. J. Balfour on 2 November 1901: 'I cannot say too earnestly how necessary I feel it to be that the cabinet should decide on a comprehensive land policy and place me in a position to speak early in the session or sooner.'⁶⁹ Although he was chief secretary of Ireland, Wyndham did not become a member of the cabinet until A. J. Balfour's appointment as prime minister in July 1902. On 8 November 1901, a meeting of the executive council of the Ulster Farmers' and Labourers' Union was held in Belfast. It was decided that a deputation be sent to George Wyndham. However, Wyndham refused to meet them.

By Christmas 1901, the compulsory purchase campaign had made a deep impact in Ulster. The inspector general of the R.I.C. commented that 'Russell's campaign for the sale of estates has been actively worked up by him in the north and it has undoubtedly taken a deep hold among a proportion of the Ulster tenants'.⁷⁰ As support for Russell and compulsory purchase grew, the efforts to discredit him in unionist circles became more frantic. The possibility of home rule and the threat to the union were used to motivate opposition.⁷¹

In an attempt to allay the fears that Russell's campaign had aroused among landlords, Wyndham attended a dinner in Belfast in early January 1902. The company was comprised mainly of substantial Irish landlords and was chaired by Lord Londonderry. The chief secretary forcefully reiterated that the government

⁶⁶ Cosby, *Irish land problem*, p. 58.

⁶⁷ C. I. monthly report, Co. Monaghan, Oct. 1901.

⁶⁸ *Northern Standard*, 26 Oct. 1901.

⁶⁹ Wyndham to Balfour, 2 Nov. 1901 in Mackail & Wyndham (eds), *Life & letters of George Wyndham vol. ii*, p. 428.

⁷⁰ I.G. monthly report, Dec. 1901.

⁷¹ *I. T.*, 18, 19, 20 and 21 Dec. 1901.

would continue with voluntary purchase and would never introduce a bill applying compulsory purchase.⁷² Such a public gesture betrayed the pressure that Wyndham was under. Russell's compulsory purchase movement, when combined with the parallel U.I.L. agitation in the south, was evidently a potent weapon which could be used to pressurise the government.

VI. The East Down by-election.

On 15 January 1902, at Saintfield, Co. Down, the Ulster Farmers' and Labourers' Union selected James Woods to run in the forthcoming East Down by-election as the compulsory purchase candidate.⁷³ Woods was a Presbyterian, a solicitor and a unionist from the county. The official unionist candidate for the constituency was Colonel R. F. Wallace. He was a solicitor, a landlord and colonel of the 5th battalion of the Royal Irish Rifles, otherwise known as the South Down Militia. During the election he was in South Africa fighting the Boers.⁷⁴ Russell and the Ulster Farmers' and Labourers' Union portrayed the election as being a matter of landlord versus tenant and compulsory purchase versus voluntary purchase. The official unionist party however, sought to prey on unionist fears and depicted the election as a contest between home rule and the union.

On 28 January 1902, the U.I.L. executive for East Down decided that the nationalist vote should go to Woods as the compulsory purchase candidate.⁷⁵ On the same day William Moore M.P. for North Antrim, at an election meeting in Downpatrick in support of Colonel Wallace, produced a telegram that he had received from the chief secretary, George Wyndham. It revealed that a land bill would be introduced early in the forthcoming session before Easter.⁷⁶ A definitive statement like this from the government was a deliberate attempt to undermine and deflate the compulsory purchase movement.

The East Down by-election steadily assumed greater importance for the Conservative government. Strictly adhering to the voluntary purchase principle and under pressure from Irish landlords and the unionist press to dilute the compulsory

⁷² *The Times*, 13 and 14 Jan. 1902

⁷³ *I.T.*, 20 Jan. 1901. The representative for East Down, James Rentoul, could no longer sit in parliament after accepting a judgeship in London.

⁷⁴ Britain fought the Second Boer War (1899-1902) against the Boer republics of the Transvaal and the Orange Free State. The Treaty of Vereeniging brought the conflict to a close in May 1902.

⁷⁵ *I.T.*, 29 Jan. 1902.

⁷⁶ *Ibid.*

purchase movement, an electoral defeat for the government would signify a major coup for the advocates of the latter. The election proceedings were followed closely in both Britain and Ireland. According to the *Irish Times*, it was 'generally admitted that the atmosphere of Ulster has not been to so great an extent charged with electricity since the great effort of 1881-82 to introduce the old Land League into the northern counties'.⁷⁷

A letter from A. J. Balfour, first lord of the treasury, and a telegram from the secretary of state for the colonies, Joseph Chamberlain, in support of Colonel Wallace, appeared in the press as the government sought desperately to ensure his election.⁷⁸ Meanwhile Wallace himself remained in South Africa for the duration of the election campaign. Ulster unionist M.P.s such as William Moore (North Antrim), W. E. Macartney (South Antrim), Colonel McCalmont (East Antrim) and William Johnston (Belfast South) spoke in his stead. However, on 6 February James Wood was elected by a narrow majority of 147 votes.

This was an important victory. Wallace had been a very strong candidate, a war hero fighting for the empire and colonel of the South Down Militia who had the backing of virtually the entire unionist press. The margin of victory was small, but when one considers the attempts by certain Ulster unionist M.P.s to portray the union as being under threat and the concerted efforts and statements of Balfour, Chamberlain and Wyndham, it was indeed a major victory for the compulsory purchase campaign. The election demonstrated, once again, the importance of land issues and their ability to overshadow the home rule debate.

Russell's political position was thus greatly strengthened by the by-election victory in East Down. The electorate had effectively chosen compulsory purchase over politics. George Wyndham was consequently put under increased pressure to introduce compulsion not only in the south and west but also in the traditional unionist stronghold of Ulster. Russell's movement now had the real potential to shatter the official unionist party in the province.

Wyndham's announcement in the run up to the East Down by-election, that a new land bill was to be introduced, had been intended as a rebuke to Russell and the compulsory purchase movement in Ulster rather than a serious attempt to address land issues. He had hoped that a voluntary purchase bill would sweep the rug from

⁷⁷ Ibid., 31 Jan. 1902.

⁷⁸ Ibid., 4 Feb. 1902.

under Russell and fragment his support. Nationalists were swift to take Wyndham to task and to question his motivation. John Dillon put the question to him in the House of Commons: 'Was not the bill introduced for the purpose of influencing the East Down election?'⁷⁹ Wyndham denied the accusation. However, in a cabinet memorandum in October 1902, he revealed that the bill had been rushed in for 'political reasons before its financial provisions had been determined in all particulars, or, in some respects, even considered by the treasury'.⁸⁰

Horace Plunkett, who had at one stage considered standing in the East Down by-election himself, made a most revealing entry in his diary on 14 March 1902. Following lunch with Russell, he recorded that 'he [Russell] does not expect to get all that he asks - he doesn't think it ought to be given, or could be, but thinks it necessary to put his demands high'.⁸¹ Plunkett described such tactics as being akin to the traditional Irish method. Russell was using the movement for compulsory purchase to force the government to introduce a comprehensive land bill. By setting his demands very high, he put considerable pressure on Wyndham to produce such a bill. Indeed Russell would later acknowledge that 'it was impossible for parliament, as then constituted, to adopt the principle of compulsion'.⁸²

After the loss of the East Down by-election and the excitement evoked by the compulsory purchase campaign, Wyndham was, however, increasingly aware of the unrest among the Ulster tenantry. On 22 March 1902 he met with his cousin Wilfrid Scawen Blunt, who recorded in his diary that the chief secretary had explained to him 'his new Irish land bill after dinner, which he does not profess to regard as anything but a makeshift'.⁸³ Although an Englishman, Blunt had supported the Land League and the home rule party during the Land War in the 1880s. His activities resulted in his arrest under the Coercion Act of 1887 and he had served a brief term in prison. Wyndham also emphasised to A. J. Balfour that with any new voluntary land purchase bill 'a reduction in the [tenants] instalment is *essential* if we are to

⁷⁹ *Hansard* 4, cix, 102 (9 June 1902).

⁸⁰ George Wyndham, 'Cabinet memorandum on the Irish land question', 8 Oct. 1902, (T.N.A., CAB 37/62/139), p. 1.

⁸¹ Horace Plunkett diaries, 14 March 1902 (National Library of Ireland [hereafter cited as N.L.I.]

⁸² T. W., Russell, 'The story of an agrarian revolution' in *Dublin Review* cxl, no. 280/281 (Jan. 1907), p. 23.

⁸³ W.S. Blunt, *My Diaries vol. ii* (London, 1922), p. 20

avoid a dangerous disappointment in Ulster'.⁸⁴ On 25 March 1902, he presented his first land bill to parliament.

VII). The response to the 1902 land bill.

On 4 April 1902, a convention of tenant representatives was held under the auspices of the Ulster Farmers' and Labourers' Union in Belfast to consider the land bill. The majority of the speakers at the meeting were hostile to the voluntary purchase bill and particularly to clause thirty-six, which they felt compelled the tenant to buy but not the landlord to sell. While Russell agreed and declared his intention to move to reject the bill on the second reading in the House of Commons unless that particular clause was removed, he held that the rest of the bill was negotiable. Russell's conciliatory attitude to the bill prevented the Ulster Farmers' and Labourers' Union from rejecting it outright.

The I.P.P. and the U.I.L., however, were decidedly hostile to the bill. John Redmond considered it 'as a halting and insincere measure, and which, if passed tomorrow, could not go even an unappreciable length towards settling this great question'.⁸⁵

Landlords such as Judge William O'Connor Morris were rather disparaging towards the bill. O'Connor Morris considered it 'a mere temporary, if a rather clever, makeshift'.⁸⁶ On 9 June 1902, Wyndham declared that he was ready to confer with the relevant parties on the bill.⁸⁷

Russell continued to adopt a more patient and conciliatory approach. He hoped that certain provisions of the bill could be amended to make it more acceptable. On 19 June, Russell asked Wyndham if he proposed 'to take any steps to convene a conference of those interested in the land question...to render the Land Purchase Acts (Ireland) Amendment Bill non-contentious'.⁸⁸ Wyndham, in a conciliatory gesture, stated, for the first time, his willingness to remove those clauses which were contentious.

⁸⁴ Wyndham to Balfour, 9 Mar. 1902 in Mackail & Wyndham (eds), *Life & letters of George Wyndham vol. ii*, p. 437. The instalment was the annual sum by which the tenant-purchaser repaid his annuity. By lengthening the period of repayment the instalment would be reduced.

⁸⁵ *I.T.*, 5 Apr. 1902.

⁸⁶ William O'Connor Morris, 'The Irish land bill of 1902' in *Fortnightly Review*, lxxi, no. 425 (May 1902), p. 868.

⁸⁷ *I.T.* 10 June 1902.

⁸⁸ *Hansard* 4, cix, 1118-20 (19 June 1902).

However, on 23 July 1902, Wyndham launched a venomous attack on Russell after Russell had visited the De Freyne estate in Co. Roscommon. Lord De Freyne's substantial estate, situated in counties Roscommon and Mayo, had been heavily involved in the Plan of Campaign in the 1880s and early 1890s.⁸⁹ On 11 May 1899 the neighbouring estate of Lord Dillon, consisting of over 90,000 acres, was sold to the C.D.B. Lord De Freyne's refusal to sell his estate, along with the fact that the annuities the Dillon tenants paid to the government were lower than the rent the De Freyne tenants paid, led to disturbances. Paid U.I.L. organisers helped perpetuate the agitation. Russell took a keen interest in the estate and even visited it. While sympathising with the tenants and understanding their motivation, he was keen to avoid illegalities of any kind and refrained from condoning the agitation. Russell, who in his campaign to date had condemned unlawful agitation, declared himself to be law abiding:

Why did he [Russell] stand today isolated and alone in the Irish representation? He saw a chance in Ulster and in other parts of Ireland, of bringing together the Irish people, of trying to create a homogeneous people for once, and of trying to get them to agree upon things on which they could agree, and to differ only when they must differ. A man in Irish politics who chose to stand out from his party and to forgo nearly all the friends that he had - he did not speak of the pecuniary loss - with the object of trying to unite the Irish people, to teach them that they had a common country worth living for, and interests worth fighting for - the chief secretary was not entitled to hold up such a man as an apologist for disorder.⁹⁰

Wyndham accused Russell of 'palliating disorder' because the government had refused to introduce compulsory purchase.⁹¹ Wyndham, by associating Russell with the agrarian agitation in the west, was attempting to sully the latter's reputation. Such allegations were clearly intended to create dissension among his Presbyterian supporters who were opposed to unlawful methods. On 24 July in the House of Commons, William O'Brien, who was also opposed to the John Dillon initiated campaign on the De Freyne estate, made a very revealing remark when he declared that it:

must be a pleasant reflection to the chief secretary as to the success of his administration in Ireland that that coarse kind of imputation was now necessary against a man [T. W. Russell] who was the most powerful unionist

⁸⁹ See chapter three for a discussion on the Plan of Campaign.

⁹⁰ *Hansard* 4, cxi, 1102 (17 July 1902).

⁹¹ See Laurence M. Geary, *The Plan of Campaign 1886-1891* (Cork, 1986), p. 161.

in all Ireland. Nobody dared deny on the other side of the House that he was the most powerful unionist in Ireland.⁹²

VIII). The Land Conference.

On 16 April 1902 Wyndham was forced by the cabinet to take direct action by proclaiming nine counties under the Crimes Act, also known as coercion.⁹³ It allowed summary jurisdiction in cases of intimidation, boycotting and unlawful assembly. Furthermore, it facilitated trial by special jury and it permitted the government to change the trial venue if necessary. This was a direct response to the U.I.L. agitation.

On 16 May 1902, a letter had appeared in the *Irish Times* from Lindsay Talbot-Crosbie, a Kerry landlord, calling for a round table conference of tenant and landlord representatives. Although the letter had failed to evoke much of a reaction initially, the seeds of the Land Conference had been sown. With moderates on both sides, as well as the public, in favour of such a gathering, the proposal had garnered significant support by the end of 1902. The Irish Landowners' Convention was firmly opposed to the idea of a conference, principally because they feared that compulsory purchase would be a topic for discussion. The convention declared:

As to a 'round table conference', those who have been advocating it from the tenants' side (including Mr. J. E. Redmond, Mr. T. M. Healy, and Mr. T. W. Russell) propose that it should embrace the whole Irish land question, including a scheme of universal and compulsory sale and purchase... The convention have always been practically unanimous in holding that, in addition to its manifest injustice, any universal and compulsory measure is unnecessary.⁹⁴

On 7 June a meeting of the national directory of the U.I.L. decided to begin a fresh campaign of agitation in the hope of securing a better land bill and to protest against coercion.⁹⁵ Thanks to Russell's campaign in Ulster and the U.I.L. in the south and west the country was united in its demand for compulsory purchase.

In the meantime the Irish Land Trust was formed by the executive of the Irish Landowners' Convention as a defensive organisation to combat the U.I.L. It was established 'as a permanent means of enabling law-abiding persons in this country, whether landowners or otherwise, both to defend and assert their legal rights against

⁹² *Hansard* 4, cxi, 1220 (24 July 1902).

⁹³ See S. J. Connolly (ed.), *Oxford companion to Irish history* (Oxford, 2007), p. 108.

⁹⁴ *I.T.*, 25 Aug. 1902.

⁹⁵ I.G. monthly report, June 1902.

the tyranny which the United Irish League had been permitted by the Government to establish in a great part of Ireland'.⁹⁶ The trustees of the new body included some of the most powerful and well known landlords in Ireland such as the duke of Abercorn, the marquis of Waterford, Lord Ashtown, Lord Clonbrock, A. H. Smith-Barry, Col. Chas. G. Tottigham and Henry Bruen. They hoped to raise upwards of £100,000 which would be put towards fighting the U.I.L.⁹⁷

Before the annual meeting of the Irish Landowners' Convention commenced on 29 August 1902, Lindsay Talbot-Crosbie submitted a resolution advocating that the convention support the idea of a conference. However, the resolution was withdrawn after some discussion. On 3 September, a letter from a Galway landlord, Captain John Shawe-Taylor, was published in the *Irish Times*. It called for a conference of representatives to meet and discuss the land question.⁹⁸ Unlike previous calls for such a conference, the proposed landlord and tenant representatives were actually named. The duke of Abercorn, Lord Barrymore, Colonel Saunderson and the O'Connor Don were nominated by Shawe-Taylor to represent the landlords. John Redmond, T. C. Harrington, William O'Brien and T. W. Russell were nominated to represent the tenants. On 5 September, George Wyndham gave his blessing to the proposed conference.⁹⁹ The four tenant representatives were quick to confirm that they would attend. However, despite the fact that the conference had caught the imagination of the public, the four landlord representatives declined the invitation. Undoubtedly the fear that compulsory, as opposed to voluntary purchase, would be discussed played a part in their decision.

Following the publication of Shawe-Taylor's letter in September 1902, Russell sought to clarify his own position. He declared that both inducement and compulsion would form part of any solution to the land question. Where landlords could not be persuaded to sell by inducement, then compulsion would have to be resorted to.¹⁰⁰

Towards the end of 1902, the demand for compulsory purchase showed no sign of abatement. In his report for October 1902, the inspector-general of the R.I.C. commented that 'the agitation for a measure of compulsory purchase continues in an

⁹⁶ *I.T.*, 25 Aug. 1902.

⁹⁷ *Ibid.*, 28 July 1902.

⁹⁸ *Ibid.*, 3 Sept. 1902.

⁹⁹ *Ibid.*, 5 Sept. 1902.

¹⁰⁰ *Ibid.*, 11 Sept. 1902.

acute form all over Ireland'.¹⁰¹ The inspector-general also reported that 'the unionists of agricultural Ulster are for the present finding a *modus vivendi* with the nationalist farmers'.¹⁰² Despite their political and religious differences, Irish farmers were united in their quest to bring about compulsory purchase. It was clear that farmers in the north and south of the country shared a common objective. This unity of purpose could not be ignored by the government.

On 10 October 1902, a private meeting of the Irish Landowners' Convention was held. A resolution, put forward by George Wyndham's first cousin, the earl of Mayo, in favour of a land conference to consider the land question in Ireland was rejected by seventy-seven votes to fourteen.¹⁰³ A statement was issued by the convention on 12 October declaring that such a conference would be of no benefit and that the 'demand that a conference should discuss proposals for universal and compulsory sale by the landlords renders any negotiations for a conference still more impossible'.¹⁰⁴ However, on 20 October 1902 Wyndham withdrew his bill, promising that a new land bill would be the principal measure of the next session but that it would still be based on voluntary purchase.¹⁰⁵

The fourteen dissenting landlords of the Irish Landowners' Convention set up a provisional committee. Circulars, as well as voting papers, were sent to landowners to determine whether or not they believed a conference should take place. The results of this poll revealed that a sizeable majority of those landlords who returned the voting papers were in favour of the conference.¹⁰⁶ A new committee was formed and Colonel Hutcheson-Poe, Colonel Nugent-Everard and the earls of Dunraven and Mayo were announced as the landlord representatives, replacing those originally named.¹⁰⁷ The first meeting of the Land Conference took place in the Mansion House on 19 December, and on 5 January 1903 the Land Conference Report was published.¹⁰⁸ Its recommendations formed the basis of the 1903 Land Act.

¹⁰¹ I.G. monthly report, Oct. 1902.

¹⁰² *Ibid.*, Dec. 1902.

¹⁰³ *I.T.*, 11 Oct. 1902.

¹⁰⁴ *Ibid.*, 13 Oct. 1902.

¹⁰⁵ *Hansard 4*, cxiii, 341-4 (20 Oct. 1902).

¹⁰⁶ *I.T.*, 18 Nov. 1902.

¹⁰⁷ *Ibid.*, 18 Dec. 1902.

¹⁰⁸ *Return of the resolution and statement adopted by the Irish Landowners' Convention on 10th October, 1902; and report of the Irish Land Conference, dated 3rd January, 1903; and minute on*

The Land Conference Report was adamant that any settlement of the land question would have to satisfy the wants and needs of both landlords and tenants. The conference members were keen that the landlords would remain on in Ireland after they had sold and that the money from the sales would be spent in the Irish economy. Hence, the inducement, in the form of the state 'bonus', to the landlord was critical. The report recommended that the landlord should be able to obtain his current net income based on second term rents, minus the costs of collection which were put at 10 % of the gross income, from the investment of the purchase money.¹⁰⁹ Likewise, the sale and repurchase of mansion houses and demesnes were regarded as a crucial landlord inducement. It was suggested that sporting and mineral rights remain as they were.

Critically it was recommended that tenants should receive reductions of between 15 % and 25 % in their annuities based on second term rents or their fair equivalent. Tenant-purchasers repaid the state loan they received to buy their holdings in the form of annual annuities. This crucial recommendation would ensure that the tenants' annuities would be lower than their current rents. Decadal reductions in the tenants' annuities were to be retained.¹¹⁰

The Land Conference Report acknowledged that the problem of congestion in the congested districts and elsewhere would 'require separate and exceptional treatment'.¹¹¹ It proposed that landlords be allowed to sell grazing lands and greater powers be given to the C.D.B. It was recognised that no settlement could be finalised until the evicted tenants question was settled. Likewise the position of labourers was a source of discontent.

The report stressed that the settlement of the land question was desired by all classes in Ireland and was essential for the future prosperity of the country. For a settlement to be reached financial assistance, in addition to the state loan to tenants to purchase their farms, would be required. Notably the report advocated that any such aid be confined to sale within the first five years of the act's operation.

Land Conference Report, adopted on 7th January, 1903, by the executive committee of the Irish Landowners' Convention (89) H.C. 1903, lvii, 321.

¹⁰⁹ See chapter two for an explanation of first and second term rents.

¹¹⁰ See chapter two for decadal reductions.

¹¹¹ *Return of the resolution and statement adopted by the Irish Landowners' Convention on 10th October, 1902; and report of the Irish Land Conference, dated 3rd January, 1903; and minute on Land Conference Report, adopted on 7th January, 1903, by the executive committee of the Irish Landowners' Convention*, (89) H.C. 1903, lvii, 321.

Russell's role in the conference has received little acknowledgement from historians. However, William O'Brien was acutely aware of his importance to the tenant representatives at the time, stating that they 'had the advantage of the constant counsel and unsurpassed debating power of Mr. T.W. Russell, who has every provision of the land code on the tip of his tongue'.¹¹² Russell actively supported and promoted the Land Conference Report and at Aghnacloy, Co. Tyrone on 9 March 1903 he declared:

The Clogher speech [Co. Tyrone, Sept. 1900] holds the field with one point excepted. Compulsion by coercion is ruled out. Compulsion by inducement is substituted for it. The two things were, no doubt, different. But he had never said, and never thought, that there was only one form of compulsion, and provided it was effective he cared nothing about the term.¹¹³

The chief secretary, George Wyndham, was delighted with the report. He confided to A. J. Balfour, who had succeeded Lord Salisbury as prime minister in July 1902, that the 'conference and its report have been a great success, not only in essence but - and in Ireland this is equally important - in effect also on public opinion of all kinds. Notably the [Irish] Landowners' Convention have blessed the Report. [Lords] Londonderry, Barrymore and Erne, all here, are pleased.'¹¹⁴ This apparent change in the attitude of the Irish Landowners' Convention can be attributed to the facts that the issue of compulsory purchase had been avoided and that the 'bonus' clause looked set to offer a genuine incentive to landlords to sell their estates. Thus on 25 March 1903, George Wyndham introduced his second land bill in the House of Commons, based on the recommendations of the Land Conference.

IX). Conclusion.

T. W. Russell and his campaign for compulsory purchase played a very significant role in the genesis of the 1903 land act. The land question was once again brought to the fore both in Britain and Ireland and serious pressure was put on the Conservative government to introduce a comprehensive land bill that would solve the question. Because Russell's agitation was strictly along constitutional lines this meant that Presbyterians, and especially their clergy, gave the movement their support. Many

¹¹² William O'Brien, *The Land Conference and its critics* (Dublin, 1904), p. 10.

¹¹³ *J.T.*, 10 Mar. 1903.

¹¹⁴ Wyndham to Balfour, 11 Jan. 1903 in Mackail and Wyndham (eds), *Life & letters of George Wyndham vol. ii*, p. 453.

Catholics and nationalists were equally enthusiastic supporters, demonstrating that the land question could cross not only political but also religious boundaries.

Russell recognised that the land acts introduced by the British government in the past had nearly always been in response to agitation and had adopted a similar strategy. The U.I.L. and the I.P.P. were also shrewd enough to realise the important potential of Russell's movement. With Ulster ablaze on the issue, a new campaign for compulsory purchase had been officially launched by the U.I.L. on 1 September 1901 at Westport, Co. Mayo, almost a year after Russell had commenced his campaign.¹¹⁵ With north and south thus united on the issue of compulsory purchase, the pressure on the government to produce a comprehensive land purchase bill was immense.

Many landlords, however, felt that there was a danger that the movement for compulsory purchase might prove overwhelming and that the government would be forced to introduce it as part of a land act. Hence Wyndham was also put under pressure by the unionist press as well as by prominent and powerful Irish landlords, who were adverse to compulsory sale. According to Russell himself: 'To mention the word compulsion to the then chief secretary [George Wyndham] was to send him into a fury. He would not hear of it. It was the agitation for compulsion that had produced the [1903] land bill. But the landlords had bound Mr. Wyndham to resist even its beginnings.'¹¹⁶

With Wyndham under pressure from unionists and the majority of Irish landlords to resist compulsion, he was forced to accelerate his plans for a voluntary bill. Russell confided to Horace Plunkett in March 1902, that he was using the movement for compulsory purchase to force the government to introduce a comprehensive land bill. It was under this pressure that Wyndham gave his support to the notion of the Land Conference. Interestingly Wyndham's cousin, the earl of Mayo, was one of the landlord representatives and his presence undoubtedly provided Wyndham with first hand knowledge of the Land Conference's proceedings if not an indirect influence. It also ensured that the principle of compulsory purchase would not be adopted.

It was clear that the majority of landlords were vehemently opposed to compulsion. An influential minority seem to have realised that only by negotiating

¹¹⁵ Campbell, *Land and revolution*, p. 59.

¹¹⁶ Russell, 'The Irish land question', p. 10.

on the land question to enable a comprehensive voluntary land bill to be produced, could they prevent the call for compulsory purchase becoming unstoppable and the actions of landlords such as Talbot-Crosbie and Shawe-Taylor support such a view. In order to pre-empt the countrywide demand for compulsory purchase an extensive voluntary bill was necessary. Thus it was the landlords who seized the initiative and called for a land conference.

Russell's inclusion as a tenant representative at the conference was a serious recognition of his campaign and an acknowledgement of his status as the spokesman for the Ulster tenantry. Although he believed that compulsory purchase would have to be used eventually in order to bring about a final solution of the land question, Russell was willing to use the campaign to force the government to introduce a truly comprehensive land settlement even if it was along voluntary lines. In order for the Land Conference Report to become a reality though, Russell had had to modify his idea of compulsion. Likewise the three nationalist representatives had to alter their stance on compulsory purchase. However, Russell saw the bill as compulsion by inducement as opposed to compulsion by force and while he was willing to accept a comprehensive voluntary measure as a stepping stone, he firmly believed that a compulsory purchase bill was inevitable if Ireland was to become a country of peasant proprietors.

Contemporaries such as C.F. Bastable, a professor of political economy at Trinity College Dublin (T.C.D.), were in no doubt as to the influence Russell's campaign had in focusing the government on the land issue. He wrote in 1903:

Two influences were... of peculiar importance in hastening on the act of 1903. One was the strong movement in favor of compulsory purchase initiated by Mr. T. W. Russell, and supported by the Protestant and unionist farmers of the north. Another was the increasing difficulty experienced in keeping up the agitation connected with the Irish party's policy. A general recognition of the loss that long-continued disturbance inflicts on all classes made conciliation or compromise seem desirable. To these must be added the disposition of English statesmen to deal more liberally with Ireland, in order to raise her material condition and thereby remove the source of political discontent.¹¹⁷

Another contemporary, R. Barry O'Brien, also acknowledged that the government were forced to take up the land question and introduce a new act because of the

¹¹⁷ C.F. Bastable, 'The Irish land purchase act of 1903' in *The Quarterly Journal of Economics*, xviii, no.1 (Nov. 1903), p. 5.

U.I.L. agitation and Russell's movement in Ulster.¹¹⁸ The parallel campaigns of Russell and the U.I.L. accelerated the government's attempts to tackle the land question. Indeed, in a cabinet memorandum in late 1901 entitled 'The Irish land question and the need for legislation' Wyndham acknowledged the effects of Russell's compulsory campaign in Ulster and the U.I.L. agitation in the south as the factors which necessitated new legislation.¹¹⁹ Furthermore, with the tenant farmers of Ireland united in their demand for compulsory purchase the Conservative government had been forced to come up with a comprehensive voluntary land purchase bill on a previously unsurpassed scale.

¹¹⁸ R. Barry O'Brien, 'Ireland at Westminster' in *Monthly review*, xxvii, no.79 (Apr. 1907), pp 81-82.

¹¹⁹ George Wyndham, cabinet memorandum on the Irish land question, 1901 (T.N.A., CAB 37/59/147), pp 1-2.

CHAPTER TWO: INITIAL REACTIONS TO THE 1903 LAND BILL.

I). Introduction.

The government's reasons for introducing the 1903 land bill and the objectives of the legislation were outlined on its first and second readings in the House of Commons. The first reading of the failed 1902 bill further illuminated Wyndham's thoughts as he referred the house to it upon introducing his 1903 bill.¹ Two cabinet memorandums were submitted in 1901 and late 1902 which give an insight into Wyndham's ambitions.² When taken in conjunction an idea of the government's intentions and aims can be formalised.

There were two systems in operation in Ireland as regards the ownership of agricultural land. There was land purchase and there was the rent fixing process under the land courts which had been established under the 1881 Land Act. The tenant was entitled to go to court to get his rent fixed by an independent tribunal. The rent would be reviewed every fifteen years. Rents fixed in the fifteen years following the 1881 act were known as first term rents. Those which had been revised after 1896 were second term rents. The majority of tenants who had gone to the land courts had received significant reductions in their rents. George Wyndham revealed that on average landlords had received reductions of approximately 40 %.³ The rents would be up for review again in 1911. The rent fixing process based on dual ownership had not proved beneficial for Irish agriculture. The notion of both a landlord and a tenant interest in the land had not led to economic progress.

The 1881 act had led to some unexpected consequences. According to Wyndham, 336,000 rents had come before the land courts. Of the 240,708 that had been fixed, there had been 73,756 appeals.⁴ The volume of litigation, and more importantly its cost, was bleeding Irish agriculture dry. Landlords were not inclined to invest in their land owing to the fact that their incomes had fallen by an average of 40 % since the

¹ *Hansard 4*, cxx, 182-3 (25 Mar. 1903).

² George Wyndham, 'The Irish land question and the need for legislation', 1901 (T.N.A., CAB 37/59/147). For an earlier version of this see Wyndham, 'The Irish land question and the need for legislation', 1901 (T.N.A., CAB 37/59/115). See also Wyndham, 'Cabinet memorandum on the Irish land question' 8 Oct. 1902, (T.N.A., CAB 37/62/139).

³ *Hansard 4*, cxxii, 132 (7 May 1903).

⁴ *Ibid.*, cv, 1033 (25 Mar. 1902).

introduction of the land courts. Likewise tenants were unwilling to develop the land as it would have a negative effect on their rents, which were reviewed every fifteen years. Wyndham neatly summed up the situation: 'The landlords of Ireland are being ruined financially: the tenants are being ruined morally. Agriculture is starved of capital and industry.'⁵

As regards land purchase the transfer of land from landlord to tenant had slowly ground to a halt. The number of applications for advances (government loans to the tenant to purchase his holding) had steadily decreased in the years prior to 1903. The number of tenant-purchasers had been 8,000 in 1898, 5,000 in 1900 and by 1901 it had fallen to 3,000.⁶ The policy of land purchase urgently required a new impetus. The members of the landed gentry who were willing to or who could afford to sell had been exhausted. According to Wyndham:

What are the reasons for that decrease? I believe that we have got - at all events, that we are getting - to the end of the landlords who are prepared to sell for a capital sum which can be advanced under the existing law. Those who have sold belong chiefly to three classes - either they are landlords who have other sources of income and other interests often in this country [England], or they are landlords who were tempted to sell by the premium on land stock during 1897-99 inclusive, or, in the third place, they are landlords who have been forced to sell because they were embarrassed, and their creditors urged them to take that course.⁷

Without fresh legislation though, many landlords could not sell even if they wished to. There were a number of mitigating factors which prevented them from availing of land purchase. The legal costs involved in a sale, the cost of proving title to the land and the inevitable delays which would ensue all discouraged sales. Many landlords had two or even three superior interests between themselves and the land.⁸ The

⁵ *Ibid.*, cxx, 186 (25 Mar. 1903).

⁶ Wyndham, 'Cabinet memorandum on the Irish land question', 8 Oct. 1902 (T.N.A., CAB 37/62/139), p. 3.

⁷ *Hansard 4*, cv, 1035 (25 Mar. 1902).

⁸ 'The expression "superior interest" shall include any rent, rentcharge, annuity, fees, duties, services, payable to or to be rendered in respect of the land sold to any person, including her majesty and her successors, and any estates, exceptions, reservations, covenants, conditions, or agreements, contained in any fee-farm grant, or other conveyance in fee, or lease, under which such land is held, and, if such land is held under a lease for lives or years renewable forever, or for a term of years of which not less than sixty are unexpired at the date of the sale, shall include any reversion or estate expectant on the determination of such lease or expiration of such term, and notwithstanding that such reversion or estate may be vested in

holders of such interests were entitled to the produce of the land before the actual landlord. The redemption of these charges would involve considerable legal expenses which meant that many landlords could not afford to sell. Importantly, Wyndham declared that it was the presence of such 'complicated legal embarrassments' which justified giving a cash 'bonus' to the landlords in addition to the purchase money.⁹ Under the bill a grant-in-aid or 'bonus' fund of £12,000,000 was set aside to induce landlords to sell. According to the T.C.D. Professor C. F. Bastable: 'The real effect [of the 'bonus'] is to increase the purchase money received by the landlord, and thus induce him to arrange sales.'¹⁰ It was initially envisaged that it would be distributed in an inverse ratio to the purchase money. Thus the higher the purchase price given to the landlord for his land the lower the cash 'bonus' he received. Wyndham estimated that it would not be necessary for the government to advance much more than £100,000,000 to tenant-purchasers in order to sell all the saleable land in the country.¹¹

There was also the problem of congested and uneconomic holdings. The Land Commission often refused to sanction advances to such small holdings. The landlord was left in the awkward position whereby he could sell his best holdings but could not part with his poorer ones. Such holdings were not confined only to the congested districts but could be found in pockets throughout Ireland. These farms were not a good security for the state and they needed to be enlarged before purchase could proceed.

To allay apprehensions and jealousy about the 'bonus', the bill provided that £390,000 would be the maximum figure that the British government would have to provide towards it in any one year. In this way British finance would not be unexpectedly stretched. To counteract the cost of the 'bonus', Wyndham promised to make annual savings of £250,000 in the costs of Irish government.¹² These cutbacks would principally effect the R.I.C. and the Land Commission. Therefore, the annual savings in Irish government were to offset the cost of the 'bonus' fund. While it

the [crown]'. See Irish Land Act, 1896, 31 (8). Under the 1903 act the term was further broadened to 'include any reversion or estate expectant on the determination of an estate tail or base fee, whether such reversion or estate is or is not vested in the crown'. See Irish Land Act, 1903, 98 (2).

⁹ *Hansard* 4, cxx, 203 (25 Mar. 1903).

¹⁰ C.F., Bastable, 'The Irish land bill' in *The Economic Journal*, xiii, no. 50 (June 1903), p. 172.

¹¹ *Hansard* 4, cxx, 201 (25 Mar. 1903).

¹² *Ibid.*, col. 203-5

certainly appealed to British wishes for economy of finance there were doubts as to the feasibility of Wyndham's plan.

The Conservative government was committed to the policy of voluntary land purchase. It was hoped that the 1903 act would shift the emphasis away from the rent fixing process and onto land purchase. Since the rent fixing process had proved so costly it had to be abolished or at least greatly reduced in order to allow land purchase to operate on a large scale. The inclusion of the 'zones' would facilitate this end. The 'zones' were based on the principle that the tenant had to receive a certain minimum reduction in his current rent which in future would be represented by the annuity he would repay to the government. To ensure that the landlord received a fair price, however, there was a certain maximum reduction that a tenant could receive. Essentially the 'zones' were to guide the two parties towards a satisfactory purchase price. By incorporating first and second term rents into the bargaining process, the necessity for further rent revision was removed. Further cost, delay and litigation could be avoided. This also freed up funds and personnel, which would be much needed if land purchase was to prove a success. The word 'zones' does not appear in the act, however, it was the contemporary term used to describe the system.¹³

The Land Commission was costing the state £140,000 annually by 1903. Agrarian unrest and agitation had also escalated and the R.I.C. had annual costs of some £1,400,000.¹⁴ Thus, outright ownership of the land needed to be established. However, as far as the prime minister, A. J. Balfour, was concerned the principal objective of the legislation was 'to substitute a good system of land tenure for a bad one'.¹⁵

While the extension of land purchase was one of the principal aims of the new bill, the issue of congestion and uneconomic holdings was of equal importance. In many areas, particularly in the west of Ireland, ownership of the land would be of little benefit unless the holdings were enlarged. The security to the state for the loan to the tenant-purchaser was strengthened if the holding was viable and economic. For these reasons the bill provided for the enlargement of holdings, the funds for improvements and the means of acquiring and distributing untenanted land. Although the 1903 land bill

¹³ See chapter three for more on the price 'zones'.

¹⁴ *Hansard* 4, cxx, 186 (25 Mar. 1903).

¹⁵ *Ibid.*, cxxi, 1254-5 (4 May 1903).

addressed congestion and uneconomic holdings in both the congested districts and elsewhere Wyndham was well aware of the uniqueness of the western problem:

We ought to build up the agrarian situation in Ireland from the bottom. Some system of village communities seems in the west of Ireland to have decayed, and at some stage in this decay to have become fossilised. So, if it were not a contradiction in terms, you might say it was at once rotten and rigid.¹⁶

Indeed, a clear distinction was made between the treatment of congested and non-congested estates. Wyndham believed that such areas required extensive surgery and described them as 'centres of racial deterioration and seed-plots of agrarian discontent'.¹⁷ Clearly then, the bill also had an important humanitarian agenda.

This chapter examines the immediate response to the 1903 land bill from the principal parties concerned in both Ireland and Britain. It essentially covers the period from the bill's introduction to the committee stage in the House of Commons.¹⁸ The chapter is structured so that the reaction of the various groups is dealt with separately. Confusion and needless repetition is avoided by analysing in turn the response of the Conservative party, the Liberal opposition, the nationalists, the unionists and the landlords.

II). The response of the Conservative party.

Despite the bill being a Conservative government measure there were elements within the Conservative party itself who were openly hostile to its progress. Although there was virtually no chance of it succeeding, Douglas Coghill, M.P. for Stoke-upon-Trent, proposed that the bill be dropped on the seconding reading. His proposal was seconded by his party colleague Sir George Bartley, M.P. for Islington, North. In addition, the pair received strong support from Gibson Bowles, M.P. for Lynn, Regis. Whilst they represented only a tiny minority of the Conservative party their apprehensions were such that they were willing to oppose the wishes of their party leader and indeed of their prime minister, A. J. Balfour.

¹⁶ *Ibid.*, cxx, 190 (25 Mar. 1903).

¹⁷ Wyndham, 'Cabinet memorandum on the Irish land question' 8 Oct. 1902 (T.N.A., CAB 37/62/139), p. 9.

¹⁸ See chapter three for an explanation of the various parliamentary stages that a bill passed through.

Like their Liberal counterparts the opposition to the bill within the Conservative party centred mainly on finance. The British government would effectively become the new landlord of much of Ireland under the bill as the tenant-purchasers would have to pay the state annuities for approximately sixty-eight and a half years. They believed that the security for the loan was totally inadequate and were keen to protect the interests of the British taxpayer. Thus the spectre of a no-rent manifesto weighed heavily on their minds. Gibson Bowles, M.P. for Lynn, Regis, painted a bleak picture of the position the government would find itself in:

We shall be in the position of an absentee landlord unable to collect our rents in times of dearth and stress, and unable to give those deductions which a personal landlord is able to do. I hold, therefore, that this bill offers no settlement, political or agrarian... To me it seems a crazy scheme founded on crazed finance.¹⁹

Despite the unique opportunity which had arisen, due to the united opinion of both nationalists and unionists in favour of the bill, there was a definite sense that the finance directed towards Ireland was much begrudged. Douglas Coghill M.P. for Stoke-upon-Trent, for example, claimed that Ireland was 'in a state of prosperity which has never been equalled in her history' and that the bill was really unnecessary.²⁰ The wisdom of granting huge sums of British credit to a people who were considered disloyal and who had been prominent supporters of the Boers during the recent war was questioned. Wyndham's claims that expenditure on the R.I.C. and the Land Commission would be reduced as a consequence of the bill were dismissed as fantasy.

The conciliatory attitudes of the nationalist and unionist M.P.s and their co-operation, as regards the bill raised suspicions. The absence of the hostility that usually characterised the relations between the two Irish parties was seen by certain Conservatives M.P.s as a warning that the treasury and the British taxpayer were about to be pillaged. According to Douglas Coghill:

We now find that there is a union between orangemen and nationalists, and all because there is an alluring prospect of a raid upon the British treasury... When

¹⁹ *Hansard* 4, cxxii, 74 (7 May 1903)..

²⁰ *Ibid.*, cxxi, 1224 (4 May 1903).

we find a union of this kind between two parties, I think it behoves the representatives of the British taxpayer to look very closely into these proposals.²¹

The Conservative opposition to the bill believed that there were causes of equal if not greater worth in their own constituencies which would have benefited from such a significant cash injection. Douglas Coghill asked the House of Commons: 'Why has so much been done for Ireland and so little for England?'²² Gibson Bowles went further and summed up what he considered the English opinion of the bill to be:

I think I am right in saying that there is absolutely no limit to the advances [to tenant purchasers] under the bill. An estimate has been made, that it may be £100,000,000 or it may be £150,000,000 but there is no limit. To enable the Irish tenants to buy the land cheap and the landlords to sell it dear, this unlimited loan is to be made, and then an out and out gift of £12,000,000 [the 'bonus' fund] is to be added, in order to procure the acceptance of the loan. That represents the English view of the transaction.²³

Following the costly Boer War there was little appetite for expending imperial capital and British minds were more concerned with economy of finance rather than increasing expenditure. According to Douglas Coghill:

But there is one vital objection to this bill. We have not the money to carry it out. However, benevolent we may feel, there is no money for a land purchase bill. At the present time we are spending £34,000,000 on our army, and £34,000,000 on our navy. Where is the money to come from?²⁴

While a rare opportunity for dealing with the Irish land question had presented itself it was argued by some Conservatives that the British treasury ought not to further extend itself at that moment in time.

Opposition to the bill within the party was closely linked to the question of home rule. There was a suspicion that the measure was effectively granting home rule by the side door. Douglas Coghill, for example, believed the land question and home rule were almost inseparable and that the logical outcome of the bill was a measure granting home rule or some form of self-government. In fact, Coghill's principal opposition to the

²¹ *Ibid.*, cxx, 228 (25 Mar. 1903).

²² *Ibid.*, cxxi, 1232 (4 May 1903).

²³ *Ibid.*, cxxii, 68-9 (7 May 1903).

²⁴ *Ibid.*, cxxi, 1230 (4 May 1903).

entire bill was that it made home rule inevitable.²⁵ His perception was that once the bill was passed it would be impossible for any government to resist the Irish call for self-government:

My point is this, that by this bill the government are giving home rule to Ireland... If this bill is once passed it will be impossible for us to refuse home rule or anything else the Irish people demand. This bill is, from my point of view giving Ireland home rule, not in a straightforward way, which would enable us to oppose it, but by a side wind. That is the chief ground of my opposition to the bill.²⁶

Notwithstanding the outlay of British credit towards attempting to solve the land question in Ireland, the I.P.P. were adamant that they would continue their demand for home rule even if the bill was passed. The fact that the measure would not offer a political solution acceptable to many Conservatives was also a prime motivation in opposing it.

Contrary to Wyndham's assertions there was little confidence among the Conservative opponents of the bill that it would provide the solution to the Irish land question. Sir George Bartley prophesied that the bill would do 'practically nothing to go to the root of the evil in... [the] congested districts'.²⁷ Moreover, despite Wyndham's avowed intention to relieve congestion there was little confidence in the bill's ability to achieve that goal. Douglas Coghill summed up the mood of the opposition group towards the end of his second reading speech:

I venture to say that this bill is a bad bill. Its finance is utterly unsound and will not stand examination. It is a bill based on false hopes, false expectations, and false sentiment, and I believe, though it may be too late, that the British taxpayer, when he finds that he has parted with his money and lost control of his millions, will recognise that... he has been duped, deluded, defrauded, and betrayed.²⁸

However, a number of Conservative M.P.s who were Irish landowners or associated with the landed gentry such as Sir John Colomb (Great Yarmouth), John Butcher (York) and Herbert Robertson (Hackney South), spoke in favour of the bill but the majority held their counsel. In response to the criticisms of his fellow party members

²⁵ Ibid., col. 1227-9.

²⁶ Ibid., col. 1228-29.

²⁷ Ibid., col. 1235.

²⁸ Ibid., col. 1233.

the prime minister, A. J. Balfour, addressed the house on the second reading of the bill. He found the notion that the tenants could repudiated their debts absurd. He argued that if such a situation arose the annuities would simply be put on the rates and the government could withdraw the grants for local government. Hence he claimed that every 'Irish ratepayer in the country would have the strongest interest in seeing that he was not burdened with a debt because his neighbour did not choose to fulfil his legal obligations'.²⁹ On the question of lending such a large sum of money to people whom Sir George Bartley considered disloyal, Balfour had a simple response. He insisted that the Irish land system was intolerable and that the measure was required to remove a social sore.³⁰ Shortly after the prime minister's robust defence of the bill, on its seconding reading, Douglas Coghill's motion to reject it went to a division where it was defeated by 443 votes to 26.³¹

III). The response of the Liberal opposition to the bill.

The Liberal party formed the main opposition to the Conservative government in parliament. The attitude of the Liberal party towards the new bill was somewhat guarded. Having supported compulsory purchase, their attitude towards Wyndham's voluntary measure was lukewarm. Such an outlay of British finance on a bill that did not compel the landlords to sell was a source of concern. While the Liberals acknowledged that sacrifices would have to be made to solve the Irish land question, they feared that the £100,000,000 loan might not be repaid. The leader of the party, Sir Henry Campbell-Bannerman, espoused these sentiments on the first reading of the bill:

But the very fact that we have to face certain efforts and sacrifices, that we are to have, what is almost more serious, our imperial credit hypothecated to such an enormous extent, makes it our duty not only to look into the detailed provisions of the bill... but also to see... whether this scheme will really attain the object for which those sacrifices and efforts are to be made.³²

Despite his misgivings, though, Campbell-Bannerman acknowledged that Britain had a historical responsibility to the landlord class in Ireland.

²⁹ Ibid., col. 1249.

³⁰ Ibid., col. 1254.

³¹ Ibid., cxxii, 148 (7 May 1903). A division was when the M.P.s in the House of Commons went into the division lobby to vote on an amendment or a proposal.

³² Ibid., cxx, 221 (25 Mar. 1903).

The Liberal party leader admitted that the British public were not entirely satisfied with the bill, principally because of the huge outlay of British credit required.³³ Had the bill been put to the British electorate it would have had little hope of success. Indeed, John Fletcher Moulton, the Liberal M.P. for Cornwall, Launceston, neatly summed up what he personally perceived to be the public's reaction: 'I am satisfied that the constituencies of this country will say that we should not cripple powers of dealing with other national needs simply to jump at a bargain whereby the landlords of Ireland are so grossly overpaid.'³⁴ Obviously, many were unconvinced that the bill would secure an end to the longstanding conflict.

With the volume of money that would be going to Ireland should the bill be passed, it was not surprising that jealousy reared its head among the non-Irish M.P.s. Although the leader of the Liberal party acknowledged that they had a duty to the landlords of Ireland, there were elements within the party who felt differently. These elements held that the bill should be compulsory considering the huge outlay of British credit. Furthermore, they failed to see why British landowners should not get the same advantages as Irish landlords would get under the bill. The clause in the bill which enabled landlords to sell and repurchase their demesnes on the same annuity terms as the tenants was considered particularly repugnant. Thomas Ashton, M.P. for Beds, Luton, believed that the £12,000,000 'bonus' fund was really intended to bribe Irish landlords in the House of Lords to pass the measure.³⁵ Indeed, the first day of the committee stage in the House of Commons commenced with the rejection of a motion by the Liberal M.P. for Merthyr Tydvil, D.A. Thomas, to extend the bill to include Wales and Monmouthshire.³⁶

Some Liberal M.P.s held that tenants would be forced to pay unreasonable prices. Others simply did not think that the Irish landlords were deserving of such generous treatment. The extension of the tenant's period of repayment and the reduction of the rate of his annuity, compared to previous acts, was also viewed with suspicion. George Lambert, Liberal M.P. for Devon, South Molton, accused Wyndham of

³³ *Ibid.*, cxxi, 1259 (4 May 1903).

³⁴ *Ibid.*, col. 1488 (5 May 1903).

³⁵ *Ibid.*, col. 1285-91 (4 May 1903).

³⁶ *Ibid.*, cxxiii, 957 (15 Jun. 1903).

incorporating those changes into the bill in order to secure higher prices for the landlords.³⁷

For many the annuities were a cause for concern. Under the proposal the tenants would be tied to the treasury for almost seventy years. If the tenants were forced to pay extortionate prices for the land it was likely that they would falter on the repayment of their annuities during difficult periods. Unlike a benevolent landlord, the state could not grant a reduction as it would be immediately demanded countrywide. William Robson, Liberal M.P. for South Shields, questioned whether the tenants would be able to repay the annuities and pondered the possible consequences:

The Irish tenants will no doubt fulfil their obligations to the best of their ability, but now and again, in times of stress and bad seasons they will find it impossible to fulfil them. What will happen then?...you will have a recrudescence of the old trouble. The state cannot make any sort of abatements which the tenant formerly got out of the landlord... The state dare not make any abatement, because if it were made in one district it would immediately be demanded in another. You will, in this way, have a new wrong created in Ireland...Irish national sentiment will arrange itself on the side of these distressed tenants. Irish sentiment has always taken advantage of such an opportunity, and it will not cease to do so in the future.³⁸

With the state effectively becoming the landlord for the whole country, there was a fear that the government would not be able to resist a widespread refusal to pay annuities. Some Liberals worried that the non-payment of annuities would be harnessed for political purposes. Similarly, if the tenants were forced to pay exorbitant prices they might default in times of hardship and economic depression. The state could not simply evict the whole countryside. Furthermore, the security for the exchequer would not be improved by allowing those tenants with small uneconomic holdings to purchase. Joseph Compton Rickett, the Liberal M.P. for Scarborough, warned:

We have also to remember that there are other improvements needed. A vast number of these farmers are very poor. A mere reduction of 15 per cent in their rent is not sufficient to make them capable farmers, or to bring their land to a cultivatable condition. To suppose that we shall change the condition of the

³⁷ *Ibid.*, cxxi, 1402-8 (4 May 1903).

³⁸ *Ibid.*, col. 1436 (5 May 1903).

population, and effect a reformation in economic conditions simply by a reduction in rent is surely beyond the conception of any reasonable man.³⁹

He cautioned that land purchase alone would not necessarily improve economic conditions for the tenant-purchasers because further investment would be required.

The security for the state loan that would be provided to the tenant-purchasers was closely scrutinised. The extension of the period of repayment to sixty-eight and a half years under the bill as compared to forty-nine years under earlier acts, was a particular cause for concern. Liberals such as Alfred Emmott, M.P. for Oldham, were particularly worried about the tenants' ability to repay their loans:

My real doubt is as to whether the tenants will be able to pay up their instalments. Land-hunger still exists in Ireland, and where it exists it must make the tenants weak. We ought not to make the terms too high, because if we do there is a great danger of the bill breaking down before twenty years go by.⁴⁰

As far as the Liberal party was generally concerned, the safety of the treasury depended on the fairness of the tenants' obligations. On the first reading of the bill Wyndham announced that only five million would be made available annually for advances to tenant-purchasers for the first three years.⁴¹ William Robson, M.P. for South Shields, predicted that as a consequence many tenants would be waiting for years to purchase and that would undoubtedly lead to tension.⁴²

Closely linked to the financial concerns was the absence of compulsion against the landlords. Liberals found it difficult to accept such an investment of British credit without the use of compulsion. Thomas Shaw, M.P. for Harwick Burghs, predicted that without the use of compulsion even greater trouble would arise in Ireland because side-by-side with those tenants whose landlord agreed to sell would be neighbouring estates where the landlord refused. This, according to Liberals, would lead to a widespread situation similar to that which had occurred on the Dillon and De Freyne estates a few years previously. This would lead to only one outcome according to Thomas Shaw:

More and more the idea of universal compulsion will come forward, and more and more men's minds will turn to some compromise between universal compulsion and a case of specific policy of intervention on the ground of social

³⁹ Ibid., cxxii, 94 (7 May 1903).

⁴⁰ Ibid., cxxi, 1495 (5 May 1903).

⁴¹ Ibid., cxx, 201 (25 Mar. 1903).

⁴² Ibid., cxxi, 1439 (5 May 1903).

disorder - such disorder as forms an overwhelming case for particular compulsion.⁴³

The question of home rule was unavoidably tangled up with the bill. The effect that the bill and the removal of the land question would have on the issue of Irish self-government was a source of much speculation. Many Liberals, such as William Robson, felt that the bill would further home rule in the long term:

There are two views put forward. On the one hand we have the ministerial view, which is that by this bill you will settle a long-standing dispute which has destroyed social order in Ireland, and having made the problem of social order so much easier to solve, they infer, not unnaturally, that Irish government will be a simpler matter. On this ground they commend the bill to the country as one which will make against home rule... [the nationalists] think that if they achieve the object they have so long desired of abolishing landlordism in Ireland, they will have captured a position which has been very steadily contested, and promote the solidarity of different classes in Ireland, and they will proceed as a more united, and firmer and stronger force for the attainment of their final end, namely, the self-government of their country.⁴⁴

Robson considered that those landlords who remained in the country after selling would gradually become nationalists and help reinforce the calls for home rule. Since the bill did apparently nothing for the labourers, Robson foresaw that class as providing the necessary element of agitation and unrest on the nationalist side.⁴⁵

Many Liberals saw something of a paradox in the Conservative government's rejection of home rule and its assurances that the security for the loan to the tenant-purchasers was ample. George Lambert, M.P. for Devon, South Molton, was incredulous concerning the Conservative government's attitude towards the Irish tenants:

I am absolutely astonished at the attitude of [the government]... when they tell us we may, with perfect security, invest £100,000,000 in Irish land, and expect the Irish tenant to repay that money with regularity and punctuality - in fact, that the Irish tenant, in his dealings with the British exchequer, will be one of the most punctual and honourable of men. They almost invest him with a set of wings, but when it comes to a case of Irishmen dealing with Irish affairs in Ireland, then it appears that they are invested with a double dose of original sin, and cannot be trusted to manage their own affairs.⁴⁶

⁴³ Ibid., col. 1474.

⁴⁴ Ibid., col. 1434.

⁴⁵ Ibid., col. 1436.

⁴⁶ Ibid., col. 1401.

While the Liberals in general held that the bill would make it increasingly impossible for any British government to deny self-government to Ireland, they were under no illusions as to its potential. John Morley, M.P. for Montrose Burghs, who had served as chief secretary to Ireland from 1892 to 1895, considered the bill to be quite revolutionary:

This bill plucks up the old land system root and branch, and you are going to pay £12,000,000 down and are going to risk £100,000,000, or £150,000,000, afterwards in order to abolish it. Do not let us deceive ourselves that this is an old-fashioned purchase bill. This is a bill that points to, and will lead to, an immense social revolution. It will require a far bolder man than I am, to attempt to gauge the political and social effects of this bill.⁴⁷

The initial response of the Liberal party to Wyndham's bill overall then was rather wary. The main concern of the party centred on finance. There was a feeling among many members that the landlords did not deserve the 'bonus' or the increased prices which they would receive under the bill. Some even had their suspicions that the whole bill was built around the theme of increasing the price of land for the landlords. Additionally, there was much anxiety over the security for the loan of approximately £100,000,000 to the tenant-purchasers. The treasury was being put in direct contact with the tenants for a considerable period of time and there was no guarantee that they would not default on their annuity repayments. The fact that British credit was being pledged to such an extent and yet there was no compulsion on the landlord to sell was a source of irritation. However, despite their concerns the vast majority of the party were willing to pass the second reading of the bill. Notwithstanding their apprehensions over certain areas such as finance they believed that it deserved to reach the committee stage where hopefully it could be amended adequately. Another decisive factor in their support for the bill on the second reading was that Irish opinion, both nationalist and unionist, was united in favour of the measure. No British party was willing to risk the collapse of a bill, which had found such unprecedented support in Ireland, on its second reading.

IV). Nationalist reaction to the bill.

The nationalist response to the bill on its first reading was somewhat restrained owing to the fact that the national convention of the U.I.L. was scheduled for 16 and 17 of April

⁴⁷ Ibid., cxxii, 127 (7 May 1903).

at which a judgement would be made. Nevertheless the bill was acknowledged as a genuine attempt by the Conservative government to tackle the land question. While there were areas which would require clarification and amendment, the nationalists were pleased with the general shape of the proposed legislation. Indeed, John Redmond's enthusiasm was such that he announced that 'it is the greatest effort ever yet made to settle the Irish land question by purchase. This is a great bill.'⁴⁸

However, despite its scope there was a growing faction within the nationalist ranks that opposed the bill. In Glasgow on 5 April, Michael Davitt, for example, was critical of a number of its provisions but he stopped short of dismissing the measure. Davitt was in favour of land nationalisation. He was also disparaging of the Conservative government and the landlords:

The settlement of the Irish land question has fallen into the hands of a landlord and capitalist government, and the conditions they impose and the price they fix are dictated solely by the desire to obtain for the Irish landlords the highest possible terms at the expense of the Irish people.⁴⁹

On 13 April, just before the national convention of the U.I.L., Davitt denounced the bill at a meeting of nationalists in Toomebridge, Co. Antrim. He found fault with its financial proposals especially the 'bonus' to the landlords:

These millions which the landlords were to receive over the real value of their property would have to be paid by Irish tenants and Irish taxpayers. As to the financial proposals, he confessed it was just maddening to think of them. If these financial proposals of the bill passed into law unamended, it would be the biggest piece of deliberate blackmailing ever carried out in Ireland under English legislation... It was not an honest bill. An honest bill would proceed upon straight and honest lines, and this bill did nothing of the kind. He hoped that at the coming National Convention the tenants, through their representatives, would demand... drastic changes in the bill.⁵⁰

The independent nationalist M. P. for North Louth, T. M. Healy, was not entirely satisfied with the bill either but he felt it best to publicly support the measure, hoping that it would be amended in committee. Cognisant of the bill's precariousness, he recorded:

⁴⁸ *Ibid.*, cxx, 216 (25 Mar. 1903).

⁴⁹ *Freeman's Journal* [hereafter cited as *F.J.*], 6 Apr. 1903.

⁵⁰ *I.T.*, 14 Apr. 1903.

I am hardly pleased with the bill, but if I were to say so this would kill it. A puff of wind would throw Wyndham out. He is so nervous that he has been wanting to see me all this week... The government are in a shaky condition. Enthusiasm for them there [London] is none, and none for the purchase bill... Dillon, Davitt and Sexton are hostile to O'Brien, and if I were to join them the bill would be killed, and William dished, but I could not be guilty of such faction as to oppose it. I hope it may be modified.⁵¹

Healy also was aware that the *Freeman's Journal*, the principal nationalist newspaper of the day and controlled by Thomas Sexton, was hostile to the measure. Healy put Sexton's opposition down to the fact that O'Brien had promised to confer with him before the Land Conference report was published but he had allegedly forgotten.⁵²

The evening before the national convention in Dublin, T. P. O'Connor visited William O'Brien with a letter from Thomas Sexton. Sexton advised that the Land Conference not be mentioned at the convention, and he counselled against endorsing the bill. O'Brien considered that this was ill-advise as Wyndham had informed Redmond that a ringing endorsement from the convention was of the utmost importance.⁵³ At the meeting O'Brien also ascertained that O'Connor had been in talks with Wyndham and Sir Anthony MacDonnell, undersecretary 1902 to 1908, as well as Sexton and Davitt, unknown to and without the approval of Redmond or the party. Sir Anthony MacDonnell had been appointed Wyndham's undersecretary in the autumn of 1902 replacing Sir David Harrell. MacDonnell was a Catholic who had carved out a fine career in the Indian civil service. He also had a brother in the I.P.P. O'Connor was in contact with Dillon, and O'Brien believed that it was at Dillon's prompting that O'Connor had approached him. Opposition to the bill, then, appeared to have been instigated by the figures of Davitt, Dillon, Sexton and O'Connor.⁵⁴

The national convention, under the auspices of the U.I.L., was held in the Mansion House, Dublin on 16 April 1903. John Redmond chaired the meeting. T. W. Russell was present and was given a seat on the platform along with Michael Davitt, William Redmond, T. P. O'Connor and William O'Brien. Russell's inclusion was

⁵¹ T. M. Healy, *Letters and leaders of my day vol. II* (London, 1928), p. 462.

⁵² *Ibid.*, p. 462. Thomas Sexton controlled the *Freeman's Journal* which was the principal nationalist newspaper at the time. He had served as an Irish Parliamentary M.P. for Sligo, West Belfast and North Kerry at various times in the 1880s and 1890s.

⁵³ William O'Brien, *An olive branch in Ireland* (London, 1910), p. 226.

⁵⁴ *Ibid.*, pp. 222-31.

recognition of the role that his movement had played in bringing about the new bill. Redmond, in the course of his speech, presented the bill as an opportunity that occurred once in a generation and he impressed on his audience the importance of supporting it:

If we, representing the people of Ireland, declare the land bill to be worthless, and incapable of being mended and moulded into a great measure, which will lay the foundations of social and agrarian peace in Ireland, and if we decide here and now to reject that measure - (cries of 'no') - there will be an absolute end of the bill, which will never be heard of again. And if, upon the other hand, we decide to accept this bill as a measure capable of amendment - (hear, hear) - as a measure when so amended will end the land war... then, believe me, Ireland's representatives will go back to the British parliament with greater power than ever before existed in the hands of the Irish representation for enforcing our just demands with a brighter hope of advancing the prosperity and freedom of Ireland than ever appeared since the infamous Act of Union was carried.⁵⁵

William O'Brien acknowledged that the measure was not without fault, but he considered that it had the potential to bring an end to the Land War and landlordism in Ireland.⁵⁶

A motion to reject the bill was tabled by Patrick White, M.P. for Meath North, who asserted that the measure 'was one of the faultiest that was ever introduced into the House of Commons for the people of Ireland. It was introduced absolutely in the interests of the landlords'.⁵⁷ However, after considerable interruption, his motion was defeated. Michael Davitt announced that John Dillon, who was absent, would soon return from Egypt. He proceeded to caution against approving the bill without reservation and the *Irish Times* reported his speech:

He was not going to praise the bill there today. He did not believe in the wisdom of praising gifts that came from the Greeks. He looked with suspicion on everything that came from Westminster to Ireland. But he was not in favour of rejecting the bill because he hoped and believed that if the amendments on the agenda paper were carried out, then they might have the prospect of seeing the great question ... finally settled.⁵⁸

Davitt recommended that the convention be postponed until after the committee stage of the bill and then reconvened to announce its final decision. However, upon Redmond declaring that this would greatly weaken the position of the I.P.P., Davitt withdrew the

⁵⁵ *I.T.*, 17 Apr. 1903.

⁵⁶ *Ibid.*

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*

proposal. The day's proceedings concluded with the decision that the bill be accepted on condition that the necessary amendments would be made in the committee stage. The onus was now on the I.P.P. to negotiate better terms in parliament.

According to William O'Brien, Fr. Denis O'Hara, a priest from John Dillon's East Mayo constituency, had warned him the night before the convention to expect trouble from Sexton and his followers. Sexton had apparently been in secret talks with Sir Anthony MacDonnell before the Land Conference and he felt that he had come to a settlement of the land question. The Land Conference had derailed his plans, however, and due to the huge support among the delegates for the bill Sexton appears to have abandoned his plans.⁵⁹

On the second day of the convention, a resolution was passed in favour of home rule. While some nationalists such as John Dillon were wary of the bill's potential to retard the movement for self-government, John Redmond was confident that it would have the opposite effect. The *Irish Times* reported: 'He believed the settlement of the land question would remove the greatest obstacle in the path of home rule... and would mean a great step in the march of home rule.'⁶⁰

The convention called attention to those aspects of the bill which were of concern to the tenants. Many of these concerns were expressed in parliament on the second reading stage although the I.P.P. expressed its willingness to seek amendments during the committee stage. Despite the bill's deficiencies the party recognised that the government was offering a measure of unparalleled potential as regards the settlement of the land question. John Redmond, the leader of the I.P.P., readily acknowledged as much in the House of Commons:

It is the greatest measure of land purchase reform ever seriously offered to the Irish people, and that it is intended to contain, and may quite easily be made to contain, all the elements of a settlement of the Irish agrarian difficulty, and the ending of the Irish land war, the permanent unity of all classes in Ireland and the laying broad and sure of the foundations of social peace.⁶¹

⁵⁹ See O'Brien, *An olive branch in Ireland*, pp 222-23.

⁶⁰ *I.T.*, 9 April 1903.

⁶¹ *Hansard 4*, cxxi, 1208 (4 May 1903).

The day after the convention Redmond was visited by Davitt. He warned the I.P.P. leader that he would face opposition from Dillon, O'Connor and himself.⁶²

However, those sections of the bill which dealt with the congested districts were a source of anxiety for those nationalists who believed that the land question would not be settled if that particular issue was not adequately addressed. According to John Redmond no section of the measure was 'such a crushing disappointment'.⁶³ Therefore, prior to the second reading of the land bill in the House of Commons, the Catholic bishops of Connaught met to draw attention to the bill's shortcomings. The bishops stated that 'the proposals outlined in the bill for dealing with the great question of congestion and the cultivation of the vast tracts of prairie lands in the west of Ireland are quite inadequate. Larger and more extensive powers should be conferred on the Congested Districts Board'.⁶⁴ The I.P.P. wanted the powers of the board expanded to include compulsion, in order to acquire and divide the grazing ranches. They called for an acceleration in its operations, an element of popular elected representation on its board and the expansion of its jurisdiction to include the whole province of Connaught. The bill failed to take these demands into account, however, John Dillon warned that unless the bill was revised 'the people of Connaught will be driven back again to commence agitation'.⁶⁵

Of equal importance was the issue of evicted tenants.⁶⁶ These were tenants who had been evicted during the Land War of the 1880s. No settlement of the land question could be contemplated that did not provide for their reinstatement. The general consensus in the I.P.P. was that the provisions were wholly inadequate. The danger of leaving the question unresolved was highlighted by William O'Brien: 'To leave it unsettled, or only half settled, would be to leave everything unsettled and to keep up a state of fermentation that might easily enough be fatal to the satisfactory working of the whole of the vast national settlement contemplated by the bill.'⁶⁷

⁶² O'Brien, *An olive branch in Ireland*, p. 230.

⁶³ *Hansard 4*, cxxi, 1218 (4 May 1903).

⁶⁴ *I.T.*, 10 April 1903.

⁶⁵ *Hansard 4*, cxxi, 1310 (4 May 1903).

⁶⁶ See chapter six.

⁶⁷ *Hansard 4*, cxxi, 1382 (5 May 1903).

The agricultural labourers also stood to gain very little under the proposed legislation. John Redmond held that the labourers section was 'absolutely worthless and futile' and a 'mockery of the claims of the labourers'.⁶⁸ The I.P.P. proposed that a revised section or a separate bill be introduced to tackle the problem.

The inclusion of the price 'zones' had provided considerable anxiety. While there was little enthusiasm for them the inclusion of a maximum reduction which the tenant could receive rankled with nationalists. They wanted the tenant to be free to bargain and to pay similar purchase prices to those which had been paid under the Ashbourne Act of 1885 and that the gap would be bridged by government finance. Their fear was that the poorer sections of the tenantry might be persuaded into paying prices which they might find impossible to repay in the future. If the 'zones' enabled the landlords to receive an exorbitant price from their tenants then the security for the state was threatened as regards the repayment of the purchase annuity. T. P. O'Connor I.P.P. M.P. for Liverpool, Scotland, made an impassioned plea to ensure that the tenants received adequate protection under the terms of the bill:

I know I am expressing the opinion of every man around me when I say that the tenant has to be protected against himself. The land hunger still rages with its old voracity in Ireland... The tenants, even if the bill be not amended, will get a large reduction of their rents, which is an immediate advantage, while the responsibilities are remote; and thrifty as they are, the temptation is great - the sense of ownership, the idea of having something stable in the land... [is so great that] the Irish tenant would pay almost any price for the land, and it is the duty of the Irish representatives in this house to stand between him and his fighting soul.⁶⁹

In order to prevent sub-division or immoderate mortgaging a clause was included in the bill which forced the tenant-purchaser to pay a perpetual rent charge on his holding. The perpetual rent charge was opposed as it was felt that it would diminish the tenant's sense of ownership. The I.P.P. also bemoaned the absence of decadal reductions in the tenant's annuity as it had eased the financial obligations of the purchaser. Under the 1896 act, a system of decadal reductions had been introduced to help tenants repay their annuities. The system had operated as follows:

⁶⁸ Ibid., col. 1221 (4 May 1903).

⁶⁹ Ibid., cxxii, 84 (7 May 1903).

The repayment by the tenant-purchasers are divided into periods of ten years, dating from the time the annuity commences to run, or 'decades', as they are called in the act. During the first decade the tenant's annuity... is at a uniform rate of four per cent per annum on the amount of the purchase money. During the second decade, he will pay an annuity of four per cent on the amount of the advance remaining unpaid at the end of the first decade. Similarly at the end of the 2nd, 3rd, and remaining decades he will pay an annuity of four per cent on the amount of the advance remaining unpaid at the expiration of the previous decade. In other words, the Land Commission, with the assistance of the treasury, will make up the tenant's account every ten years, ascertain what the tenant has repaid on account of principal, calculate what amount of interest his repayment on account of principal should be credited, and by that means determine, what balance of the advance remains unpaid, and on that balance the tenant will pay four per cent for the ten years following. It will thus be seen that at every recurring period of ten years the tenant's instalments will be decreased.⁷⁰

There was also strong opposition to the clause which stipulated that if three-quarters of the tenants on an estate agreed to sell the remainder lost the right to have a rent fixed in the land courts. Likewise, the ambiguity over the position, tenure and salaries of the three estates commissioners, a new administrative body designed to oversee the operation of the act, was viewed with suspicion and not a little unease.

According to the bill, the 'bonus' to the landlord was to be allocated in an inverse ratio to the purchase price. While this would benefit poorer landlords, those selling large estates were at a disadvantage. Redmond proposed that the 'bonus' be set at a standard rate of 15 % but that a time limit of five years be imposed on its operation.⁷¹ This would put pressure on landlords to sell as the cash 'bonus' would only be available for a limited period. Such a rate would hopefully sufficiently compensate the landlord for selling without the tenant having to pay higher prices than had been given under previous acts. Finally the independent nationalist M.P., T. M. Healy, shrewdly foresaw that greater resources would have to be put towards those departments dealing with proof of title.⁷²

The I.P.P. were swift to emphasise to the House of Commons the extraordinary circumstances which prevailed in Ireland in 1903 as a result of the Land Conference and its report. The unprecedented union of classes in favour of ending the Land War and

⁷⁰ John George Fottrell, *Practical guide to the Land Purchase Acts (Ireland), 1870-1896* (Dublin, 1897), p. 83.

⁷¹ *Hansard* 4, cxxi, 1212 (4 May 1903).

⁷² *Ibid.*, cxxii, 62 (7 May 1903).

facilitating a final settlement of the Irish land question was highlighted. John Redmond described the golden opportunity that had arisen: 'Never before - let him [George Wyndham] never forget that - since the Act of Union has an English minister in Ireland the chance that he now has of successfully dealing with this Irish agrarian difficulty. Ireland today is united in her demands in almost all essentials.'⁷³ However, for the I.P.P. the ultimate success or failure of the measure would depend on whether or not the government listened to nationalist opinion when the bill was in committee. John Dillon outlined the prospects of a bill where their voices were ignored:

And if the government should refuse to adopt these amendments, I am convinced that the prospects of their measure will be overclouded, that its fate will be the same as those of its predecessors, and that its passage into law will be followed by fresh agitations and further land bills in the future.⁷⁴

V). Unionist reaction to the bill.

Like their nationalist counterparts the I.U.P.P. emphasised the unique atmosphere that existed in Ireland. On 2 April 1903 a meeting of the Irish unionist members of parliament was held during which they acknowledged that the bill was a sincere effort to solve the land question in Ireland.⁷⁵ Colonel Edward Saunderson, the leader of the party in the House of Commons and also a spokesman for landlords, surmised 'that during the last 800 years such an opportunity has never presented itself as this to the parliament of England'.⁷⁶ To allay fears about financing the bill, he stressed the unity of all classes in Ireland in support of the measure. Saunderson spoke of the uniqueness of the proposal: 'It is the only bill that I ever knew of which induced the hon.[ourable] and learned member for Waterford [John Redmond] to stand up on that side of the house and I on this side of the house to give our approval.'⁷⁷

The I.U.P.P. accepted that the bill had the potential to end the extended Land War and bring about a new era in Irish life. T. L. Corbett, M.P. for North Down, spoke in halcyon tones about the prospects: 'These are days when old men are seeing visions and young men are dreaming dreams of a new era of peace, plenty and prosperity for

⁷³ Ibid., cxxi, 1222 (4 May 1903).

⁷⁴ Ibid., col. 1306.

⁷⁵ *I.T.*, 3 Apr. 1903.

⁷⁶ *Hansard 4*, cxx, 218 (25 Mar. 1903).

⁷⁷ Ibid., col. 217.

Ireland.⁷⁸ While these predictions were genuine they were undoubtedly a way of convincing non-Irish M.P.s that the outlay of imperial credit was justified and worthwhile.

The I.U.P.P. also felt that sections of the bill itself needed to be amended. Like the I.P.P. they too were opposed to the perpetual rent charge and the clause that penalised the minority of the tenants where three-quarters were willing to buy. The 'zone' limits were a cause for concern and the I.U.P.P. also believed that the bill had ignored the plight of agricultural labourers.

Calls to increase the 'bonus' fund were repeated. While John Redmond had thought £15,000,000 would suffice, Charles Craig, M.P. for South Antrim, advocated that it be increased to £20,000,000.⁷⁹ Irish M.P.s were confident that if the 'bonus' to the landlord was sufficiently large, then the tenant would not have to pay higher prices. However, if the 'bonus' was unsatisfactory, landlords would likely hold out for better terms in order to make the sale financially worthwhile. Furthermore, John Lonsdale, M.P. for Mid Armagh, appealed for a time limit to be set on its distribution and for it to be allocated at a fixed rate.⁸⁰

Some I.P.U.P members feared that landlords in the north of Ireland would not be motivated to sell under the bill. In that part of the country there had been little trouble as regards the payment of rent and virtually no agrarian agitation since the Land War. T. L. Corbett stated: 'I fear that in the north, where the tenants have readily paid their rent, and where they are a law abiding and peace loving people, the landlords will not be so anxious to sell as they are in the south and west.'⁸¹

The conciliatory attitude of the I.U.P.P. was no better demonstrated than on the question of the evicted tenants. They were willing to assist the I.P.P. in pressurising the government to help this group. However, they qualified this by stressing that the current occupiers of such holdings, often called 'planters' by nationalists, should not be

⁷⁸ Ibid., cxxii, 105 (7 May 1903).

⁷⁹ Ibid., cxxi, 1464 (5 May 1903).

⁸⁰ Ibid., col. 1412.

⁸¹ Ibid., cxxii, 104 (7 May 1903).

disturbed. Charles Craig was of the opinion that no settlement could be reached until the matter was tackled.⁸²

While the I.P.P. and the I.U.P.P. were unanimous on those sections of the bill that needed to be revised, they disagreed on the effect that the bill would have on the movement for home rule. Redmond and his followers insisted that the measure would not neutralise the movement while the unionists held the opposite opinion. According to John Gordon, M.P. for Londonderry South:

If I thought the union was in any danger here, not only would I not support this bill but I would go much farther, but my belief is that the union will be strengthened by this bill rather than weakened, and I...believe that giving the tenants an interest in their holding, and giving them to understand that they will no longer be subject to interference in their holdings or in the cultivation of them, would have a great tendency to prevent them from continuing to contribute to the keeping up of an agitation which is largely based on agrarian discontent.⁸³

The I.U.P.P. held that home rule would be disarmed by the bill as the agrarian agitation which had fuelled the movement would be pacified.

Aside from the official I.U.P.P. there was the independent unionist T. W. Russell and his followers. By the time that the bill was introduced on 25 March 1903 two other parliamentary representatives had joined Russell. James Wood had triumphed in East Down in 1902 while Edward Mitchell had secured a seat in North Fermanagh just days before the first reading.

As a member of the Land Conference, Russell naturally welcomed the introduction of the new legislation. He hailed the 'epoch making proposals' which it contained and he predicted the dawn of a new era.⁸⁴ However, the absence of compulsion would prove a bitter pill for many of his supporters to swallow. Signs of discontent quickly emerged among his followers. The *Freeman's Journal* reported that at meeting of the executive of the Ulster Farmers' and Labourers' Union in Belfast on 5 April 1903, the absence of compulsion was bemoaned:

There is a growing feeling of disappointment with Mr. Wyndham's land bill...It appears that the members of the union are more convinced than ever that no

⁸² Ibid., cxxi, 1465 (5 May 1903).

⁸³ Ibid., cxxii, 90 (7 May 1903).

⁸⁴ Ibid., cxx, 222 (25 Mar. 1903).

settlement of the land question is possible by means of any bill which does not include the element of compulsion.⁸⁵

However, no public announcement on the matter would be made until after the union's conference on 15 April.

T.W. Russell M.P., Edward Mitchell M.P. and James Wood M.P. all attended the union's conference which had been called to debate the bill. A report by a sub-committee was read which condemned the measure. The report lamented the omission of compulsory purchase and declared that the bill was a deliberate attempt to inflate the price of land. The report concluded with the following statement:

We wish to state emphatically that even with all the alterations and amendments suggested, the bill could never, in our judgement, finally settle the Irish land question, and no measure that is not based on compulsory sale and purchase on fair terms can ever effect such a final settlement.⁸⁶

T. W. Russell cautioned the members of the Ulster Farmers' and Labourers' Union against being overly critical of the bill: '[The bill] was not a popular bill in Great Britain. It could easily be defeated in the House of Commons, it could be still more easily withdrawn by the government.'⁸⁷ Russell counselled that they should present a united front and co-operate closely with the I.P.P. to secure the passage of the second reading and then work for comprehensive amendments during the committee stage. Following Russell's speech, an outright rejection of the bill was avoided and the conference concluded.

The lack of enthusiasm amongst certain sections of the Ulster tenantry seemed to stem from the absence of compulsion. While the demand for compulsory purchase in the south and west had been reinforced by a campaign of agrarian agitation by the U.I.L. no such methods appear to have been adopted in Ulster. The tenants in the province had generally put their faith in parliament passing a compulsory act. With the introduction of a comprehensive voluntary bill it appeared that the tenants in the rest of Ireland would secure the ownership of their holdings. However, in Ulster it was held that landlords would be far less inclined to sell due to the lack of agrarian agitation and the absence of

⁸⁵ *F.J.*, 6 Apr. 1903.

⁸⁶ *I.T.*, 16 Apr. 1903.

⁸⁷ *Ibid.*

delays in the collection of rent. Indeed, even with the ‘bonus’ incentive there was an apprehension that the inducement to the landlords of the province would be insufficient. James Wood, Russellite M.P. for East Down, summed up the anxieties felt by the Ulster tenants:

We recognise that Ulster landlords will not be so willing to sell as they are in the south and west; we believe that they will be the last to go; we believe that in the south and west they have been able to supply their own compulsion, but we in the north prefer or preferred to have compulsion by an act of parliament. In that belief largely the Ulster farmer is doubtful whether or not his representatives should support the bill and see it right through. They have actually expressed the fear that the Irish party, having secured for the farmers in the south and west their holdings...they might wish not to give their aid to the farmers and labourers of Ulster.⁸⁸

The fear that Ulster landlords might not sell their estates was felt within the I.P.U.P also. T. L. Corbett identified the possibility that sales might not occur to the same extent in the province.⁸⁹ Indeed it appeared that the tenantry in the north, who had paid their rents on time and not resorted to agrarian agitation, would actually suffer under the bill while the most troublesome tenants in the south and west of Ireland would secure their holdings.

T. W. Russell, however, acknowledged that there would be landlords who would refuse to sell under any circumstances and he predicted that compulsion would have to be resorted to in these instances. He urged the acceptance of the bill for three primary reasons. Firstly, it represented the beginning of the end for landlordism. Secondly, it was a genuine and comprehensive attempt to further land purchase. Lastly, the unprecedented utilisation of imperial credit, in the form of the £100,000,000 loan and the £12,000,000 ‘bonus’, meant that it was vital that the bill be accepted. Russell warned the supporters of compulsion that they should not disregard the measure because of its absence:

This bill has been born of compulsion. But those of us who have been the strongest in demanding this solution of the question would incur a grave responsibility if we for a moment stood in the way of a government carrying out

⁸⁸ *Hansard* 4, cxxi, 1458 (5 May 1903).

⁸⁹ *Ibid.*, cxxii, 104 (7 May 1903).

a great scheme such as embodied in this bill. What I call the remnant can, and will be, dealt with in due season.⁹⁰

With many of their constituents under the impression that they would have to remain tenants for a number of years to come, Russell and his two parliamentary allies were determined that the present rights of tenants would not be eroded. For this reason they were deeply opposed to the introduction of the clause whereby a section of tenants who did not wish to buy would lose their right to go to the land courts to get a fair rent fixed. The inclusion of such legislation might set a dangerous precedent. The abolition of decadal reductions and the absence of provisions for labourers were also much lamented. Likewise, they were opposed to the perpetual rent charge.

Their main concern, however, focused on the price 'zones'. There was much opposition to the presence of a maximum reduction which the tenant could receive as this ensured there had to be a minimum price that the landlord could obtain. The inclusion of this provision, which was intended to protect the landlord, could adversely affect the tenant in the future. If the 'zones' forced tenants to pay exorbitant prices, they might be unable to pay their annuities in years to come. Consequently, this was a major threat to the security of the state loan.

Russell admitted that it was unrealistic to expect land prices to remain at the same level as they had been under previous acts. The landlords who had been willing to sell under the terms of previous acts had been exhausted, hence the necessity of the bill. However, Russell was determined that the increase should not be such that the tenants were overburdened. Landlords would receive after all a number of what he called 'submerged bonuses' in the bill such as the payment of the costs of transfer and the purchase and resale of the demesne.⁹¹ Under the bill it was proposed that landlords would have the option of selling and repurchasing their demesnes on the same annuity terms as the tenants. As an inducement to ensure that the landlords remained in the country it contained obvious advantages according to M. MacDonagh Bodkin: 'In effect the clause is a provision enabling the landlords to borrow money at a low rate of interest from the treasury on the security of their own mansion houses and demesnes. To the

⁹⁰ Ibid., cxxi, 1283 (4 May 1903).

⁹¹ Ibid., col. 1268-72 (4 May 1903).

encumbered landlord, and in that class the great majority are included, this will be an inestimable advantage.⁹² There was a fear that the government would go too far to safeguard the security of the landlord. This would result in the tenants being shouldered with burdens they would be unable to bear in the future.

VI). The attitude of Irish landlords.

Since the I.P.P. and the I.P.U.P. predominantly represented the views of Irish tenants a separate sub-section was necessary here to outline the response of Irish landlords to the bill. On 24 April 1903 the annual meeting of the Irish Landowners' Convention was held in Dublin. The duke of Abercorn, who chaired the meeting, approved the bill. However, while Abercorn thought that the bill should be accepted, he still retained a number of reservations: 'I cannot say in all sincerity that the bill will solve the problem. It goes a very long way, but that makes it all the more to be regretted that it does not go the whole way. To be quite straight, I am bound to say that it falls short in the matter of money.'⁹³ Abercorn had doubts as to whether the inducements to the landlords were sufficient, especially since he considered that the sale money, when invested, would not produce their current income. As well as that he expressed concerns that tenants would try to hold out for prices that were not feasible.

The convention was willing to support the bill but there were a number of areas where landowners considered that amendments were vital. The O'Conor Don proposed the following successful resolution, for example:

That, while in the opinion of this convention, the provisions of the land bill fall short of the views already placed on record by the convention and by the members of the Land Conference, it is most desirable that all parties in Ireland should accept its principles and assist the government to pass a bill which, if widely made use of, would go further towards the solution of the land question on the lines of voluntary sale and purchase than any other bill which has heretofore been laid before parliament.⁹⁴

A number of amendment's to the bill were passed by the Irish Landowners' Convention at their meeting which they hoped their representatives in parliament would pursue. Lord

⁹² M. McD., Bodkin, 'The Irish Land Question' in *Fortnightly Review*, lxxiii, no. 436 (Apr. 1903) p. 743.

⁹³ *I.T.*, 25 Apr. 1903.

⁹⁴ *Ibid.*

Clonbrock, got a motion passed to either omit or considerably increase the limits in terms of advances to tenants and to change the limits of the 'zones' within which sales could occur. A proposal by Dr. Anthony Trail to maintain the system of decadal reductions as an option to the tenant was also passed. On the question of the 'bonus', Lord Belmore proposed that it should be issued at a fixed rate and not apportioned out according to scale. The earl of Westmeath agreed and declared the 'bonus' ought to be greater. After some discussion it was decided that the 'bonus' should be at least 15 % of the purchase money.⁹⁵

The Land Conference Committee met in private on 28 April under the chairmanship of the earl of Dunraven. The committee consisted of landlords who had helped initiate the Land Conference in December 1902. A sub-committee consisting of Colonel W. Hutcheson-Poe, Colonel Nugent-Everard, the earl of Mayo and the earl of Dunraven was appointed to follow the bill through parliament and to produce any necessary amendments.⁹⁶ The Land Conference Committee wanted to ensure that the purchase money that the landlord received would equal their present rent when invested, that the cash 'bonus' to the vendor would be issued at a rate of not less than 15 % during the first five years, that landlords' legal costs would be paid and that the limit, in terms of the amount of purchase money a tenant could receive to buy their holding, would be enlarged.⁹⁷ The committee also expressed their dissatisfaction with the current condition of the clauses dealing with sporting and shooting rights, fishing rights, turbary and mineral rights.⁹⁸ Dunraven contacted Redmond about co-operating with the I.P.P. while the bill was in committee, in order to present a united front to the government concerning amendments, but the I.P.P. leader declined the offer. According to William O'Brien, Redmond welcomed the offer but refused because he was daunted by the effect such co-operation might have on John Dillon. Dillon was opposed to any co-operation with landlords.⁹⁹

The representatives of the landed gentry in the House of Commons and the House of Lords were prominent in their attempts to address the needs of that class as

⁹⁵ Ibid.

⁹⁶ Ibid., 29 Apr. 1903.

⁹⁷ Ibid.

⁹⁸ Ibid.

⁹⁹ O'Brien, *An olive branch in Ireland*, pp. 233-36.

regards the bill. Like the other Irish representatives, who were predominantly concerned with the interests of the tenants, they were swift to assure the British taxpayer that there was no fear of the Irish tenants repudiating their annuities. The earl of Dunraven vouched for the honesty of Irish tenant-purchasers by declaring that he did 'not believe for a moment that the Irish tenant farmer will ever evince any desire to repudiate'.¹⁰⁰

There was a sense of disappointment among landlords that the 'bonus' fund was not larger and there was a desire that it should be distributed at a fixed rate. The earl of Dunraven advocated 15 %.¹⁰¹ The 'bonus' would hopefully provide the bridge between what the tenant could afford to pay for the purchase of his holding and what the landlord could afford to accept. However, if the 'bonus' was not sufficient to bridge the gap there was greater room for disagreement between both sides as regards price. Sir John Colomb, Conservative M.P. for Greater Yarmouth and landlord spokesman, defended the grant-in-aid to the landlords.¹⁰² He declared:

It is not a dole, it is not a bribe, and it is not a 'bonus'. It is a fund to provide for the payment of the lawyers, costs and conveyance expenses, which are unavoidable. Lawyers must be paid, and when they are satisfied, and the expenses met, very little, I think, will be left out of this £12,000,000 to go into the landlord's pocket as cash to provide interest for the support of his family. I think it will mostly find its way into the lawyer's pocket. Another point which I wish to draw attention to is that when the transaction is complete and the occupier has a reduced rent, having had no disturbance, and no anxiety, the landlord has the anxiety of making and watching investments and of adapting himself to an entirely new condition of things.¹⁰³

The landlords as a class were in favour of the price 'zones'. While the tenants' representatives were quite opposed to the inclusion of a maximum reduction which the tenant could receive, it being the equivalent of the minimum price a landlord could receive, the landlords viewed such a limit as essential. The marquess of Londonderry stressed that a landlord would not sell their lands unless he could secure his current income upon investing the money he would receive from sale.¹⁰⁴

¹⁰⁰ *Hansard 4*, cxxvi, 1185 (3 Aug. 1903).

¹⁰¹ *Ibid.*, col. 1193.

¹⁰² Colomb was a Conservative M.P. and an Irish man. He would take up the role of a representative of the Irish landlords throughout the bills passage through the House of Commons.

¹⁰³ *Hansard 4*, cxxi, 1296 (4 May 1903).

¹⁰⁴ *Ibid.*, cxxvi, 1236 (3 Aug. 1903).

The retention of the sporting and fishing rights in the hands of the landlord was considered essential. The enjoyment of these rights was advocated as one of the sole reasons for keeping the landed gentry in the country once their lands had been sold. Moreover, if the rights were divided up among a host of tenant-purchasers the game would disappear as they would not have the inclination or the resources to manage its upkeep. Similarly, there was a strong belief among the representatives of the landed gentry that they should receive compensation for any future development of any minerals on the land they sold. The earl of Donoughmore felt that it was only fair that the landlord should be entitled to at least 50 % of the profits in any such case where the minerals were developed by the government.¹⁰⁵

On the question of evicted tenants the majority of the landlords' representatives professed a wish to resolve the issue. The removal of such centres of social discontent could only help the operation of the act. John Butcher, Conservative M.P. for York and landlord spokesman, espoused such sentiments:

I have come to the decided conclusion that if you treat the evicted tenants generously, by restoring them as far as possible to their holdings, or finding other holdings for them, you will go a long way to establish that harmony and goodwill which the successful operation of this act depends.¹⁰⁶

However, the landlords were adamant that the interests of the so-called 'planter' tenants were protected. While the evicted tenants were often referred to as the 'wounded soldiers' of the Land War, the 'planters' were seen as the equivalent on the landlord side. Any settlement of the evicted tenants question would also have to ensure that the 'planters' were not discriminated against or pressurised. Indeed, for many members of the landlord class the protection of the 'planters' was regarded as a matter of honour. The earl of Arran espoused the feelings of his class on the matter:

The 'planters' have fought the battle of England in Ireland during the last twenty or thirty years, even at the risk of their lives, certainly at the expense of their own comfort and happiness, and at the expense of the comfort and happiness of their own families. Although I have heard evicted tenants described as wounded soldiers of the war, yet I think these men, although not wounded soldiers, have been the faithful servants of the empire through a very difficult and dangerous

¹⁰⁵ Ibid., col. 1210.

¹⁰⁶ Ibid., cxxii, 98 (7 May 1903).

time, and I think, that unless they are fully protected from all pressure and annoyance, it would be a betrayal of which our posterity would be ashamed.¹⁰⁷

The 1903 land act provided a number of incentives for landlords to sell their estates. The most important were the cash 'bonus', the receipt of the purchase money in cash not stock and the option of selling their demesne and repurchasing it back on the same annuity terms as the tenants. Despite these attractions many landlords felt that the emotional sacrifice involved in the selling of their land was not sufficiently appreciated. The Co. Tyrone landlord, the duke of Abercorn, voiced such sentiments:

To part with an estate that has been in your family for generations, to sever your connection with your tenants with whom you lived on the best of terms, is an unpleasant wrench. Money cannot obliterate the old associations connected with family ties, and I might almost say, with historic connections. To part with the familiar acres, and to receive in lieu thereof money, the investment of which is always attended with anxiety and is never free from risk, is not a very agreeable exchange.¹⁰⁸

For many landlords, particularly those of the older generation, the idea of essentially becoming businessmen and living off the investment of the proceeds of their estate sale was quite unappealing. For men who had spent their lives living off the rent of their estates investment in the world of stocks and shares appeared quite intimidating.

The earl of Dunraven, who would sell nearly all of his Limerick estates under the act, was intensely aware of the emotional attachment that many landowners felt towards their land:

Ought no account to be taken of the enormous sacrifice of sentiment that they will have to make? Is it reasonable to tell me that the Irish landowners are the only Irishmen who attach no importance and have no love for the soil? No man will part with a light heart, or with anything but a very sore and sad heart, broad acres which have descended to him from father to son for generations and centuries.¹⁰⁹

For many the sale of their land signalled the end of a way of life which had existed for centuries. The world of business and trade, often viewed as unfit for a gentleman, must have seemed daunting for landowners who were often inexperienced and untrained in its traditions.

¹⁰⁷ Ibid., cxxvi, 1217-8 (3 Aug. 1903).

¹⁰⁸ Ibid., col. 1170.

¹⁰⁹ Ibid., col. 1189.

Lord Oranmore and Browne was keen to emphasise that many members of his class had no inclination to sell their lands:

I protest strongly against the suggestion that this bill is a boon to the Irish landlords. We have no wish to part with our property. In many cases our estates have been held by the same families for centuries, and we have the same affection for our old homes as your lordships feel for your houses in this country. We do not wish to become a sort of glorified villa residents enclosed in our own park wall, and separated in sympathy from the outer world, but we wish to live as Irishmen among Irishmen.¹¹⁰

The fear that the sale of their estates would leave them isolated and separated from society was a prominent one. Oranmore and Browne's foreboding that landlords would become detached from society was quite evident. The demesne wall would become a barrier and separate landlords from their fellow Irish men. Others such as Sir Algernon Coote, were quite content with their income from rents and there had been little agrarian unrest on his estate. He confided to Lord Clonbrock in early 1903 that he was 'not the least anxious' to sell his property.¹¹¹ Judge William O'Connor Morris, a landlord in King's County, was completely opposed to any scheme of voluntary purchase. He considered the bill to be little more than 'pernicious agrarian quackery, pregnant with many and far-reaching evils'.¹¹²

Many Irish landlords, however, simply viewed their position as untenable. Despite their sentimental attachment towards their lands, many held that their occupation was no longer profitable or viable. The earl of Dunraven neatly summed up their position:

If landlords attach so much importance to ownership, why are they willing to sell at all? They are willing to sell because the present system in Ireland is a system not only ruining them, but ruining and demoralising the whole country, checking and crippling her industry and smothering all her aspirations.¹¹³

The earl of Westmeath highlighted that since land purchase had become official government policy the position of his class had become increasingly difficult:

¹¹⁰ Ibid., col. 1201-2.

¹¹¹ Sir Algernon Coote to Lord Clonbrock, 17 Feb. 1903, (National Archives of Ireland [hereafter cited as N.A.I.], Clonbrock papers, MS 35,774 (7)).

¹¹² William O'Connor Morris, 'The Irish land bill' in *Nineteenth century and after: a monthly review*, liii, no. 315 (May 1903), p. 721.

¹¹³ *Hansard* 4, cxxvi, 1189 (3 Aug. 1903).

Since the abolition of dual ownership was adopted by the government, our position has become every day more unsatisfactory, dangerous and untenable. We are now only limited rent chargers on the properties we once absolutely owned, and that small rent charge is diminishing so rapidly that in many cases it has almost reached a vanishing point.¹¹⁴

British fears that the Wyndham Act was a raid on the treasury would have been confirmed by the duke of Abercorn's view of the matter in April 1903. Despite his unionist beliefs the duke was willing to join with the nationalists to obtain the best terms possible for his class: 'In my opinion the nationalists and ourselves should work together in order to get as much money as possible out of the treasury, and if we are successful in helping the tenant farmers the representatives of that class may also be willing to help us.'¹¹⁵

While the movement for compulsory purchase, pushed by T.W. Russell in Ulster and by the U.I.L. in the south and west, had been instrumental in the creation of Wyndham's bill the measure would remain a voluntary one. There was no legal compulsion on the landlord to sell his lands. During the second reading of the bill in the House of Lords Lord Clonbrock stressed that there was 'no moral obligation on the landlord to sell'.¹¹⁶ The voluntary nature of the bill was essential for landowners. It gave them the freedom to sell if and when they wished. In addition, they could attempt to negotiate what they viewed as a reasonable price for their lands unlike a compulsory measure where the fixing of the price would almost certainly be outside their control.

It was feared that many landlords would have no reason to remain on in Ireland once their estates were sold. Lord Oranmore and Browne opined that this would result in a serious financial and cultural loss.¹¹⁷ Lord Castletown of Queens County took a slightly different view of the effect the bill would have: 'In my opinion the present generation may live on in Ireland, but I cannot help thinking that the next generation will not do so. I think the old homes will then pass into the hands of others - rich merchants, rich solicitors and other persons of wealth.'¹¹⁸ While southern landlords such as Lord Oranmore and Browne and Lord Castletown were pessimistic about the future of their

¹¹⁴ Ibid., col. 1224.

¹¹⁵ Duke of Abercorn to Lord Clonbrock, 4 Apr. 1903, (N.A.I., Clonbrock papers, Ms 35,774 (7)).

¹¹⁶ *Hansard* 4, cxxvi, 1245 (3 Aug. 1903).

¹¹⁷ Ibid., col. 1202.

¹¹⁸ Ibid., col. 1250-51.

class, the earl of Belmore, an Ulster landowner, believed that if they could sell without incurring a loss of income then landlords would remain on in the country.¹¹⁹ Likewise the marquess of Londonderry thought there was a hope among all sections of the community that the landlords would not leave the county but would rather remain on in the land of their birth.¹²⁰

VII. George Wyndham's struggle to get the bill to the committee stage.

Before the bill entered the committee stage Wyndham outlined three key challenges facing it. Firstly, congestion and the question of uneconomic holdings would have to be addressed. Secondly, the expense and delay associated with land and the judicial process would have to be eradicated. Thirdly, the British taxpayer could not be overburdened financially as a result of the measure.¹²¹

Wyndham readily admitted that the introduction of the bill was poorly timed. Owing to the expense of the Boer War and the calls for further investment in the army and navy there was little enthusiasm for such an outlay of imperial credit in Ireland. However, a unique situation had arisen in Ireland following the Land Conference. Wyndham outlined the position as follows:

After a great war, when £250,000,000 have been added to the national debt, when taxation stands at a higher figure than it has stood since our great struggle with Napoleon - that is not the moment which any minister, with a due sense of the situation would have chosen to bring forward a bill of this kind. Yes, but think of the occasion in Ireland. Has not the tragedy of the past in the relations of the two countries always been the occasion in Ireland did not synchronise with the occasion in England? Must not great reasons be adduced if we are to let so marked an occasion go by without profiting from it?¹²²

Wyndham emphasised that both landlord and tenant representatives had met and had negotiated, what was essentially, a peace settlement. He hoped to convince parliament and the British public that a rare opportunity to finally settle the Irish land question was before them.

¹¹⁹ Ibid., col. 1204.

¹²⁰ Ibid., col. 1240-1.

¹²¹ Ibid., cxxii, 143 (7 May 1903).

¹²² Ibid., col. 130.

It was estimated that advances to tenant-purchasers would cost the British government some £100,000,000. Wyndham, mindful of the administration's misgivings, called attention to a couple of details. Firstly, he pointed out that most Irish tenant-purchasers, under previous acts, had been most conscientious in repaying their annuities and he foresaw little trouble in that respect. Secondly, he emphasised that, in the case of the repudiation or failure to pay annuities, the losses would be recovered from Irish finances. Thus the loan of around £100,000,000 would be covered by what the chief secretary called the moral and cash securities.¹²³

Stressing that the British state had a responsibility to tackle the problems within Irish agricultural society and that it was necessary to do so if progress was to be made on the wider Irish question, Wyndham sought to justify such a vast expenditure at such an inopportune time. The chief secretary and the prime minister, A.J. Balfour, sold the bill as the final solution to the Irish land question. On its second reading, Wyndham indicated that he held a different view to that of John Redmond. Redmond held that the measure would not be a final solution, whereas Wyndham hoped that the legislation would finally settle the Irish land question.¹²⁴ Wyndham's personal promotion of the bill as the final solution, though, was instrumental in winning over non Irish-M.P.s and the British public. Likewise the prime minister, A.J. Balfour, had stressed the finality of the bill to the king in March 1903:

This is a very far reaching measure; and the Irish government are sanguine that it will settle for all time the Irish land difficulty. The objections to it arise from the fact that it makes a heavy call on British credit...The cabinet are clearly of opinion that in the interests of a great policy minor difficulties must be ignored.¹²⁵

The question of home rule was unavoidably linked with the bill. The chief secretary faced criticism from members of his own party who feared that the legislation would introduce home rule by the backdoor. Such suggestions were flatly denied by the government. The prime minister, A. J. Balfour, considered such fears to be unfounded as the bill aimed to resolve a long standing social problem:

¹²³ Ibid., col. 138-9.

¹²⁴ Ibid., col. 145-6.

¹²⁵ A.J. Balfour to King Edward VII, 10 Mar. 1903, PRO CAB 41/28/5 cited in Campbell, 'The making of the Wyndham Act', p. 771.

Well, the bill is not intended to make people loyal. I admit that. It is not intended to turn home rulers into unionists. I admit that. But it is intended to take away one of those sores which fester and which aggravate every political movement which might otherwise be innocuous.¹²⁶

Therefore, the bill could be regarded as part of the Conservative policy of 'killing home rule with kindness'. By attending to Ireland's social and economic problems, it was hoped that the movement for home rule would be disarmed. By facilitating wide scale land purchase, remedying congestion and creating economic holdings, the causes of the agrarian agitation which had helped fuel the home rule movement would be removed. It was assumed that the Irish tenant-purchasers, who had previously formed the backbone of the movement, would lose interest in the campaign for self-government once their land concerns had been met.

The Conservative government was keen that the landed gentry remain on in the country after sale where they would hopefully come to the fore in the fields of agriculture and industry. The removal of the poison that had been the Irish land question from Irish life would hopefully bring to an end the social disharmony that had plagued Ireland. Wyndham neatly summed up the position in the country:

We can prolong for another 100 years, for another 150 years, a tragedy... which is indeed the more tragic because it is thin and long drawn out. Or we can today initiate, and henceforth prosecute, a business transaction... based in common with all sound and hopeful transactions upon the self esteem, the probity, and mutual good will of all concerned... All interests - landlord and tenant, nationalist and unionist, British and Irish, can hope for no tolerable issue to any view, constitutional, political, economic, which they severally may cherish until, by settling the Irish land question, we achieve social reconciliation in Ireland.¹²⁷

It was hoped that the bill, if successful in resolving the land question, would also remove the barriers which had heretofore existed between landlords and tenants. This would allow the other economic and social problems on the island to be tackled in a conciliatory spirit. One should be mindful that the bill was, in part, an attempt to save the landed gentry. Wyndham was a member of that class and had numerous family connections with Irish land and landed families. By 1903 the ownership of Irish estates no longer guaranteed a healthy financial investment and the ownership of land was no

¹²⁶ *Hansard* 4, cxxi, (4 May 1903).

¹²⁷ *Ibid.*, cxx, 208-9 (25 Mar. 1903).

longer a prerequisite for an involvement in politics. More importantly the influence exerted by the Irish landed gentry over Irish government had greatly declined. This new land bill, however, offered the landed gentry a chance to escape the millstone which the ownership of Irish land had become, while obtaining a beneficial financial settlement in most cases.

Issues outside of Ireland had an impact on the bill. Approximately half a million British troops had fought in the Boer War. This had proven a lengthy and costly campaign, with costs exceeding £222,000,000. A number of war loans, totalling £135,000,000, had been raised by the chancellor of the exchequer, Sir Michael Hicks-Beach, to provide the finance to defeat the Boers. Much of the Boers' homeland was devastated after the conflict, and a grant of £3,000,000 was provided by the government towards reconstruction and the restocking of farms.¹²⁸ In addition, expenditure on the army and the navy continued to rise. The arms race with Germany, that would prove so significant in the lead up to World War I, was already in its infancy. When all these considerations are taken into account it is little wonder that Wyndham found it difficult to gain support for a loan of over £100,000,000, not to mention the free 'bonus' fund of £12,000,000. British minds were focused on more economy of finance than on the furtherance of land purchase in Ireland.

George Wyndham introduced the land bill in the House of Commons on 25 March 1903. The days and weeks leading up its first reading had proved difficult for the chief secretary and he confided to his cousin Wilfrid Scawen Blunt about the struggle he had had with the cabinet. Blunt wrote:

He told me what a desperate fight he had had to get it adopted by the cabinet and how nearly it had more than once been wrecked... it was only the splendid support given him by Arthur Balfour that had carried the day, as I understand him, by a single vote against [Joseph] Chamberlain's opposition.¹²⁹

With the cabinet's support uncertain, it was feared that the measure would have to be dropped, particularly if Wyndham failed to emphasise its importance as the solution to the land question in Ireland. With the secretary of state for the colonies, Joseph

¹²⁸ Sir Robert Ensor (ed.), *The Oxford history of England 1870-1914* (Oxford, 1992 ed.), pp. 345-50.

¹²⁹ Wilfrid Scawen Blunt, *My Diaries part II. 1900-1914* (London, 1922), p. 45.

Chamberlain, and his supporters waiting in the wings for the first sign of trouble, Wyndham truly felt he was 'fighting for his [political] life'.¹³⁰

The period between the bill's first reading on 25 March and its second reading on 4 May was of paramount importance to its fortunes. At the meeting between W. S. Blunt and George Wyndham, it was agreed that Blunt should act as a messenger between the chief secretary and John Redmond in order to secure the safe passage of the bill.¹³¹ Wyndham faced intensifying resistance from many of his government colleagues as Blunt recorded in his diary:

Everything had worked out most fortunately till parliament met in the spring. Then the financial difficulties had begun... But for Ritchie [chancellor of the exchequer], the whole thing would have had to be abandoned as involving the government in ruin... What I gather from George is that the Liberal Unionists opposed the bill. The duke of Devonshire, Lords Lansdowne and Londonderry, and probably also Broderick and Lord George Hamilton, all these being Irish absentee landlords or representing them.¹³²

There was considerable opposition among members of the government at the prospect of £112,000,000 being spent in Ireland. Devonshire, Lansdowne, Londonderry, Broderick and Hamilton and Joseph Chamberlain were all members of the cabinet.¹³³ Their opposition was potentially lethal. It was imperative, therefore, that Wyndham communicate with Redmond so as to prevent any indiscretion on the part of the I.P.P. which might threaten the bill. A rash statement would provide the opposition with the pretext to move the withdrawal of the bill. Wyndham's view of the situation and the necessity of Blunt's role as intermediary was highlighted further in Blunt's diary:

Since the first reading... one of the most representative members of the old tory phalanx had been to Arthur Balfour and had represented to him that much of the bill is hard to swallow, and that the only thing that makes it possible for them is

¹³⁰ Ibid., p. 45.

¹³¹ Ibid., pp 45-46.

¹³² Blunt, *My Diaries part II. 1900-1914* p. 46. At first Charles Ritchie was not overly keen on a land purchase bill involving a considerable outlay of British credit and especially the 'bonus'. However, following Wyndham's recommendation he paid a visit to Ireland where he was given a tour of some of the poorest and most desolate areas of the country. The visit by the chancellor of the exchequer seems to have won him over to the necessity of a land purchase bill on generous terms. For a more detailed and rather humorous account of the trip see Elizabeth, countess of Fingall, *Seventy years young* (Dublin, 1991 edition), pp 280-82.

¹³³ The duke of Devonshire was lord president of the council in the House of Lords, the marquess of Lansdowne was foreign secretary, the marquess of Londonderry was president of the board of education, William St. John Broderick was secretary for war and Lord George Hamilton was secretary for India.

the idea that the settlement is a *final* one of the whole land quarrel, and that unless the Irish members will declare in this sense there will be a revolt. The situation, therefore, is very critical, and if you can do anything to make the Irish leaders understand how not only I [George Wyndham] but the whole cause of Irish land legislation may be wrecked by a lack of discretion on this particular lead you will be doing a good service... I have twice thought of my own resignation and political ruin a certainty, and it may be so yet.¹³⁴

The financial aspects of the bill proved contentious among several cabinet members. While the £100,000,000 set aside to enable tenants to purchase would eventually be paid back over approximately sixty-eight and a half years in the form of annuities, the £12,000,000 'bonus' to landlords proved less acceptable. Although £12,000,000 was the maximum sum Wyndham had been able to secure from the treasury, privately he had grave doubts as to whether or not it would prove a sufficient inducement to landlords to enable a complete transfer of the land to the tenants. Needless to say, he did not voice these misgivings, and publicly he maintained that this huge outlay of British credit would finally solve the Irish land question. The matter required great delicacy and any demands from Irish M.P.s, such as calls to increase the 'bonus', could have led to its collapse. Wyndham's words were recorded by Blunt:

Of course I quite understand that the present vote may really not be quite enough, and perhaps in a few years three or four millions may be necessary. But when the time comes and the thing has proved a success nobody will then grudge a supplement. Only to declare now that it is only an instalment and not final would ruin everything and we could not pass the bill.¹³⁵

On 1 April 1903 Blunt described a lunch with John Redmond. Redmond was sympathetic to Wyndham's position but confided to Blunt that he had serious problems of his own: 'I quite understand Wyndham's difficulties, but you must believe me when I say mine are quite as great. There is a party in Ireland headed by Dillon and Archbishop Walsh that is determined to go against the bill.'¹³⁶ With the national convention to consider the land bill fixed by the U.I.L. for 16 April 1903, those members who did not support the bill were liable to cause trouble. For these reasons Redmond readily agreed

¹³⁴ Blunt, *My Diaries part II. 1900-1914* pp 46-47.

¹³⁵ *Ibid.*, p. 47.

¹³⁶ *Ibid.*, p. 48. William Walsh was ordained in 1866 and was made Archbishop of Dublin in 1885. He was renowned for his involvement in public life.

that Blunt should act as an intermediary between Wyndham and himself to secure its safe passage. It would have been dangerous for Redmond and Wyndham to have been seen publicly collaborating. It would have provided the opposition with further ammunition. He also appreciated the point that Wyndham had conveyed to Blunt concerning the importance of presenting the bill as a final solution to the land question:

I [John Redmond] saw Wyndham yesterday evening, and he said something about the necessity of accepting the bill as final, not as an instalment, and I am entirely in accordance with all he said. Of course the bill will require amending, but I will do my best to get it through, and let the English imagine if they like that they are doing a fine and generous thing. But we can't stop the talk. I can depend thoroughly on William O'Brien who thinks exactly as I do about it, and all our parliamentary party, even John Dillon, who I know does not like the bill. He would be quite loyal to us. The difficulty is outside. Davitt is a land nationaliser, and is altogether opposed, and so is Archbishop Walsh.¹³⁷

On 3 April 1903 Wyndham spoke in Manchester as a guest of the Manchester Conservative Club. He declared that the Irish people understood the bill to be a genuine attempt to solve the land question and he emphasised that there was no danger of the annuities being repudiated in the future.¹³⁸ There was a fear that the non-payment of annuities might be used as a political weapon by the nationalists in years to come. Such fears stemmed from the Land War of the 1880s and particularly the Plan of Campaign when rents were withheld. On 6 April Blunt met with Wyndham in London. He showed him a letter that he had received from Redmond outlining the amendments to the bill which would probably be sanctioned at the national convention on 16 April.¹³⁹ Wyndham was amenable to most of the proposed amendments but was adamant that the 'bonus' could not be increased. He told Blunt: 'I fear that any attempt and above all any attempt *now*, to increase the £12,000,000 would give a *dangerous* advantage to those in England who are hostile to the whole plan. *I think this is a great danger*'.¹⁴⁰ Wyndham was clearly coming under increasing pressure from Joseph Chamberlain who suspected that he was in direct contact with the nationalists.¹⁴¹ Blunt considered:

¹³⁷ Blunt, *My Diaries part II. 1900-1914* p. 48.

¹³⁸ *I.T.*, 4 Apr. 1903.

¹³⁹ Blunt, *My Diaries part II. 1900-1914* p. 49.

¹⁴⁰ *Ibid.*

¹⁴¹ *Ibid.*

It was certain that the great danger for the bill lies in him [Chamberlain]... [although] he will find it difficult to oppose it openly now, but his jealousy of George's success may make him oppose it secretly, and he will be without scruple. The truth of the matter is that the land bill is supported now in the cabinet by Arthur Balfour and the Tories. It is opposed by the liberal unionists. Chamberlain has held an ominous silence since his return from South Africa.¹⁴²

On 25 April John Redmond visited Blunt and discussed the recent national convention. Redmond confided that Davitt, upon realising that the bulk of the members opposed him, was forced to adopt an amenable attitude to the bill. He declared that '[Thomas] Sexton was still a considerable danger, as he was clean against the bill... he and the Archbishop [Walsh], and Davitt and, if they could get him, John Dillon, when he returned from Egypt, would make a very strong combination'.¹⁴³ With the second reading of the bill scheduled for 4 May, it was crucial for Redmond that Wyndham adopted a positive attitude towards amendments, so as not to give any opportunity to those opposed to the bill on the nationalist side.¹⁴⁴

Blunt wrote that Wyndham agreed to 'adopt as conciliatory a tone as he dares about the amendments'. The bill's future was far from assured and Wyndham believed that Chamberlain in particular would seek to sabotage the bill given the opportunity.¹⁴⁵ John Redmond visited W.S. Blunt again on 30 April and Wyndham's cousin recorded their conversation:

He [John Redmond] tells me John Dillon is back from Egypt, very much opposed to the bill. He does not want reconciliation with the landlords, or anything less than their being driven out of Ireland. He will not, however, do anything 'shabby' in opposing the bill. But it makes the situation more difficult. Sexton is 'bitterly opposed', and has the *Freeman* to back him and Archbishop Walsh... Such being the case, there are certain points Redmond *must* press at the second reading, the chief of which is the withdrawal of the 30 and 40 per cent limit of reduction [in the 'zones']; but he will not insist upon an augmentation of the 'bonus', though in reality the twelve millions will not prove enough.¹⁴⁶

On 1 May 1903, Blunt visited Wyndham, and communicated to him Redmond's thoughts. Wyndham agreed to make some concession at the committee stage but could

¹⁴² *Ibid.*, pp 49-50.

¹⁴³ *Ibid.*, p. 50.

¹⁴⁴ *Ibid.*

¹⁴⁵ *Ibid.*

¹⁴⁶ *Ibid.*, p. 51.

not promise anything at the second reading.¹⁴⁷ The chief secretary's room to manoeuvre had been severely restricted as a result of a recent cabinet meeting. According to Blunt Wyndham had told him that:

there had been a new cabinet council, at which his enemies, Chamberlain and the rest, had raged, and he had been obliged to give a promise that he would give no pledges whatever to the Irish party before the second reading, nor hold any communication with them.¹⁴⁸

Later on that day Blunt met with Redmond and relayed what Wyndham had told him.

On 2 May William O'Brien visited Blunt to discuss the bill. O'Brien announced that he would push for the 'bonus' to be distributed at a fixed rate of 15 %. This caused Blunt great concern as Wyndham had confided to him that the 'bonus' 'was one of the most dangerous points, as Chamberlain is lying in wait to demand a withdrawal of the bill if the twelve million limit is threatened, also George believes, Hicks-Beach'.¹⁴⁹

The solicitor-general for England, Sir Edward Carson, heightened tensions upon giving a speech at Oxford University. Filling in for the chief secretary who was ill, he appeared to dismiss the bill. *The Times* reported that he declared:

That he should give to it the *minimum* of his support, and he should do so because of his official position, and for the simple reason that he knew no other alternative. Having said so much, he would pass away from the land bill, and in doing so he should look forward to the next one.¹⁵⁰

It was abundantly clear from this report that not all government members were as enthusiastic about the land bill as Wyndham. The precarious position of the bill during the period between the first and second readings was further emphasised by Liberal criticism. George Lambert, M.P. Devon, South Molton, taunted the prime minister, A. J. Balfour, commenting that he was afraid to discipline Sir Edward Carson for his poor public support of the measure, because any hostile criticism from a government minister would prove to be the bill's undoing.¹⁵¹

Early on the morning of 5 May, before the second reading debate commenced, John Dillon visited W.S. Blunt and expressed his views on the bill. According to Blunt:

¹⁴⁷ *Ibid.*, p. 52.

¹⁴⁸ *Ibid.*

¹⁴⁹ *Ibid.*, p. 53.

¹⁵⁰ *The Times*, 4 May 1903.

¹⁵¹ *Hansard* 4, cxxi, 1401-8 (5 May 1903).

He spoke last night in support of the bill, but he tells me that but for loyalty to his party he should be inclined to oppose it in committee, and vote against it on the third reading. His view is that it is useless trying to get the landlord class on the side of nationalism, that they would always betray it when the pinch came, that the land trouble is a weapon in nationalist hands, and that to settle it would be to risk home rule, which otherwise *must* come... He should, however, of course, support it, since it had been decided to do so, for the one thing for Ireland was union in the parliamentary party.¹⁵²

The following day, W.S. Blunt recorded in his diary that he felt the second reading would pass without a hitch, owing to the fact that the opposition from the Tories in cabinet, and especially from Chamberlain, had lessened.¹⁵³

On 15 May George Wyndham spoke at a meeting of the Christchurch and Bournemouth Conservative and Liberal Unionist Association where he reiterated his belief that the bill would finally settle the land question and hence usher in a new era in Ireland.¹⁵⁴ On the same day Joseph Chamberlain gave a speech in Birmingham expressing his preference for imperial protectionism as opposed to free trade. The issue of fiscal policy was to be a very divisive one in Balfour's government throughout the land bill's passage through parliament.¹⁵⁵ Indeed, the issue of free trade versus imperial preference threatened to split the cabinet. Chamberlain received a lot of support from the Conservative members on the ground while the older leaders such as Devonshire, Ritchie and Hamilton opposed him. Throughout the summer Balfour managed to avoid a split and attempted to come to some compromise between both sides. However, in September and October, prominent figures from both camps including Chamberlain, Ritchie, Hamilton and Devonshire resigned and Balfour was forced to reshuffle his cabinet. Wyndham tried to avoid taking sides on the issue and he attempted to play the role of peacemaker between both sides in order to ensure that the land bill would not be jeopardised.

¹⁵² Blunt, *My Diaries part II. 1900-1914*, p. 54.

¹⁵³ *Ibid.*, p. 54.

¹⁵⁴ *I.T.*, 16 May 1903.

¹⁵⁵ See Ensor, *England 1870-1914* pp. 371-76 and Blunt, *My Diaries part II. 1900-1914* p. 58.

VIII). Conclusion.

George Wyndham's 1903 land bill had two main objectives both of which were regarded as equally important - to facilitate land purchase and to relieve congestion. By changing the focus from rent-fixing to land purchase the country would be relieved of the volume and expense of continuous litigation. On the other hand there was little point in stereotyping congestion and uneconomic holdings by land purchase. Hence it was vitally important that uneconomic holdings were enlarged with untenanted land so that they would be good security for the tenant loan and an economically viable farm.

Although George Wyndham refuted claims that his bill was a 'landlord relief' measure there certainly was an element of truth in the accusation. As a member of the landed gentry who had many family connections with Ireland and Irish estates Wyndham was perfectly placed to influence the circumstances of the landed gentry. The bill had the potential to free landlords from perpetual litigation, while enabling them to escape from the Irish land question with a sum of money, which when invested would provide them with their present incomes. With the prospect of compulsory purchase looming in the future under a Liberal government the bill was a lifeline for the Irish landed gentry.

The request, for a massive loan of approximately £100,000,000 and a gift of £12,000,000 in the form of the 'bonus' fund from the treasury, came at an inopportune time. The Boer War had proved decidedly expensive and economy of finance was the catch-cry of the day. Wyndham, however, with the close support of the prime minister, A. J. Balfour, managed to overcome significant cabinet opposition to his bill.

Two main factors were decisive in enabling the bill to advance to the committee stage with its finance intact. Firstly, the result of the Land Conference was an extraordinary fusion of public opinion in Ireland in favour of an immediate peaceful settlement of the land question. The virtually unanimous support of all shades of Irish opinion in favour of the bill could not be ignored by the government. The principal landlord and tenant organisations signalled their support for the measure which further strengthened Wyndham's hand. The unity of opinion prevented the enemies of the bill within the Conservative party and elsewhere from openly opposing it.

Secondly, the bill was propagated as the final solution to the Irish land question. By promoting it as a conclusive measure British fears that imperial credit would be dangerously hypothecated were soothed. This helped the British public and their parliamentary representatives digest the more unpalatable sections of the legislation.

The issue of home rule was unavoidably entangled up with the bill. As unionists Wyndham and Balfour were loath to introduce legislation which might undermine the union. However, despite their avowals that the bill was necessary in order to relieve a social sore in Ireland and was justified no matter its impact on home rule, there seems little doubt that it was a further step in the policy of killing home rule with kindness. A contented peasant proprietorship in Ireland would rob the nationalist agitators of the train that had previously pulled the home rule carriage. The creation of peasant-proprietors and the relief of congestion would hopefully increase the benefits of the union in the eyes of the tenant-purchasers.

Opposition to the bill among the two main British parties was centred predominantly on the financial aspects particularly the extent to which the imperial credit was pledged. There was a fear that the tenant-purchasers would be unable to repay their annuities in the future or that the nationalists would use the repayment of annuities as a political weapon. There was a suspicion of the new-found unity between nationalists and unionists which suggested that an Irish raid on the treasury was on the cards. Opponents of the bill on all sides, both in Ireland and England, were also irate at the opportunities available to landlords under the bill. The incentives such as the 'bonus' and the clause enabling them to sell and repurchase their demesne on easy terms were quite repugnant while the new system of price 'zones' appeared to secure higher prices for the landlords.

As the committee stage approached both nationalists and unionists, while in favour of the bill in principle, hoped to propose various amendments to the measure. Areas such as the price 'zones', the perpetual rent charge and the absence of decadal reductions were particular aspects that both sides wished addressed. However, the nationalists hoped to obtain extensive amendments in the sections concerned with the 'zones', the C.D.B., evicted tenants and labourers while the unionists were more concerned with land purchase issues. In the House of Lords the representatives of the

Irish landlords stood ready to uphold the interests of their class once the bill had passed through the Commons. Therefore, as the debates which would forge the bill in committee drew near, all the Irish interests hoped to obtain beneficial amendments while the non-Irish M.P.s were intent on keeping a keen eye on the measure's finance.

CHAPTER THREE: THE PARLIAMENTARY DEBATES THAT FORGED THE WYNDHAM LAND ACT, 1903.

D. Introduction.

The bill's passage through parliament followed a preordained course. The first and second readings in the House of Commons essentially introduced the measure. The speeches up to this point addressed a range of issues relating to the Irish land question. It was not until the committee stage that the content of the bill was examined in detail. The basic principles upon which the measure would operate were thrashed out and the bill's machinery was also fine-tuned. After the committee stage the bill, as amended, was reported to the house where M.P.s could attempt to effect last minute changes. Finally the bill received a third reading. This, in effect summarised the proceedings which had gone before, and it provided a forum whereupon all members could express their hopes and fears for the measure.

Once the bill had passed through the House of Commons, it proceeded to the House of Lords. The procedure in the second house was virtually identical to that in the Commons. The bill enjoyed a first and second reading before entering the committee stage which was followed by the report stage and the third reading. Any amendments which the Lords made to the proposed legislation went back to the Commons for consideration. The Commons could either accept or reject the proposed changes. Contentious issues or amendments usually passed from one house to the other until they were teased out.

The purpose of this chapter is to examine the debates that forged the Wyndham Act. The debates in parliament shed light on the Irish land question. The bill was portrayed as an attempt not just to further land purchase but to solve the land question. What exactly was the land question in 1903? While land purchase was an essential ingredient in any solution, the bill aimed to tackle the underbelly of the question. Congestion, evicted tenants, untenanted land and the labourers' question were all matters that needed to be addressed. By scrutinising the discussions of these contentious issues the background to the act can be understood.

II). The Estates Commission.

Under the bill a new body was established within the Land Commission known as the Estates Commission. It consisted of three commissioners, Frederick Wrench, Michael Finucane and William Bailey whose job was to administer the operation of the act. The three commissioners were under the general control of the lord lieutenant of Ireland who at the time was the earl of Dudley. Wrench was already a land commissioner and a member of the C.D.B. In addition, he was a member of the Privy Council of Ireland. Finucane was an Irishman who had served as the Director of Agriculture and the Commissioner of the Presidency of Bengal. He had worked under Sir Anthony MacDonnell for many years in India and may have been given the post on MacDonnell's recommendation. The third member of the new body, William Bailey, was already an assistant commissioner in the Land Commission. Just prior to the introduction of the bill his report on the condition of tenant-purchasers under previous land acts had been published.¹

Once the names of the three commissioners were made public Wrench was labelled as a landlord man while Finucane was seen as the champion of the tenants. Bailey held a somewhat neutral position between the two. The debates concerning the appointed commissioners were dominated by the questions of salary and of tenure. Upon the introduction of the bill it was found that the three commissioners were not being paid the same salary. Frederick Wrench was to receive a wage of £3,000 a year compared to the two other commissioners who were to receive £2,000 a year. Wrench's salary was to come out of the consolidated fund (civil servants were usually paid out of this government fund) making him immune to parliamentary criticism, unlike the other two commissioners. Bailey and Finucane were removable at the pleasure of the government of the day. The exact nature of Wrench's tenure was not disclosed during the committee stage in the Commons.

The I.P.P. were suspicious of Wrench and felt he was being placed in a position of superiority over the two other commissioners. They objected to him remaining as a member of the C.D.B. As John Dillon outlined the future of the bill

¹ *Hansard 4, cxx, 198-9 (25 Mar. 1903)*. For William Bailey's work see *Report by Mr. W. F. Bailey, legal assistant commissioner, of an inquiry into the present condition of tenant purchasers under the land purchase acts (92) H.C. 1903, lvii, 333*.

'depended to an enormous extent on the method of administering it' and thus the I.P.P. were determined that all three commissioners should be put on an equal footing.² John Dillon proposed an amendment to put the three estates commissioners on an equal basis in terms of salary and position. While it was vital that the commissioners had some security of tenure so as to resist the pressures of prominent landlords or public opinion, Wrench appeared to hold a superior tenure to the other two commissioners who would be hamstrung by the terms in which they held their position. T. M. Healy warned of the consequences of leaving Finucane and Bailey on a less secure tenure than Wrench:

With the influence of the constant hammer-hammer of society in a little island where everyone was known, and where the telescope and microscope of public opinion were on everyone, were these gentlemen to be given a scavenger's tenure?...But if the estates commissioners were to be the merest shadows, whose breath was to depend on the thunders and vetoes of the House of Lords, they might as well appoint the three greatest landlord partisans in Ireland. No man could stand up in Ireland against debates by influential men.³

Wyndham was keen that the three commissioners should remain in an administrative capacity and not in a judicial one. According to the bill all cases dealing with law were to be referred to the judicial commissioner. He was willing to have all three open to criticism in parliament and intended that their tenure should be similar to civil servants:

[They] should be subject to the criticism of parliament...and he [George Wyndham] would see that it was carried into effect. His suggestion was that it should be made clear that the estates commissioners were an administrative and not a judicial body, and their action in that capacity could be reviewed on the estimates year by year. Their tenure, he thought, should be the tenure of the civil service. [John Dillon] suggested that there should be a levelling up as regards salaries: but he would prefer not to discuss that suggestion. [Wyndham and the treasury thought] that £2,000 was an adequate salary for the work... The salary which a man received did not add weight to his influence in council.⁴

T. M. Healy's suggestion to give the commissioners terms of office similar to a county court judge was rejected by Wyndham as he felt that that would make the process judicial which he wished to avoid. Wyndham's reluctance to alter Wrench's salary

² *Hansard 4*, cxxiv, 1010 (30 June 1903).

³ *Ibid.*, col. 1014-5.

⁴ *Ibid.*, col. 1013.

seems to be linked to the fact that Wrench was being paid out of the consolidated fund. The change of service could result in a loss of earnings as it might involve the alteration of Wrench's pension.

The I.P.P. were adamant that Finucane and Bailey ought not to be removable at the pleasure of the government of the day but that their conduct should be open to criticism in parliament. Eventually Wyndham consented to find a means of enabling the salaries of all the commissioners to appear on the parliamentary votes hence permitting all three to be open to criticism in parliament.⁵ John Dillon heralded the announcement as satisfactory but felt the issue of 'bringing the other two commissioners to an equal *status*, as regarding their tenure still had to be resolved.⁶ Although he was ready to facilitate the three members having the same status, hence making all three accountable to parliament, Wyndham refused to accept equality of emolument.⁷

Under the act, which became law on 1 November 1903, important questions of law could be forwarded to a judicial commissioner by the estates commissioners. Under clause seventy-one, the judicial commissioner, if he saw fit, could pass on a question of law to the high court.⁸ Where the estates commissioners considered an issue inconsequential, an appeal could be lodged with the high court to have the matter referred to a judicial commissioner. The high court's decision was final.

The procedural rules under which the clauses dealing with land purchase would operate were drawn up by the estates commissioners and the judicial commissioner, after taking counsel with the president of the Incorporated Law Society of Ireland. These rules were subject to ratification by the lord lieutenant. Regular reports of the dealings of the estates commissioners were required to be presented to parliament.

In order to defray the costs of sale, the vendor was not charged for advertisements, publications or any work carried out by the Land Commission or its employees.⁹ Any sales to the estates commissioners provided the option for the owner to employ his agent, clerk or solicitor to work out the terms of the sale. Where no

⁵ *Ibid.*, col. 1036-7 (1 July 1903).

⁶ *Ibid.*, col. 1038.

⁷ *Ibid.*, col. 1039-40.

⁸ Irish Land Act, 1903, [3 Ed. VII, c. 37.] (14 Aug. 1903), 71.

⁹ 'Provisional rules under the Irish Land Act, 1903 (Sections 1 to 23), 23 October, 1903', cited in Cherry and Maxwell (eds), *Irish Land Acts*, pp 1173-4.

recommendation was put forward, the estates commissioners could appoint people to negotiate the sale. Those put forward to negotiate the sale were paid by the Land Commission at a set price or percentage of the purchase money. In the case of direct sales between landlord and tenants, where the owner employed an agent to negotiate the sale, his fee would come out of the purchase money.¹⁰ Interestingly, stamp duty and registration fees were not required to be paid to the treasury under the act.¹¹

III) The system of price 'zones'.

Of all the bill's clauses few were as controversial or as bitterly contested as those that determined the purchase price. Clause one provided a guide in the form of a system of price 'zones'. When the bill was introduced the 'zones' applied to both non-judicial and judicial tenants. Judicial tenancies referred to those holdings whose tenants had gone to the land courts and had had their rent adjusted. Non-judicial tenants were those who had never gone to the land courts to have a judicial rent fixed. Since the passing of the 1881 Land Act rents could be examined every fifteen years. The price 'zones' operated as follows; where a judicial rent had been determined since the passing of the 1896 Land Act (15 Aug. 1896), known as a second term rent, the annuity that the tenant would have to repay could not be less than 10 % or more than 30 % below his current rent. Where a judicial rent had been determined before 15 August 1896, it was known as a first term rent and the tenant's annuity could not be less than 20 % or more than 40 % below his current rent. Once an agreement occurred within the relevant bargaining 'zone' the estates commissioners were obligated to sanction the advances without examining the land in terms of security for the advance or as regards price. The 'zones' did not apply to congested estates bought by the estates commissioners or land purchased by the C.D.B. It was hoped that the 'zones' would accelerate the processing of sales by avoiding time consuming inspections.

Early in the committee stage in the House of Commons, John Redmond called for the *maximum reductions* a tenant could receive in his current rent (40 % on a first term rent and 30 % on a second term rent) to be omitted from the measure and for the

¹⁰ Irish Land Act, 1903, 23.

¹¹ *Ibid.*, 49 and 50.

minimum reductions a tenant could receive to be increased to 15 % on second term rents and 25 % on first term rents respectively. If a second term tenant only got the *minimum reduction* of 10 % in his rent he would have to pay the maximum price allowed under the bill. Similarly, if the tenant got the *maximum reduction* in his rent of 30 % he paid the minimum price allowed. Therefore, the lower the reduction in rent the higher the price the tenant paid.

Redmond felt that the *minimum reductions* a tenant could receive had to be retained in order to protect both the tenant and the state. Without a limit on the *minimum reduction* of rent a tenant could receive, there was a danger that the tenant would pay a price that would prove too great a burden for him to repay. As long as there was a *minimum reduction* in rent there could only be a certain maximum price the tenant could give. Redmond sought to protect the tenant further and thus the security of the state loan, by increasing the *minimum reduction* a tenant could receive. The leader of the I.P.P. advocated the omission of the *maximum reductions* because a tenant had to pay at least the minimum price in order to buy his holding, even though the landlord might be willing to sell at a lower price than the minimum price stipulated by the bill. He believed such interference was absurd in a voluntary measure and that the successful operation of the act depended upon the outcome of the debate on the 'zones'.¹²

Under the 1896 act, a system of decadal reductions had been introduced to help tenants repay their annuities. Opposition to the 'zones' was reinforced by the absence of these reductions in Wyndham's bill. The abolition of the decadal reductions was seen as increasing the burden on the tenant-purchasers. If they were forced to pay high prices under the 'zones' they would not have the benefit of reductions which had been of great assistance under previous acts.

Conservatives such as Ernest Flower, M.P. for Bradford West, called on the chief secretary to keep the limitations as they were so as to ensure the smooth operation of the act. Many English M.P.s were keen for the 'zones' to remain unchanged, as they hoped to provide better security for the £100,000,000 that was being provided. Moreover, land

¹² *Hansard* 4, cxxiii, 983-88 (15 June 1903). The *Freeman's Journal* had created a huge furore over the price 'zones' claiming that they would inflate the price of land. Therefore, in an attempt to disarm the newspaper Redmond moved to omit the 'zones'. This led to a division which broke the unity of the supporters of the measure, one of the key reasons it was being accepted by British members, for the first time. See O'Brien, *An olive branch in Ireland*, pp 237-38.

purchase had ground to a halt mainly because landlords had stopped selling under the existing legislation. The 'zones' would hopefully encourage landlords to sell as they would be guaranteed a certain minimum price.¹³

Like his party colleague Herbert Robertson, landlord spokesman, argued that the 'zones' were essential for the fluid operation of the act:

If they were once abandoned, the position between the landlords and the tenants would be so vague that he himself did not anticipate that they would come to any agreement at all. The great advantage of the 'zones' was that they pointed to both landlords and tenants what the effective limit of their power was: it did not leave it perfectly indeterminate as to what was to be sold and bought.¹⁴

Conservative M.P. and landlord spokesman, John Butcher, thought that the price 'zones' were very important as they would ensure that bargains were made more quickly and would save the landlord a considerable amount of legal expense. Under the bill bargains within the 'zones' would be automatically approved unlike previous acts where there was delay as the agreement had to come before the Land Commission to be approved.¹⁵

The Conservative M.P. and landlord spokesman, Sir John Colomb, urged the government not to accept Redmond's amendment:

In expressing that hope, he echoed the universal demand of the Irish landlords that the government should adhere to the zone principle. The hon. member for South Tyrone [T. W. Russell] spoke as if every landlord was a devil, and every tenant an angel. As a matter of fact, landlords and tenants were very much of a muchness in looking after their own interests.¹⁶

As far as landlord spokesmen like Colomb were concerned the minimum and maximum reductions were included to guard the landlords against agrarian agitation. Without the 'zones' the bill would not function and friction would arise on many estates.¹⁷

William O'Brien, however, held the opposite view to Colomb. He felt that the inclusion of the 'zones' would lead to agrarian agitation. He foresaw a disaster in the making for the state if tenants were beguiled into making bargains which they would be unable to keep in times of future hardship:

¹³ *Hansard* 4, cxxiii, 988-90 (15 June 1903).

¹⁴ *Ibid.*, col. 1011.

¹⁵ *Ibid.*, col. 1015-7.

¹⁶ *Ibid.*, col. 997.

¹⁷ *Ibid.*, col. 998-9.

Hon. members could not realise what a powerful attraction the prospect of any reduction of rent was. Large bodies of tenants would risk anything to get some immediate relief, and the danger of these improvident bargains would apply principally to the poorest and most defenceless class of the community.¹⁸

O'Brien felt that the minimum reduction that a tenant could receive in his rent ought to be kept on and if possible increased as it safeguarded both the state and the tenant.¹⁹

John Murphy, M.P. for Kerry East, drew attention to some of the problems that the 'zones' would create and made the point that:

The poorer class of tenants in certain districts were to a large extent dependent on the intelligence of the larger and better class. It would be easy for the larger class of tenants to give a larger price for their holdings, and it might be supposed that they, acting on the dictates of human nature, would be inclined to argue the poorer classes into bargains which, before many years were passed, they would have reason to regret.²⁰

Since all of the tenants on an estate sold under the act would have to give the same number of years' purchase, based on their rents, the danger identified by Murphy was a very real one. Once the price agreed upon was within the 'zones' there was no inspection by the Estates Commission. It was quite feasible that wealthier tenants on an estate would agree to terms which would be detrimental to those less well off. In subsequent years those poorer tenants might find the repayment of their annuities impossible.

Thomas Shaw felt that the Liberal opposition was in complete sympathy with the Irish M.P.s on the amendment. He found it very peculiar that the government 'should propose a hard and fast line in regard to the price for every variety of Irish land'.²¹ Like many English M.P.s he held it was imperative that the tenant made a bargain that enabled him to be so prosperous enough as to guarantee his ability to pay his annuities, thereby indirectly ensuring the security of the exchequer.

The Liberal M.P. for North Tyrone, Charles Hemphill, argued that the price 'zones' was the most vital area of the whole bill. However, he was in favour of omitting the maximum reduction a tenant could receive in his rent. Hemphill was concerned that

¹⁸ Ibid., col. 1000.

¹⁹ Ibid., col. 1000-01.

²⁰ Ibid., col. 1007.

²¹ Ibid., col. 1004.

tenants might agree to a high a price which they would not be able to repay in the future, thus the minimum reduction provided some security:

Care must be taken that the burden accepted by the tenant was not too heavy for him. As this bill now stood without any provision for decadal reduction the tenant-purchaser undertook for sixty-eight and a half years to pay a fixed immutable rent, immutable no matter how prices fell or how bad times might be. He would have no means of escape from his obligation except by surrendering his holding. He should not, therefore, be allowed to agree to pay an extravagant price.²²

By the second day of the committee stage debates the dispute over the price 'zones' had still not been resolved and the passage of the bill actually looked to be in danger. John Dillon regarded the situation as particularly grave:

If this most important amendment from the Irish benches was defeated in the lobby by English votes with the overwhelming preponderance of the Irish representatives in favour of it - if this amendment proposed by the leader of the Irish nationalist party and supported by a majority of the Irish unionists in this house, were to be defeated by an English vote, he asked the chief secretary to consider what would be the effect of such a proceeding upon the tone and the temper in which the further consideration of this bill would be carried on.²³

Despite Dillon's warning the leader of the I.U.P.P. and landlord spokesman, Colonel Edward Saunderson, urged the government to keep the price 'zones' as they were and to ignore John Redmond's amendment:

The proposed limits were vital to the settlement. It was necessary that the transactions should be carried through as quickly and as efficiently as possible, and by a fixing of these limits the long, tiresome, and costly examination by the Land Commission, which was the great difficulty in land purchase, would be done away with.²⁴

The chief secretary, George Wyndham, argued that the British taxpayer and the large corporations with investments in Irish land had to be considered as well as the landlords and tenants: 'He admitted that they had not given to the tenants of Ireland decadal reductions, but short of that, they had given the tenants everything recommended by the [land] conference'.²⁵ In addition, Wyndham put forth a number of

²² *Ibid.*, col. 1019.

²³ *Ibid.*, col. 1062 (16 June 1903).

²⁴ *Ibid.*, col. 1078.

²⁵ *Ibid.*, col. 1088.

important advantages of the 'zones'. He believed that in the absence of maximum reductions that the tenant could receive in his rent, landlords and tenants would end up back in the land courts and no bargains would occur. Similarly, if there were no minimum reductions that the tenant could receive in his rent, a situation could arise where the terms of the bargains on two neighbouring estates were very different. This could potentially lead to unrest and agitation. While unable to abolish the maximum reduction or increase the limits regarding the minimum reduction Wyndham did offer a concession. He declared himself ready to listen to reasonable arguments that certain classes of tenants be left out of the 'zones' system.

The I.P.P. were determined to force John Redmond's amendment to a division of the Commons if necessary and considered that Wyndham's refusal to alter the zone limits was endangering the bill. Redmond pleaded with him to take into account that apart from two or three M.P.s all the Irish representatives in the Commons, both nationalist and unionist, were in favour of the amendment.²⁶ The independent nationalist M.P. for North Louth, T. M. Healy, questioned whether or not some other member of cabinet such as Lord Londonderry was preventing Wyndham from accepting the virtually unanimous will of the Irish members.²⁷ The I.P.P. felt that the chief secretary was being pressurised by the solicitor-general for England, Sir Edward Carson, and the attorney-general for Ireland, John Atkinson, both of whom were known to unenthusiastic about the bill. Dennis Kilbride M.P. for South Kildare, for example, observed that Wyndham 'looked very much like a man suffering from gross intimidation' while Jeremiah MacVeagh, M.P. for South Down, believed that the chief secretary was being bullied by Irish landlords such as Lords Clonbrock, Ardilaun and Londonderry.²⁸

The Liberal opposition M.P.s called on the government to listen to the opinions of the Irish M.P.s asserting that if some change to the 'zones' was not accepted many M.P.s would seriously consider withdrawing their support for the bill altogether.²⁹ The Liberal M.P. John Morley revealed that many Scottish and English M.P.s were only supporting the bill because they believed Irish members considered it a final settlement

²⁶ *Ibid.*, col. 1094-97.

²⁷ *Ibid.*, col. 1104-9.

²⁸ *Ibid.*, col. 1145.

²⁹ *Ibid.*, col. 1097-9.

of the land question. If the clause was passed in opposition to the Irish M.P.s who felt it would restrain the bill's operation, then Morley and other Scottish and English members would have to consider withdrawing their support for the measure.³⁰

With Russell asserting that the House of Commons was 'at a parting of the ways on the question', Wyndham reaffirmed that he could not accept John Redmond's amendment but would allow non-judicial tenancies to be exempt from the 'zones' if that would help the house come to an agreement.³¹ However, Redmond rejected his concession for not being substantial enough. With neither side willing to concede ground the house went to the division lobby. John Redmond's amendment, to omit the maximum reductions that a tenant could receive on his rent and to increase the minimum reductions a tenant could receive on his rent to 15 % on first term rents and 25 % on second term rents, was defeated by 217 votes to 176.³² However, the government did accept an amendment by T. W. Russell to exclude non-judicial tenants from the 'zones'.³³

Before the third day of debates on the 'zones' resumed a meeting of a number of M.P.s took place in the opposition lobby. According to William O'Brien, John Redmond, John Dillon, Edward Blake, M.P. for South Longford, T. P. O'Connor and himself were present. O'Brien described the proceedings as follows:

Mr. Dillon then renewed a proposal he had already made to Mr. Redmond, that, as soon as committee on the bill was resumed, Mr. Redmond should get up and move the adjournment of the debate. Some of us were really stricken dumb by a proposition of such moment made within half an hour of the resumption of the debate, and without any notice to the special committee appointed by the party to supervise the arrangements in committee. Mr. Redmond acted in the emergency with an admirable decisiveness, not altogether exempt from indignation. 'Why', he said, 'if our action is not to be a sham, Wyndham will immediately get up and agree, and announce the withdrawal of the bill'. Dillon muttered something to the effect that it would be a small loss. Mr. Redmond at once replied, 'Dillon, ill do nothing of the kind. If you want to move the adjournment and lose the bill, you will have to do it on your own responsibility'... Mr. Redmond's firmness had its effect. Mr. Dillon shrank from the terrific responsibility of carrying out his own suggestion, and the debates proceeded.³⁴

³⁰ Ibid., col. 1109-10.

³¹ Ibid., col. 1113.

³² Ibid., col. 1148.

³³ Ibid., col. 1151-55.

³⁴ O'Brien, *An olive branch in Ireland*, p. 238.

The debate over the 'zones' had given opponents of the bill, such as Dillon, an opportunity to destroy the conciliatory atmosphere which had existed between all sides. Indeed the bill never came so close to collapse as it did on the question of the 'zones'.

On the third day of the committee stage in the Commons John Redmond raised the contentious issue of the 'zones' again. He proposed an amendment to increase the minimum reduction on second term rents that a tenant could receive from 10 % to 15 %. His belief was that the limit was too low and that some tenants might be persuaded to purchase at an inflated price. T. C. Harrington, M.P. for Dublin Harbour, attempted to stress the significance of the decision before them:

In future the tenant would not have assistance from his landlord, which was now given in many cases. He would not be allowed voluntary abatement. His rents would not be allowed to run into arrear: and the question which the committee had to consider was, not in the average of cases but in extreme cases, what was the minimum of reduction the instalment should represent.³⁵

The Conservative M.P. and landlord spokesman, Sir John Colomb, was opposed to the amendment and indicated that Irish landlords felt that a minimum reduction of 10 % on second term rents was a sufficient security for the state and an increase might discourage some of the more substantial landlords from selling.³⁶ He was supported by other landlord representatives such as John Butcher and Colonel Saunderson.

The chief secretary, George Wyndham, also refused to accept the amendment because an increase in the minimum reduction that a tenant could receive in his rent would mean that landlords would be unfairly deprived of a couple of years' purchase in the region of bargaining. In addition, Wyndham regarded a 10 % reduction on second term rents as a sufficient security for the state.³⁷ Redmond's amendment was forced to a division and was defeated by 217 votes to 175.³⁸

Unperturbed by the defeat John Redmond moved yet another amendment on the issue of the price 'zones'. He proposed to increase the maximum reduction on second term rents that a tenant could receive from 30 % to 40 %, asserting that since the government refused to abolish the maximum reduction altogether he would attempt to

³⁵ *Hansard* 4, cxxiii, 1205 (17 June 1903).

³⁶ *Ibid.*, col. 1198-1200.

³⁷ *Ibid.*, col. 1207-9.

³⁸ *Ibid.*, col. 1218.

improve them as much as possible.³⁹ Wyndham refused to accept this amendment also and elaborated as to why:

His main defence of those 'zones' was that if they abandoned them, or even altered them materially, they would inevitably go back to the procedure of the Landed Estates Court. Even if the amendment were to be carried, when they came to work the bill did anyone suppose that the great English societies, who had large sums of money invested in Irish land... [would] on hearing that their property was jeopardised, move for an injunction to restrain the sale of properties at a figure which would imperil their securities.⁴⁰

A possible solution to the impasse emerged in the form of an amendment by Henry E. Duke, Conservative M.P. for Plymouth, which proposed to give the Land Commission the discretion, upon inquiry, to allow sales to go ahead if both the landlord and tenant agreed to terms that granted more than a 30 % reduction in the second term rents.⁴¹ The commotion over the question of the 'zones' continued to threaten the future of the bill. There was a serious possibility that the measure would be dropped unless a compromise was reached. With stalemate in the Commons attempts were made outside of parliament to surmount the difficulties which imperilled the bill.

On 18 June, for example, Colonel Saunderson was one of the guest speakers at a dinner of the United Club in London where he commented on the land bill. Saunderson highlighted the danger that the bill faced from some nationalists: 'A certain section of home rulers, led by Mr. Dillon and Mr. Sexton, however, desired to wreck the bill, but any man who took that course in connection with such a promising measure would incur a terrible responsibility.'⁴²

William O'Brien, seeking to stress the dangerous nature of the situation to the government wrote a memorandum which Redmond in turn conveyed to the chief secretary:

If the bill is to be saved, the government ought to realise at once that the acceptance of Mr. Duke's amendment is the very least that, in the opinion of its best friends in our party, can avert a disaster. If the present attitude of obstinate insistence on the 'zone' limits is persisted in, nothing can prevent a series of angry debates, which will make it impossible to proceed with the bill. Mr.

³⁹ *Ibid.*, col. 1221.

⁴⁰ *Ibid.*, col. 1223.

⁴¹ *Ibid.*, col. 1278.

⁴² *I.T.*, 19 June 1903.

Wyndham will make a fatal mistake if he thinks that the Irish hostility to clause I is a game of bluff. The opposition to the bill is intense, and is rapidly growing uncontrollable. Some of us have been straining our influence to prevent its showing itself in a much more dangerous form than anything that has occurred yet.⁴³

The day after O'Brien's memorandum reached Wyndham the Irish Landowners' Convention met in the Westminster Palace Hotel. The consensus of the convention members was that the 'zones' ought to be retained unaltered as presented in the bill. The earl of Dunraven, who was not a member of the convention, attended and made an impassioned plea to the convention members not to jeopardise the bill by ruling out any compromise on the 'zones'. The situation was saved by the late arrival of the duke of Abercorn, the president of the convention, who managed to convince those present to accept Henry E. Duke's amendment.⁴⁴ On the 23 June, the parliamentary sub-committee of the Land Conference Committee met and the meeting was chaired by the earl of Dunraven. The committee pronounced that they were in favour of Duke's amendment thus providing a huge boost to the nationalist supporters of the bill.⁴⁵

On the same day, just before the committee stage resumed in the House of Commons, John Redmond met with George Wyndham at W. S. Blunt's London residence in an attempt to resolve the issue of the 'zones'. Blunt described the outcome of the secret meeting as follows:

The final agreement was that George should adopt the Duke amendment or something like it, as his own: that Redmond should express his satisfaction with it, and his belief that it would be accepted as satisfactory in Ireland: and that no other amendment should be pressed to a division. Redmond next brought up the evicted tenants question, and here, too, they came, after some fencing, to an amicable agreement.⁴⁶

The committee stage recommenced then with the acceptance of an amendment by Wyndham, similar to Duke's, by which bargains outside the 'zones' limits could be ratified in certain cases. The concession was welcomed by the I.P.P. leader John Redmond, who stated that he felt most of their concerns had been met:

⁴³ O'Brien, *An olive branch in Ireland*, p. 240.

⁴⁴ Ibid., pp. 242-43. See also the earl of Dunraven, *Past times and pastimes vol. II* (London, n.d.), pp 21-22.

⁴⁵ *J.T.*, 24 June 1903.

⁴⁶ Blunt, *My Diaries part II. 1900-1914*, pp 59-60.

Under the clause as it now stands a number of tenants, who he calculated at about half the tenantry of Ireland, would be excluded from the operation of the 'zone', the only tenants to whom the 'zone' would apply being the judicial tenants [who]...would now be free to make any bargain they liked with their landlord. If the bargain fell within the 'zone', the purchase would take place without delay or inquiry: if it fell outside the 'zone', the bargain would be sanctioned...after due inquiry into the security for the loan on the one side, and into the equities of the case on the other.⁴⁷

After a considerable number of M.P.s rising to congratulate Wyndham for unearthing a solution to the issue, the amendment was passed.

Wyndham's concession on the 'zones' was viewed with considerable scepticism by Irish landlords in the House of Lords. Lord Clonbrock proposed an amendment which he hoped would arrest the relaxation of the 'zones' which had occurred in the Commons. He proposed an amendment which he hoped would clarify when a farm could be sold outside the 'zones'.⁴⁸ Many landlords in the House of Lords held that the bill had been tarnished by the chief secretary's concessions. The earl of Westmeath argued that the amendment would help those landlords in the west of Ireland: 'He and others who lived in the west of Ireland believed that great attempts would be made to make this the rule and not the exception, and therefore they regarded the amendment as affording them a certain amount of protection.'⁴⁹

The lord president of the council in the House of Lords and Conservative government representative, the duke of Devonshire, felt that very little could be gained from the amendment. He held that since the bargain had been agreed to outside the 'zones' that proved it was an exceptional case and it would be of little benefit to force the commissioners to declare that publicly.⁵⁰ The earl of Dunraven hoped that Clonbrock would drop his amendment elaborating:

All the transactions which came within the 'zone' were sanctioned without any inquiry, but if they fell without the 'zone', they would have to be inquired into and settled after hearing all the persons interested and if the commissioners were satisfied that the price agreed upon was equitable. That was perfectly clear and

⁴⁷ *Hansard* 4, cxxiv, 414 (24 June 1903).

⁴⁸ *Ibid.*, cxxvii, 7 (6 Aug. 1903).

⁴⁹ *Ibid.*, col. 9.

⁵⁰ *Ibid.*, col. 7-8.

distinct, but if the commissioners had also to decide whether a holding was exceptionally circumstanced or not, he did not know how they would do it.⁵¹

Clonbrock felt compelled to force a division of the House of Lords as he held that if the clause remained unamended tenants might resort to making deals outside the 'zones' as the norm.⁵² Clonbrock's amendment was defeated by 59 votes to 58.⁵³

Undeterred, Lord Clonbrock moved another amendment to compel the Land Commission to state the reasons for allowing a sale to go ahead if the price was outside the 'zones' limits.⁵⁴ The duke of Devonshire opposed this amendment as it would actually be harmful to the landlord as the 'specific reasons would be taken advantage of by anyone who wished to agitate in the direction of reducing the instalments beyond the limits provided in the 'zones''.⁵⁵ However, after further discussion, the amendment was passed 64 votes to 61.⁵⁶ Thus clause one, as amended, was passed.

Under the act, as passed by parliament, clause one dealt only with judicial tenancies and advances where an estate was being sold. Under the 1903 act, land was to be sold by estates and not by individual holdings as under previous acts. An 'estate' was defined in clause ninety-eight as 'any lands which the estates commissioners may declare fit to be regarded as a separate estate for the purposes of this act'.⁵⁷ This allowed the landlord to sell portions of his land and townlands or even a couple of holdings could be declared an 'estate' under the act.

The estates commissioners had to ascertain that the tenant was in occupation of his holding and there were restrictions as to how much could be advanced to a single purchaser.⁵⁸ Sales of judicial tenancies outside of the 'zones' limits could be endorsed by the estates commissioners once certain conditions were fulfilled. They had to be certain that the security for the loan to the tenant was adequate and after providing an opportunity for any party with an interest in the estate to be heard, through a notice in

⁵¹ Ibid., col. 9.

⁵² Ibid., col. 10.

⁵³ Ibid., col. 12.

⁵⁴ Ibid., col. 13.

⁵⁵ Ibid., col. 13-14.

⁵⁶ Ibid., col. 16.

⁵⁷ Irish Land Act, 1903, 98 (1).

⁵⁸ There is no definition of 'tenant' in the Wyndham Act. Under the Land Law Act, 1881, 57, 'Tenant' is defined as a person occupying land under a contract of tenancy, and includes the successors in title to a tenant'.

the *Dublin Gazette*,⁵⁹ they could authorise the sale so long as they considered the price was fair.⁶⁰ In each 'estate' sale the estates commissioners kept an index of people who were obliged to be notified once they had accepted the vendor as someone entitled to sell under the act, and of persons claiming an interest in the estate.⁶¹ Where a holding was occupied by more than one tenant the estates commissioners had the power, if they deemed it necessary, to divide the holding and the rent between the parties.⁶²

Tenants of non-judicial holdings, who had never got a judicial rent fixed in the land courts, could secure an advance for all or part of the purchase money. In the case of judicial tenants, the advance had to equal the purchase money whereas non-judicial tenants could also pay part of the purchase money in cash. However, the commission had to be content that the price was fair and that there was sufficient security for the advance.⁶³

IV). The 'bonus' and the financial clauses of Wyndham's Land Bill.

The financial clauses of the bill, though numerous and complicated, received scant attention during the committee stage in the House of Commons. Most were passed without debate primarily owing to time constraints. Earlier clauses such as the 'zones' had been discussed at such length that the financial clauses had to be rushed through. This may explain why the financial structure faced collapse within five years. Under the bill the landlords were to receive a grant-in-aid upon the sale of their 'estate'. As mentioned earlier this grant-in-aid quickly became known as the 'bonus' although the word does not appear in the act at all. This variance in terminology is highly significant in itself. Grant-in-aid suggests the money was simply in aid of facilitating the sale

⁵⁹ 'Provisional rules under the Irish Land Act, 1903 (Sections 1 to 23), 23 October', rule 22, cited in Richard R. Cherry and T. Henry Maxwell (eds), *The Irish Land Acts, 1903 and 1904* (Dublin, 1906), pp 1168-9.

⁶⁰ See Cherry and Maxwell (eds), *The Irish Land Acts, 1903 and 1904*, p. 1054.

⁶¹ 'Provisional rules under the Irish Land Act, 1903 (Sections 1 to 23), 23 October', rule 39, cited in Cherry and Maxwell (eds), *Irish Land Acts*, p. 1172.

⁶² Irish Land Act, 1903, 1. 'Where there are holdings upon an estate so large that the purchase price would exceed the limit mentioned in sub-section 4, [£7,000] a possible method of carrying out the sales... might be found by selling a portion of the holding to the tenant himself under this sub-section, [three] and the remainder to his sons, or to any of the other classes of persons mentioned in section 2. The tenant's consent would, of course, be required for such partition and sales'. See Cherry and Maxwell (eds.), *The Irish Land Acts*, p. 1054.

⁶³ Irish Land Act, 1903, 5.

whereas the word 'bonus' has connotations of bribery. This grant-in-aid or 'bonus' would provide the impetus for sales. Stanislaus J. Lynch, a land commissioner, would recollect in 1912 that the 'abnormal increase in the number of applications' in the early years of the Wyndham Act 'was largely due to the desire of landlords to secure the 12 per cent 'bonus' provided by the... act'.⁶⁴ The cash 'bonus' went to the vendor, who could use it as he wished. It was not subject to estate charges unless the estate was in the land judge's court or the purchase money failed to cover all the encumbrances. The 'bonus' was to provide the bridge between what the tenant was willing to pay and what the landlord was able to accept. In addition, it would assist those landlords whose estates were subject to legal difficulties.

The debate centred principally on the 'bonus' and the percentage that it was to be allocated at. Some English M.P.s were particularly anxious about the bill's finance. Liberals such as George Lambert failed to see how the issue of guaranteed land stock at 2 ¾ % could raise the cash for a huge loan of approximately £100,000,000 or the £12,000,000 grant-in-aid fund.⁶⁵ The potential for loss appeared quite high especially if Irish land stock was issued considerably below par (where £100 of stock raised below £100 in cash). Lambert moved an amendment to issue the land stock needed to provide the loan for land purchase at 3 % instead of 2 ¾ % (investors in the stock would receive a higher return of 3 % as opposed to 2 ¾ %). He explained that Irish land stock at that moment stood at ninety-two meaning that for every £100 worth of stock issued, £92 in cash would be raised: 'If they took the present price at 92, that meant a loss of £8 on every £100 to be raised.'⁶⁶ The losses on the flotation of stock were to be covered by the Irish Development Grant which consisted of £185,000 annually. It was supposed to go towards Irish education and other development projects. Lambert argued that the grant would be insufficient to cover the annual losses on the issue of stock and held that it should be used for Irish education anyway: 'His own impression was that the rate was put at a low level in order to artificially increase the price of land in Ireland.'⁶⁷

⁶⁴ Stanislaus J. Lynch, *Land purchase in Ireland in Ireland. A retrospect and a forecast. Address read before the Statistical and Social Inquiry Society of Ireland. 29th November, 1912* (Dublin, 1912), p. 4.

⁶⁵ See chapter five for how the issue of guaranteed 2 ¾ % land stock was to provide the finance for land purchase.

⁶⁶ *Hansard* 4, cxxiv, 1088 (1 July 1903).

⁶⁷ *Ibid.*, col. 1088.

The Conservative M.P. Gibson Bowles was in agreement with Lambert. He judged that there was inadequate security for the loan and he predicted that the British taxpayer would suffer as a result. While promising not to impede the bill's passage, he summed up his feelings on the matter:

It was an invidious thing to utter a discordant note when two sides of the house so seldom in agreement were ready to fall upon each other's necks and embrace each other. If he were to describe the present condition of things from the fiscal point of view, he should picture up a remote and inaccessible cave in which a band of brigands was engaged in cutting the throat of the British taxpayer, and complaining that he did not bleed to death quickly enough.⁶⁸

The fact that the stock for the Transvaal loan, to help restock and rebuild farms after the second Boer War, was issued at 3 % gave rise to much scepticism as regards the feasibility of issuing Irish land stock at 2 ¾ %. English M.P.s such as Gibson Bowles feared that the British taxpayer would suffer in the future from the bill's reckless finance. They feared that the finance for the bill was based on political and emotional grounds when it should have been structured on a purely economic basis.

Wyndham disagreed stating that the matter had been investigated and that the treasury would not have assented otherwise. He outlined his view of the situation:

The hon. member seemed to think that the difference would fall perpetually on the Irish Development Grant. That was not so. Assuming the loan as floated at £95 or even £92, the interest on the difference was to be paid at the same rate as the repayment by the purchaser-viz., at sixty-eight and a half years. It would be found that the charge would not fall as a heavy burden on £185,000 a year. He apprehended no difficulty on that score... The hon. member had challenged his estimate of the security of the whole transaction, and had asked him only to lend the money to Ireland at 3 per cent... They had felt it their duty to Ireland, to this country, and to the empire to lend the money at the lowest possible rate.⁶⁹

The chief secretary concluded by adding that he could not accept Lambert's amendment as it would fundamentally alter the financial basis of the whole measure. With no chance of success Lambert withdrew his amendment. Despite their reservations the vast majority of English M.P.s were content to support the measure owing to the unparalleled unity amongst the Irish M.P.s.

⁶⁸ Ibid., col. 1091.

⁶⁹ Ibid., col. 1090.

Liberal unrest over the generous treatment of the landlords emerged in the person of Thomas Aston. He moved to leave out the sub-section creating the £12,000,000 grant-aid-fund. He protested against the 'bonus' and compared the British taxpayer to 'the voice of one crying in the wilderness'.⁷⁰ Aston represented the feelings of many English M.P.s who felt that the Irish landlords were generally being treated munificently, the 'bonus' apart. If the measure were compulsory there would have been no need for such an outlay of British credit: 'He [Aston] looked upon this compensation as a bribe to satisfy the House of Lords, who always looked after the interests of their friends'.⁷¹

Aston's fellow Liberal, Francis Channing, supported Aston's amendment. Channing determined that compulsory purchase would have been a far better option. He concurred with Aston that the 'bonus' was effectively a bribe to landlords to sell:

They all knew perfectly well that such proposals would never have been made or supported but for the fact that the Irish landlords exercised a controlling influence in another place [House of Lords], and were thus able to dictate the terms on which the any bill should pass.⁷²

The terms that the Irish landlords would receive did not just antagonise English M.P.s. The independent nationalist M.P. for South Leitrim, Jasper Tully, saw the measure 'as a landlord relief bill' and judged that the landlords would receive exorbitant prices.⁷³ John Dillon, who was becoming increasingly vocal in his opposition to the Wyndham Act, admitted that he 'had a sneaking sympathy for the views put forward by the supporters of the amendment' but felt that they should accept the inclusion of the 'bonus'.⁷⁴

Wyndham dismissed compulsory purchase as an impractical option as highlighted by the massive majority received by the bill on its second reading. He considered that 'an integral principle of that scheme was that a 'bonus' of £12,000,000 must be supplied by the general taxpayer to meet the drop in the income of the landlords which was inevitable under any system of land purchase in Ireland'.⁷⁵ As the inclusion of the 'bonus' was the key-stone of the bill Lambert's amendment was defeated without a division of the house.

⁷⁰ Ibid., col. 1096.

⁷¹ Ibid., col. 1097.

⁷² Ibid., col. 1099.

⁷³ Ibid., col. 1101.

⁷⁴ Ibid., col. 1100.

⁷⁵ Ibid.

At first it was intended that the 'bonus' would be distributed in an inverse ratio to the purchase money. In order to ensure that tenants did not pay excessive prices and to accelerate the rate of purchase John Redmond moved to increase the 'bonus' to 15 % of the purchase money for all landlords who purchased in the first five years of the act's operation. All Irish M.P.s, both nationalist and unionist, expressed themselves in favour of a time limit. Despite the unanimous opinion of the Irish members Wyndham refused to budge. He feared that if he accepted the time limit it would lead to impulsive sales by landlords and would 'embarrass the financial operation of the bill'.⁷⁶

For the I.P.P. a time limit was a prerequisite if the 'bonus' was to be calculated at a fixed rate. There was a worry that the wealthier landlords would benefit to the detriment of the poorer estates in the west. Dillon believed it was illogical that the more the landlord received from his tenants the higher the 'bonus' would be.⁷⁷ The independent nationalist M.P., T. M. Healy, was in favour of more fluid system, which left the matter to the estates commissioners, to ensure that the poorer estates such as those in Connaught would receive more than the wealthier estates.⁷⁸

Ultimately Redmond's proposed amendment was a failure. Towards the end of the committee stage Wyndham proposed an amendment to put the 'bonus' at 12 % of the purchase money but no mention was made of a time limit.⁷⁹ John Dillon held that the amendment was grossly unjust as the 'bulk of the money would go to the richest parts of Ireland, and the lesser amount to the poorest parts'.⁸⁰ Similarly, T. P. O'Connor considered that a fixed 'bonus' would encourage landlords to squeeze as much as possible from their tenants.⁸¹ The danger was that the poorest tenantry on the most disadvantaged estates would suffer greatly under a fixed 'bonus'. The higher the price the more the landlord received. Liberal unease over the matter was voiced by J.H. Whiteley, M.P. for Halifax. He professed that the British taxpayer was willing to agree to the £12,000,000 'bonus' because it was understood that it would go mainly to the

⁷⁶ *Ibid.*, col. 1111.

⁷⁷ *Ibid.*

⁷⁸ *Ibid.*, col. 1111-13.

⁷⁹ *Ibid.*, cxxv, 117-8 (8 July 1903).

⁸⁰ *Ibid.*, col. 118-19. This was because if the 'bonus' was distributed at a fixed rate of 12 %, the greater the amount of purchase money received the higher the 'bonus' would be for the landlord. Hence poorer estates would have less of an incentive to sell as the 'bonus' would be lower.

⁸¹ *Ibid.*, col. 120.

poorer landlords. However, Wyndham's amendment altered this and more affluent landlords would now receive the lion's share of the 'bonus', to the detriment of the poorer class of landlords.⁸² Despite these concerns Wyndham's amendment was passed and the allocation of the 'bonus' was fixed at 12 %.

V). Advances to tenant-purchasers.

When the bill was initially introduced the maximum advance (loan) a tenant-purchaser could obtain was £3,000. In special circumstances, dependent on the discretion of the estates commissioners this limit could be increased to £5,000. Sir John Colomb moved to omit the section which limited the advance a tenant-purchaser could receive to £3,000. He feared that many large farmers and graziers would be excluded and he called for the limit to be extended.⁸³ The landlord representatives also argued that it was vital to enable the large farmers to purchase. These people would be the leaders in their districts and the providers of employment and with the future of the landed gentry uncertain, they would take the lead in agricultural society.⁸⁴

The position of the I.P.P. was far from straight forward. On the one hand, they were vehemently opposed to graziers and the holders of grasslands availing of the act. Their fear was that the graziers would be able to purchase the untenanted grasslands. According to John Dillon:

They [limitations] were not sufficient to secure that the grasslands, which were essential for the resettlement of the people and the rescue of the population of the west from a condition described by the chief secretary as worse than that of the Hottentots or Kaffirs, should not pass into the hands of graziers.⁸⁵

Conversely, the party were keen to ensure that large tillage, dairy and mixed farms the benefited.

The chief secretary, George Wyndham, was adamant that the specified limits be maintained. He declared that he would not increase the financial burden on the state as proposed by the amendment. Wyndham summed up the position as follows:

⁸² Ibid., col. 119.

⁸³ Ibid., cxxiii, 963-4 (15 June 1903).

⁸⁴ Ibid.

⁸⁵ Ibid., col. 968.

If any difficulty arises over a large farm, rather than not sanction the sale of that farm, of course it will be the usual practice for the sale commissioners to sanction an advance up to the higher limit of £5,000... In the case of such a farm outside the concession, but not outside the estate, other arrangements would have to be made to get the additional £1,000 or £2,000.⁸⁶

Certain Conservative M.P.s also voiced their strong objections to any such increase.⁸⁷

It appears then, that Wyndham did not want to make distinctions between various types of farms. The bill allowed the tenant to borrow up to £5,000 and he could raise what remained of the price himself by other means. Wyndham believed that the limit of £5,000 'was large enough to embrace all the transactions which were likely to arise'.⁸⁸ However, when the matter resurfaced later on in the committee stage, the chief secretary relented and the limitation was extended to £7,000.

The affair came to the fore once again in the House of Lords when Irish landlords and their supporters attempted to assist large farmers in the purchase of their farms. Lord Clonbrock moved an amendment which proposed that 'any advance which shall not exceed three-fourths of the price paid for a holding shall be repaid by means of a purchase annuity calculated at the rate of £3 per cent on the amount of the advance'.⁸⁹ As the bill stood, the annuity (the tenant's repayment for the advance he had received) was calculated at £3 5s. per £100 advanced. By lowering the rate of the annuity the period of repayment would almost extend to almost hundred years but they would pay less in their annual instalments. The government representative in the Lords, the duke of Devonshire, although sympathetic, could not accept the amendment as it would alter the bill's financing and would be an extra burden on the treasury.⁹⁰ After a division, the amendment was defeated by the government by 56 votes to 54.⁹¹

In order to accelerate sales, a provision was included in the bill that in the case of a sale to the Land Commission, where three-quarters of the tenants were willing to purchase their holdings, the remainder became tenants of the Land Commission. Unfortunately the minority lost their right, under the 1881 Land Act, to go to court and

⁸⁶ *Ibid.*, col. 966-7.

⁸⁷ *Ibid.*, cxxiv, 428 (24 June 1903).

⁸⁸ *Ibid.*, cxxiii, 972 (15 June 1903).

⁸⁹ *Ibid.*, cxxvii, 269 (7 Aug. 1903).

⁹⁰ *Ibid.*, col. 270-71.

⁹¹ *Ibid.*, col. 272.

have a fair rent fixed. An amendment was put successfully put forward by T.W. Russell which prevented the minority from obstructing the sale. Instead where a three-quarters majority agreed to purchase, the remainder would also be deemed to have purchased.⁹² The independent nationalist M.P., T. M Healy, considered the amendment to be pragmatic:

It might very well be that two or three wastrels on the holdings would set up their backs and obstruct the sale to the whole of the tenants. If they did so, surely it was fair and reasonable that the Land Commission should be empowered to act according to this provision. The terrible penalty was that these tenants were to be made owners of their land.⁹³

The majority of the Irish M.P.s were fiercely opposed to the perpetual rent provision as they felt it would detract from the sense of ownership. According to William O'Brien:

To the Irish farmer the whole charm of the bill was the notion of property and the notion that the holding would be his own and that no man could ever interfere with him, but this perpetual rent-charge would be a perpetual reminder to him that he was not the holder but that some power which was not even defined, could step in and affect his interest in the property.⁹⁴

J. P. Farrell, M.P. for North Longford, proposed an amendment to omit the perpetual rent charge from the bill which Wyndham agreed to accept.⁹⁵

The vast majority of advances under the act would go to occupying tenants. However, clause two enabled other groups to receive advances for parcels of untenanted land which were being sold along with the tenanted land of an 'estate'. Under previous acts only an occupying tenant had been eligible to purchase. Now a tenant who occupied a holding on the estate, his sons, and any tenant in the locality who occupied a holding whose valuation was below five pounds were all eligible. Tenants who had been evicted within the previous twenty-five years also qualified to receive a parcel if they could not be restored to their original holding. If the evicted tenant was dead, a representative of the deceased, approved by the Land Commission, could be put forward. The maximum advance that a purchaser could receive under clause two was £1,000. However, an

⁹² *Ibid.*, cxxiv, 992-3 (30 June 1903).

⁹³ *Ibid.*, col. 996.

⁹⁴ *Ibid.*, cxxiii, 1190 (17 June 1903).

⁹⁵ *Ibid.*, col. 1191-97.

advance exceeding this could be authorised by the Land Commission if they deemed it necessary, so long as it was 'without prejudice to the wants and circumstances of other persons residing in the neighbourhood'.⁹⁶ The purchase inspector, who was a Land Commission official, was obliged to state in his report whether or not he believed the limitation ought to be surpassed.⁹⁷ He visited the land after an agreement for sale had been concluded and he drew up a report describing the land and the condition of the holdings. In addition, he made observations and recommendations relating to evicted tenants, turbary rights, subdivision, accommodation for labourers and where advances exceeding the limitations in the act were applied for.

Any tenancy established after 1 January 1901 was only eligible for an advance of £500 or less under the act. This was designed to prevent landlords creating bogus tenancies out of untenanted land that would allow large graziers to avail of the act. The limitation could be exceeded at the estates commissioner's discretion except where the holding was in a congested district. Where the estates commissioners bought an estate in the Land Judges Court the limit of an advance available to such tenants was £1,000 but it could be increased to £2,000 at the commissioners' discretion.⁹⁸ The purchase inspector, if he felt the limit ought to be exceeded, was obliged to state the grounds upon which his opinion was founded.⁹⁹

The estates commissioners had the authority to declare a subtenant a tenant and his parcel of land a holding. In such cases where there was any interest between the owner and the subtenant, the estates commissioners could remove that interest by financial compensation. This intervening interest was usually in the form of a middleman. The owner and the holder of the interest had one month, from the notice that the subtenant was to be recognised as a tenant, in which to agree upon the compensation that the holder of the interest would receive. Anyone unhappy with the estates commissioner's assessment had the option of appealing to a judicial commissioner

⁹⁶ Irish Land Act, 1903, 2 (2).

⁹⁷ 'Instructions for the guidance of inspectors, 9 February, 1905' cited in Cherry and Maxwell (eds), *Irish Land Acts*, p. 1193.

⁹⁸ Irish Land Act, 1903, 53.

⁹⁹ 'Instructions for the guidance of inspectors, 9 February, 1905' cited in Cherry and Maxwell (eds), *Irish Land Act*, p. 1195.

within fourteen days of the pronouncement.¹⁰⁰ In the absence of such an agreement the states commissioners set a price and the redemption money was taken out of the purchase money.

The issue of joint tenancies and where more than one tenant held a holding did not prevent a sale under the act. In such a situation, the estates commissioners could recognise the occupiers as tenants and their sections of land as separate holdings. The rent of the original holding would be divided equitably between the former tenants. The purchase inspector was obliged, in his report, to state the position of subtenants and joint tenancies and the commissioner's decisions were based on his recommendations.¹⁰¹

A tenant who bought his holding under the act held it subject to certain rules. Only one individual could be registered as the titleholder of the land. The land could not be subdivided in the future without the permission of the Land Commission and if it was, the commission could order that the holding be sold. The Land Commission could order the sale of the holding if the tenant-purchaser lost his title to it due to bankruptcy or upon the occupier's death the holding was due to be subdivided to facilitate an inheritance settlement. The Land Commission had the option of putting forward another individual as the owner instead of selling the land, and any claims such as those to whom money was owed were put on the holding. Tenant-purchasers were forbidden, without acquiring the Land Commission's permission, to mortgage their holdings for a sum more than ten times the total of their purchase annuity.¹⁰² If the Land Commission decided that a holding was to be sold, any claims or charges on the holding were affixed to the purchase money with the exception of a purchase annuity or any charge concerning public works.¹⁰³ Where the Land Commission failed to find a buyer, it could empower the county sheriff to appoint a person recommended by them as the occupier of the holding.¹⁰⁴

¹⁰⁰ 'Provisional rules under the Irish Land Act, 1903 (Sections 1 to 23) 23 October, 1903' cited in Cherry and Maxwell (eds), *Irish Land Acts*, p. 1170. The time period of one month, within which the vendor and the owner of the intervening interest had to come to terms, could be extended under rule forty-three if the estate commissioners considered it necessary.

¹⁰¹ 'Instructions for the guidance of inspectors 9 February, 1905' cited in Cherry and Maxwell (eds), *Irish Land Acts*, p. 1196.

¹⁰² Irish Land Act, 1903, 54.

¹⁰³ *Ibid.*, 55.

¹⁰⁴ *Ibid.*, 65.

Poor-rate collectors were required to notify the commissioner of valuation and boundary surveyor if any tenant-purchaser subdivided their holding. The commissioner was required to report this to the Land Commission and provide the commission with maps if necessary. Similarly, the district registrar of births and deaths was obliged to inform the Land Commission of the death of a tenant-purchaser who had subdivided his holding. Both the poor-rate collector and the district registrar were liable to a fine of up to two pounds if they failed to report cases of subdivision.¹⁰⁵

An 'ancient monument' was defined under the act as 'any ancient or medieval structure, erection, or monument, or any remains thereof'.¹⁰⁶ Numerous monuments were situated on estates that would be sold under the act. To ensure the survival of these monuments the estates commissioners could vest an ancient monument in the Commissioners of Public Works, rather than letting it pass into the hands of the tenant-purchaser. Henceforth they would be responsible for its upkeep and preservation. Where the Commissioners of Public Works objected to the monument being vested in them, the estates commissioners could place it in the care of the local county council.¹⁰⁷

Certain trustees who were acceptable to the Land Commission, could hold parcels of an estate being sold 'for the purposes of turbary, pasturage, the raising of sand or gravel, the cutting or gathering of seaweed, the planting of trees, or the preservation of game, fish, woods or plantations, or for the purposes of the Labourers (Ireland) Acts, 1883 to 1896'.¹⁰⁸ The purchase inspector was obliged to state the condition of these aspects on the estate. He could also suggest proposals to deal with the resources and he could advise on the appointment of trustees.¹⁰⁹ There was no official limitation to the amount of the advance which could be authorised under this clause. The matter was left to the lord lieutenant's discretion.¹¹⁰

The Land Commission could draw up regulations regarding turbary on a holding which consisted of bog where the tenant-purchaser had no exclusive right to cut turf. These rules drawn up by the commission would sanction 'the cutting of turf on that bog

¹⁰⁵ *Ibid.*, 56.

¹⁰⁶ *Ibid.*, 14 (4).

¹⁰⁷ *Ibid.*, 14.

¹⁰⁸ *Ibid.*, 4 (1).

¹⁰⁹ 'Instructions for the guidance of inspectors, 9 February, 1905' cited in Cherry and Maxwell (eds), *Irish Land Acts*, p. 1198.

¹¹⁰ Irish Land Act, 1903, 4.

by any occupiers of land in the neighbourhood of the said holding for whose requirements such turf appears to be necessary'.¹¹¹ The Land Commission regulations were also to outline the terms regarding payment, compensation for any defacement of property caused while extracting turf and that the owner of the holding had to have adequate turf and grass land for himself. In addition, the rules had to ensure that the bog could be reclaimed in the future if desirable. A fine up to five pounds was the penalty for any violation of the regulations.¹¹²

VI. Sale and repurchase of demesnes.

The purpose of enabling landlords to sell and repurchase their demesnes was to encourage them to remain in the country once they had sold. It also provided the landlord with what was essentially a low interest rate loan. Upon introducing the bill, Wyndham was quick to outline the government's position on the landed gentry:

I have seen it stated that we propose to expropriate Irish landlords and to leave Ireland without the benefit of their residence there. But the policy of the government and the policy of those who signed the Conference Report was to make it possible for Irish landlords to remain in Ireland and be the leaders of the agricultural industry in that country.¹¹³

The advance to be given to the landlord could not be greater than one third of the purchase money or £20,000, whichever was smaller.¹¹⁴

Although the I.P.P. were keen for the landlords to remain in Ireland they feared that the clause would be exploited by absentee landlords who would try to obtain a large sum of money on easy terms. Through T. P. O'Connor, an amendment was proposed which called for the clause to be limited to landlords who had resided in Ireland for more than six months of the previous five years and to exclude absentee landlords.¹¹⁵ John Dillon was of the belief that there were a number of uninhabited and dilapidated demesnes throughout the country, and he felt that they should come into the possession of the C.D.B. in order to relieve congestion and enlarge holdings.¹¹⁶

¹¹¹ *Ibid.*, 21 (1).

¹¹² *Ibid.*, 21.

¹¹³ *Hansard 4*, cxx, 191 (25 Mar. 1903).

¹¹⁴ Irish Land Act, 1903, 3.

¹¹⁵ *Hansard 4*, cxxiv, 469 (24 June 1903).

¹¹⁶ *Ibid.*, col. 471.

The landlord spokesman, Sir John Colomb, highlighted the difficulty in defining a 'resident landlord'. Many, due to their careers in the armed forces, navy or civil service, were obliged to be absent from the country for long periods.¹¹⁷ The attorney-general for Ireland, John Atkinson, agreed with Colomb. In addition, he believed that there was little chance of a landlord repurchasing his demesne if he did not intend to live on it.¹¹⁸ George Wyndham argued that it would prove impossible to hammer out such a definition and an attempt to do so would adversely affect sales.¹¹⁹ With little hope of success, O'Connor withdrew his proposed amendment.

Many non-Irish M.P.s resented the amount of money being spent on Irish landlords. The provision which allowed landlords to sell and repurchase their demesnes fuelled their discontent. The Liberal M.P. Thomas Aston moved to omit the proposal from the bill altogether and he was supported by his colleague Francis Channing. They were already angered by the proposed 'bonus' to landlords and the inclusion of a further inducement was seen as 'legislation gone mad'.¹²⁰ They questioned the Conservative government as to why Irish landowners were to be treated differently to landowners in England and Scotland. However, the fact that Ireland was united in support of the bill was enough to prevent such proposals gaining widespread support and Aston withdrew the proposed amendment without pressing it to a division.

VII). The evicted tenants question.

From the start of the Land War in 1878, the question of evicted tenants increasingly assumed greater importance in Ireland. Many were evicted in the agrarian disputes and unrest of the era and in the lead up to the 1881 Land Act. This act established dual ownership of Irish land and it recognised that tenants had a legal interest in their holdings, apart from the landlord's interest, and gave them fixity of tenure. Tenants were entitled to sell their interest in the land or bequeath it to a successor. The act established the Irish Land Commission which, in turn, created the land court where a tenant could apply to have a fair rent fixed. These so called judicial rents, once fixed, could be

¹¹⁷ Ibid., col. 469-70.

¹¹⁸ Ibid., col. 471-2.

¹¹⁹ Ibid., col. 475-5.

¹²⁰ Ibid., col. 487.

reviewed every fifteen years. In the mid-1880s, when agricultural prices in Ireland fell significantly many tenants, whether they had had their rent fixed or had never entered the land court, called for a reduction in rents.

In order to pressurise landlords who refused to give voluntary reductions or who sought to collect arrears of rent, a Plan of Campaign was set in motion. In essence, this amounted to the tenants on the estate paying a portion of their rent into a common fund instead of paying rent to the landlord. The fund was normally under the control of a committee of tenants from the estate. If the landlord failed to make concessions, it was intended that the fund would provide for the evicted and their families. The campaign received the support and guidance of the nationalist leaders of the day and was co-ordinated by the Irish National League. The Irish National League was founded in 1882 and was essentially the successor to the Land League which had been founded in 1879 to reduce rents and to make the tenant farmers the owners of their holdings. However, owing to its suppression by the government during the Land War of 1879-82, it was disbanded and a broader based organisation known as the Irish National League was founded.

On some estates matters were resolved peacefully. On estates such as that of the earl of Clanricarde in Co. Galway and the Brooke estate at Colgreaney, Co. Wexford, however, evictions occurred and new tenants were found for the holdings. The new occupants became known as 'planters' although most nationalists referred to them as 'grabbers'. Some of the 'planter' tenants were genuine farmers but many were merely caretakers of the holdings for the landlord.

The first attempt to address the evicted tenants question was in 1891 when the Conservative chief secretary of the day, A. J. Balfour, introduced his land purchase act. The act contained a clause which enabled an evicted tenant to be reinstated on his holding as a tenant-purchaser albeit with the consent of the landlord. However, there was a time limit of six months from the passing of the act within which the reinstatement had to happen.¹²¹ Parliament legislated for a further period of six months, which commenced from 5 September 1895, and under the 1896 Land Act a period of twelve months was

¹²¹ Purchase of Land (Ireland) Act, 1891 [54 & 55 Vict. c. 48.], (5 Aug. 1891).

sanctioned from the passing of that act.¹²² Unfortunately these initiatives achieved very little success as very few evicted tenants were restored.

In 1894 a bill was introduced by the chief secretary, John Morley, under Lord Rosebery's Liberal government, to facilitate the reinstatement of evicted tenants. The bill was primarily based on the report of an evicted tenants commission which had investigated seventeen of the principal Plan of Campaign estates and which had concluded in 1893.¹²³ The bill permitted the use of compulsion in order to reinstate evicted tenants in their former holdings if they were occupied, and was thus bitterly opposed by the Conservatives. It was eventually defeated in the House of Lords. The next development in addressing the evicted tenants question was the Land Conference Report of early 1903 which recommended that the resolution of the evicted tenants question was necessary in order to bring about the end to the Land War and the settlement of the land question.

The settlement of the evicted tenants question was an emotive issue. The I.P.P. believed that the reinstatement of these tenants was of the utmost importance and that the land question could never be settled while that matter remained unresolved. In effect the evicted tenants question was an open wound which desperately required treatment. T. P. O'Connor even went so far as to compare evicted tenant to prisoners of war.¹²⁴ The land question would remain so long as these tenants remained displaced.

On the landlords' part there was a genuine desire to reach an amicable solution. However, they were chiefly concerned with protecting the 'planter' tenants who, in many cases, were farming the former holdings of evicted tenants. Colonel Saunderson warned that the Irish landlords 'had no objection to restore an evicted tenant to his holding if it was not occupied, but they had the strongest objection to displacing a tenant for the purpose of restoring his predecessor who had been evicted'.¹²⁵ The landlords feared that the 'planters' would be subject to intense intimidation in an effort to restore the evicted tenant to his former holding.

¹²² Land Law (Ireland) Act, 1896 [59 & 60 Vict., c. 47] (15 Aug. 1896).

¹²³ *Report of the evicted tenants commission, 1893-94* [C. 6935] [C. 6935-I] xxxi. 13, 111.

¹²⁴ *Hansard* 4, cxxiv, 458 (24 June 1903).

¹²⁵ *Ibid.*, col. 449.

The debates on the evicted tenants in the committee stage of the House of Commons focused on two key issues - the maximum advance that an evicted tenant could receive and whether or not he could be restored to his former holding when it was occupied. As already mentioned the evicted tenants were judged under clause two, to be entitled to a parcel of untenanted land being sold on an estate. A tenant on the estate, his sons and tenants in the locality whose valuation was below five pounds were also considered eligible. The limit on the advance that someone from either of these four groups could receive was £500. Those evicted tenants who could not be reinstated to their former holdings were to be given an equivalent parcel of untenanted land instead. The stumbling block for the I.P.P. lay in the fact that many of the evicted tenants' original holdings had been significantly larger than anything an advance of £500 could purchase.

William O'Brien proposed that the advance available to evicted tenants be increased above £500. Wyndham, however, was aware that there would be intense competition for the limited amount of untenanted land that would become available and thus he was slow to favour the evicted tenants over the other groups:

His [Wyndham's] desire would be to facilitate the solution of the question as much as possible, provided that no pressure was used to put in people who were not really farmers... He could not go as far as he was here asked to go. They were dealing with the quantity of land that was available. He was, as he had said, prepared to alter the £500 to £1,000 or £2,000, which would make it possible for an evicted tenant to get an advance to make a start in life. But he could not make any advance to evicted tenants against others.¹²⁶

Despite Wyndham's proposal to raise the limits, which would enable the clause to deal with the vast majority of evicted tenants, a tiny minority would still remain outside. In John Redmond's opinion:

There remained the one section of men whose farms had been 'grabbed'. Even of these cases the great majority would come in under the limitation of... [Wyndham's] and so it came to this, that they were now standing out for a limitation which would hit only a handful of men in Ireland. But in order to exclude these few men what were the government going to do? They were going to leave a sore in Ireland which would not only have an evil effect... but also

¹²⁶ Ibid., col. 449-50.

inflict injury on every part of Ireland...and militate against the chances of the bill being satisfactorily received and worked.¹²⁷

The I.P.P. were adamant that this minority of evicted tenants should not be prevented, by a financial limit, from attaining holdings which were the equal of their original farms.

The chief secretary, George Wyndham, outlined the position of the government as follows:

The amount at the disposal of the government was limited, the classes to be relieved were many. Their means were small, their needs great, and he could not take the responsibility of asking the committee to go further than he had indicated-viz., where it was possible to reinstate a tenant in his old holding to allow him to have the benefits which others enjoyed: but where it was not possible let him take his holding on equal terms with all other persons who sought the benefits of the act, and come in on a scale which was higher than he had originally intended, and which would be dangerously high if he increased it to the exclusion of many who deserved to have their needs attended to.¹²⁸

The matter was eventually resolved as a result of Herbert Robertson's suggestion that the Land Commission be given discretionary powers to increase the limit in certain cases, and make this applicable to all classes of tenants under the clause.¹²⁹ The maximum advance an evicted tenant could receive was eventually fixed at £1,000.

It would also prove equally problematic to reinstate evicted tenants to their original holdings where they were occupied. The I.P.P. were keen to provide an opportunity for those who occupied evicted holdings to give up the land in return for financial compensation or a new holding. They viewed the current occupiers as political 'planters' who had been introduced to fight the land war for the landlords. Many of these men were not genuine farmers and had no interest in farming the land full time. William O'Brien put forward an amendment in the committee stage that would allow the so-called 'planter' tenants to move if they so wished:

He [William O'Brien] did not propose any hostile action or any compulsory action whatever against the new occupiers... All that the amendment purported to do was that whenever an estate was sold, and whenever the commissioners found there were feuds of this kind existing, that they should have the power of acting as mediators, and in a friendly way composing without any compulsion or

¹²⁷ Ibid., col. 451-52.

¹²⁸ Ibid., col. 455.

¹²⁹ Ibid., col. 463.

injustice these feuds which, if left unsettled, would keep the entire community in a state of ferment.¹³⁰

Colonel Saunderson was certain that the inclusion of the amendment would lead to the current tenants being pressurised and intimidated into abandoning their holdings. Additionally, there was a reluctance among some non-Irish M.P.s to provide British taxpayers' money to assist men who had allowed themselves be evicted for political purposes.

John Redmond repudiated Saunderson's claims that there would be a renewal of the land war or any prospect of intimidation. He observed that many of the current tenants were not farmers at all but men, who, for political reasons, had been installed onto these holdings due to the hostile circumstances of the Land War in the 1880s. He attempted to clarify what O'Brien's amendment hoped to achieve:

The picture which had been drawn of all the evicted tenants of the last twenty-five years rushing from the ends of the earth to regain their old homes was absurd. The real object of the amendment was to enable tenants to be restored to their homes in cases where the new tenants were willing to give up the farms and make other arrangements, and the power for that purpose should be placed in the hands of the commission. There was no intention to put into the bill any provision by which pressure, direct or indirect, could be brought to bear upon existing tenants.¹³¹

Redmond's assurances that the current tenants would not be intimidated were met with scepticism by the landlord representatives. They anticipated that he would be unable to control all of his followers or those nationalists who were outside the party.

Wyndham believed that Redmond was sincere in his assurances but he foresaw a danger from other nationalists. He wanted to ensure that no pressure would be exerted on the current occupant, that all classes under the clause would be treated equally and that no distinctions would be made. The chief secretary eventually brought the affair to an end by clarifying that the estates commissioners had the power to reinstate an evicted tenant in his original holding where the current occupier was willing to move.

In the House of Lords, Irish landlords moved swiftly to protect the interests of the 'planters'. As far as Lord Ardilaun was concerned, it was 'a matter of honour' for

¹³⁰ Ibid., col. 848 (29 June 1903).

¹³¹ Ibid., col. 853.

their class.¹³² If the question of the evicted tenants was one close to nationalists' hearts, then the welfare of the 'planter' tenants was equally emotive for landlords. The earl of Westmeath tabled a motion to protect the 'planter' tenants. He suggested that the section of the bill dealing with the reinstatement of evicted tenants should not apply to holdings which were occupied on 1 January 1903. The landlords in the house held that the amendment would remove the 'opportunity to the agitators to bring great pressure on the tenants of evicted holdings to surrender their holdings'.¹³³ Despite the assurances of the marquess of Lansdowne, secretary of state for foreign affairs, that there was no danger of the 'planter' tenants being forced to surrender their holdings, the amendment went to a division where it was defeated by 71 votes to 61.¹³⁴

VIII). The retention of sporting and mineral rights.

During the committee stage, the issue of sporting and mineral rights came to the fore, sparking impassioned debate. The preservation of sporting rights was viewed as pivotal in any effort to persuade the landed gentry to remain on in Ireland after they had sold their land. Wyndham considered the sporting rights to be a great national asset which was worthwhile protecting. Under the 1903 Land Act the expression sporting rights included 'any right of hunting, shooting, fishing, and taking game or fish on any land'.¹³⁵

Many of the tenants' representatives felt that the sporting rights should pass to the tenant-purchasers upon the completion of the sale. The psychological aspect of the question was obvious. Having waited so long to purchase their land, the tenant-purchasers had no intention of allowing outsiders to traverse their property. According to William Redmond, M.P. for East Clare: 'if they said that the tenants when they bought their land were to allow strangers to trespass in pursuit of game they would raise very great trouble indeed in Ireland'.¹³⁶

¹³² *Ibid.*, cxxvii, 21 (6 Aug. 1903).

¹³³ *Ibid.*, col. 20.

¹³⁴ *Ibid.*, col. 32.

¹³⁵ Irish Land Act, 1903, 13 (2).

¹³⁶ *Hansard* 4, cxxiv, 950 (30 June 1903).

The Liberal M.P. for North Tyrone, Charles Hemphill, found it absurd that the tenant would not possess the sporting rights on his own land.¹³⁷ The independent nationalist M.P., T. M. Healy, argued that the tenants should be given a reduction in price if the landlord reserved the game. He also recommended that the sporting rights be vested in the county councils or the Agricultural Board, with the landlord having the right of pre-emption.¹³⁸ Despite Wyndham and Redmond both recommending that the landlord and the tenants should negotiate an agreement themselves the debate dragged on. With the committee seemingly having reached a stalemate, the solicitor-general for England, Sir Edward Carson, came up an amendment that proved satisfactory to all in the House of Commons:

Where at the time of sale of any land to the Land Commission, or to tenants or others, the vendor has, subject to the provisions of the Ground Game Act, 1880, the exclusive sporting rights, those rights may, by agreement between the landlord and the tenant, either conveyed to the tenant or reserved to the landlord.¹³⁹

Members of the House of Lords remained uneasy however. Lord Massy, a Munster landlord, opined that the retention of the sporting rights would be significant in enticing landlords to remain on in Ireland. It was, therefore, essential that they be reserved to the landlords or a government authority that would have the means to maintain them. Lord Massy summed up the situation as follows:

Their [landlords] object in trying to protect the game was to try and induce British sportsmen to come over to Ireland, where they would have something to shoot, and to spend their money in the country. To attain that object they thought the best thing would be, where an estate was sold under this bill, not to hand over the sporting rights to the tenants, who would have perhaps, neither the power nor the inclination to preserve the game on their holdings, many of which were so ridiculously small that they could not preserve the game, but to vest the sporting rights in the Land Commission: to give the vendor the primary right to buy the rights if he wished, but if he did not wish to do so the Land Commission should dispose of them as they thought fit.¹⁴⁰

¹³⁷ *Ibid.*, col. 945.

¹³⁸ *Ibid.*, col. 938-9. Pre-emption essentially meant that where the rights were put up for sale the landlord had the first option to purchase ahead of anybody else.

¹³⁹ *Ibid.*, col. 968.

¹⁴⁰ *Ibid.*, cxxvii, 58 (6 Aug. 1903).

The landlords in the House of Lords were adamant that if the sporting rights were given to the tenant-purchasers, they would soon be of little value because small farmers had not the means to maintain the game. Their fears were allayed to a degree by a successfully carried amendment proposed by the marquis of Lansdowne. This stated that if the landlord held the rights he retained them, but where the landlord and tenants failed to agree, the rights would be vested in the Land Commission.¹⁴¹

The whole area of mineral rights would prove similarly taxing to negotiate. The landlords' position was straightforward. They wanted to be able to retain their rights even after sale or receive financial compensation for them. In the House of Commons the Conservative M.P. John Butcher, a landlord spokesman, proposed an amendment which would guarantee that the Irish landlords would retain the mineral rights:

The object of his amendment was to preserve the mining rights and water rights to those whom they now belonged by law...The effect of the amendment would be that where a bargain for the sale of any land was made, based as it would be on the agricultural value of the land, the mining rights should remain exactly as they were. It could not be right that the tenants, or the Land Commission should be given these rights unless they paid for them, and the amendment proposed that the Land Commission, should be empowered to purchase them.¹⁴²

Landlords also asserted that they ought to be compensated for what lay under the surface in addition to what was above ground. Colonel Saunderson posed the question: 'Could it be conceived that the owner would sell his land at its surface value when that which was under the surface was worth ten times as much.'¹⁴³ If the rights were to be given to the new tenant-purchasers or vested in the Land Commission, landowners wanted to be financially compensated. Furthermore, there was a fear that existing mines or similar operations would be interfered with.

The I.P.P. was outraged by the landlords' position. They held that once the landlord had sold, all rights should either pass to the tenants or to the Land Commission. They cited the landlords' position as a further example of their greed. According to James Flynn M.P. for North Cork: 'The amendment was a most fantastical proposition, put forward on behalf of a section of the community who were already getting

¹⁴¹ Ibid., col. 68.

¹⁴² Ibid., cxxiv, 968-9 (30 June 1903).

¹⁴³ Ibid., col. 970.

exceptionally generous terms.’¹⁴⁴ The party were also concerned that the tenants would be unable to use any sand or gravel on his holding after he had purchased.

The attorney-general for Ireland, John Atkinson, rose to clarify the position of the government:

It would...be impossible for small proprietors reasonably to develop such rights, and so the bill provided that the mining rights should be vested in the commission, and disposed of by them in a manner to be provided by parliament. It was felt that the Land Commission, if they held the mining rights of a couple of hundred small properties, might be able to develop them in a manner that the individual tenant could not. By an amendment lower on the paper, the chief secretary proposed to secure to the tenant-purchaser the right of mining and taking stone, gravel, sand, or clay, not merely for the cultivation of his farm, but for sale. On the other hand, other minerals, such as ores and so forth, would be vested in the commission.¹⁴⁵

Butcher reluctantly dropped his proposed amendment after the chief secretary assured him that the commission would not interfere with any mine or a commercial enterprise already in operation on a landlord’s estate.¹⁴⁶

Once the bill entered the House of Lords, the earl of Donoughmore moved to ensure that landlords would be adequately compensated for mineral rights on their lands. He proposed that where mineral rights vested in the Land Commission were ‘let, leased, sold, or demised by them, the vendor...shall be entitled to receive 50 per cent of any rent, purchase money, or other net profit received by the Land Commission’.¹⁴⁷ Thus, under the proposed amendment, the landlord would receive half the profits of any future development of the minerals. The lord chancellor of Ireland, Lord Ashbourne, declared that he had discussed the matter with Wyndham, who was willing to accept the proposal if it was reduced from 50 % to 25 %.¹⁴⁸

Upon returning to the House of Commons for consideration, the earl of Donoughmore’s controversial amendment caused uproar. The independent nationalist M.P., T. M. Healy, considered that ‘a more grasping and greedy proposal could not have

¹⁴⁴ Ibid.

¹⁴⁵ Ibid., col. 971.

¹⁴⁶ Ibid., col. 973-74.

¹⁴⁷ Ibid., cxvii, 73 (6 Aug. 1903).

¹⁴⁸ Ibid., col. 73.

been suggested'.¹⁴⁹ Healy asked that it only apply during the life of the landlord or for twenty years after the passing of the act and he proposed an amendment to Donoughmore's amendment to replace the 25 % cent with one 1 %.¹⁵⁰

The government justified their willingness to agree to the 25 % in order to facilitate land purchase going ahead. Wyndham held that the amendment was directed toward estates where minerals did exist and that it would be most unlikely for a landlord to sell his land without the minerals being taken into account:

He held that what would most probably happen would be that, where there was such property containing minerals, the state would buy out the mineral rights by paying the 25 per cent, or else the owner having sold the thing out and out, would buy the mineral rights back from the state, and come in not as a landlord, but as a man who bought capital and enterprise to the development of the mineral resources of Ireland.¹⁵¹

The opposition to the 25 % was such that Healy's amendment went to a division of the house where it was defeated by 102 votes to 70.¹⁵² The 25 % was eventually incorporated into the bill.

Under the act the Estates Commission had the power to acquire the 'exclusive right of mining and taking minerals, and digging and searching for minerals, on or under...land'.¹⁵³ The rights of the tenant-purchasers were catered for by excluding the taking of any stone, gravel, sand and clay which they might need for personal use. The clause did not extend to demesnes or other land repurchased by the vendor under clause three (sale and repurchase of demesnes) or to mines already in operation. Any future development of the mineral rights was to be decided by parliament. The former owner was to be allocated 25 % of any future profits made from the land unless the Estates Commission bought out his interest, which they were free to do at any time subject to consultation with the treasury. In order to utilise their sporting and mineral rights, people were authorised to enter onto land so long as they compensated the owner for any damage caused.¹⁵⁴ Mineral rights in sales under the act had to be reserved 'by express

¹⁴⁹ Ibid., col. 1049 (12 Aug. 1903).

¹⁵⁰ Ibid., col. 1049-50.

¹⁵¹ Ibid., col. 1051.

¹⁵² Ibid., col. 1061.

¹⁵³ Irish Land Act, 1903, 13 (13).

¹⁵⁴ Ibid., 13.

declaration and words inserted in the vesting order or fiated agreement'.¹⁵⁵ Clause ninety-nine provided that the act had no bearing on sporting, mineral or water rights not held by the owner at the time of sale. Any quarry or mine which was in operation or an entitlement to water power that was being used by the owner was exempt.¹⁵⁶

IX). Congested Districts.

The debates on the clauses dealing with the congested districts were almost completely dominated by the I.P.P. Although they considered the C.D.B. a useful organisation they wanted to see greater progress in its work. The I.P.P. saw the congested districts section as one of the most important areas of the bill and were very disappointed with those clauses. John Dillon announced that this section 'of the bill was still very defective'.¹⁵⁷ William O'Brien emphasised the importance of that aspect of the bill and the need for amendment:

He [William O'Brien] was afraid that the congested districts clauses of the bill were its weakest part. Had it not been for the congested districts difficulty they would never have had that bill, and it could not be too strongly stated that if the principal object of the bill was the peace of Ireland it ran a serious risk of failure unless these clauses were very materially altered for the better, and unless above all the Congested Districts Board could be in some way stimulated and spurred on to more rapid progress.¹⁵⁸

Like O'Brien, T. W. Russell realised the importance of the section dealing with the congested districts and the need to adequately address the question:

The present bill was imperfect, perhaps not to the same degree as previous bills, but still imperfect, in that it would not settle the great problem in the west of Ireland. They were now dealing with a part of the country where revolutions were made. There would have been very few land bills had it not been for this area, and he felt convinced that in leaving this question unsettled they were leaving the Irish land question unsolved. He [T. W. Russell] had never said that this bill would settle the Irish land question. What he had said was that it would put everything in the way of settlement. He was not very sure that it would put the congested districts even in the way of settlement.¹⁵⁹

¹⁵⁵ 'Provisional rules under the Irish Land Act, 1903 (Sections 1 to 23), 23 October, 1903' cited in Cherry and Maxwell (eds), *Irish Land Acts*, p. 1168.

¹⁵⁶ Irish Land Act, 1903, 99.

¹⁵⁷ Ibid., cxxiv, 1486 (6 July 1903).

¹⁵⁸ Ibid., col. 1475.

¹⁵⁹ Ibid., col. 1485.

The I.P.P.'s grievances centred on a number of key issues including the fact that the principal obstacle the board faced was insufficient funding to purchase untenanted land and to effect improvements. Due to their financial inadequacies the amount of untenanted land that could have been purchased had been restricted. When the board purchased estates or untenanted land the delay in carrying out of their operations was a source of grievance. The board tended to be overly paternalistic and operated what William O'Brien referred to as a system of 'benevolent despotism'.¹⁶⁰ The I.P.P. argued that the board needed to be reorganised and its operations accelerated.

Under the bill the C.D.B. would receive an augmented income of £90,000 annually as well as approximately £1,250,000 extra to buy untenanted land.¹⁶¹ Nonetheless, there was a significant demand for compulsory powers to be granted to the C.D.B. or at least the right of pre-emption. While compulsory purchase would force the landlord to sell to the board, pre-emption simply gave the board the first call on any land that a landlord chose to sell. The I.P.P. feared that unless such powers were granted it would prove impossible to acquire sufficient untenanted land to alleviate congestion and to assist in migration. While land purchase was important in itself, the social and economic position of the people on the land would never be improved unless their holdings were enlarged through the acquisition of the grasslands. As William O'Brien outlined: 'The great point was not merely to get possession of the land in derelict districts, but to take the people out of the morasses, and buy for them the magnificent plains that were waiting to be colonised. That was the only real remedy for the present state of things.'¹⁶² This was symptomatic of the problems which lay ahead and which found a focus in the Ranch War.¹⁶³ Although the I.P.P. and independent nationalists moved amendments in favour of compulsory purchase and of pre-emption, they were flatly rejected by the government.

Animosity towards the grazier class was quite evident during the debates in the committee stage on the congested districts especially from the I.P.P. who represented

¹⁶⁰ Ibid., col. 1476.

¹⁶¹ Ibid., col. 1483.

¹⁶² Ibid., col. 1484.

¹⁶³ See chapter six.

these areas. According to John Roche M.P. for East Galway: 'The grazing system was in his opinion a greater curse to their country than landlordism, and he would never cease agitating until the rich grazing lands now practically lying idle were made available for dealing with the difficulty of congestion.'¹⁶⁴ There was a fear that graziers would manage to avail of the act to purchase tracts of untenanted land that was urgently wanted to treat congestion and to enlarge uneconomic holdings. Demands for specific terms in the act against the grazier class were dismissed by the chief secretary who declared that to 'legislate against graziers as a class would be an act of economic insanity'.¹⁶⁵ Wyndham held that there were sufficient safeguards in the bill to ensure that congestion was adequately addressed without penalising the grazier class.

The constitution of the C.D.B. was in need of review as far as the I.P.P. were concerned. There was a strong movement in favour of securing some form of elected representation on the board. During the committee stage Dr. Edward Thompson, M.P. for North Monaghan, sought to allow the county councils in the congested districts to convene to elect two members to the board.¹⁶⁶ The I.U.P.P. and landlords were vehemently opposed to popular representation. Colonel Saunderson argued that such members would be 'actuated by political motives'.¹⁶⁷ With little prospect of any concession from the government Thompson withdrew his amendment.

Aside from the board's constitution the I.P.P. attempted through Conor O'Kelly, M.P. for Mayo North, to include the whole of the counties Clare, Limerick, Donegal, Cork and Kerry, as well as all of Connaught in the congested districts:

Several districts in the west were wrongly excluded from the operation of the Congested Districts Act, because the board in making their valuations included valuations of each grazing rancher so as to artificially increase the valuation per head of the population to more than the 30s. limit.¹⁶⁸

Kelly wanted counties as a whole to come under the board's theatre of operations. As matters stood an electoral division did not come under the C.D.B.'s care unless the valuation per person was below 30s. The chief secretary sympathised with Kelly's

¹⁶⁴ *Hansard* 4, cxxiv, 1539 (7 July 1903).

¹⁶⁵ *Ibid.*, col. 1569

¹⁶⁶ *Ibid.*, col. 1544.

¹⁶⁷ *Ibid.*, col. 1550.

¹⁶⁸ *Ibid.*, cxxv, 99 (8 July 1903).

proposal but could not accept it as it 'was impossible to re-schedule the congested districts without altering the fundamental financial provisions of the bill and existing acts'.¹⁶⁹

Despite the sympathetic stance of the chief secretary the I.P.P. failed to get any appreciable changes to the section of the bill dealing with the C.D.B. Their calls for compulsory powers, pre-emption, elected representation and an enlargement of the C.D.B.'s jurisdiction came to nought. At an early stage in the debates William O'Brien had appealed to Wyndham to be generous and emphasised the importance of the section dealing with the congested districts: 'By proportionate concessions being made here a greater work would be done towards the settlement of the land question than would be accomplished by forty land acts as they had had in the past.'¹⁷⁰ Indeed for many Irish M.P.s such as John Dillon the congested districts question was 'the root and source of all the trouble'.¹⁷¹ The independent nationalist M.P., Jasper Tully, was incensed over the condition of the congested districts portion of the bill: 'In his opinion the congested districts were boycotted by this bill, and the clauses dealing with them were not worth the paper they were written on.'¹⁷²

Despite his sympathetic words Wyndham had ignored virtually all of the demands of the I.P.P. regarding the congested districts. With the new resources allocated to the C.D.B. Wyndham was confident that it would make greater progress than ever before. The problem of congestion outside the scheduled districts was addressed by giving the estates commissioners similar powers to the C.D.B. for dealing with such cases. Indeed Wyndham announced that the government's 'plan for dealing with the problem of congestion was scattered all through... [the] bill'.¹⁷³

Although he hoped that the congested districts clauses of the bill would be given a fair trial Wyndham did admit that they had suffered from neglect:

He admitted that the congested portions of the bill had suffered at the expense of the main provisions of the bill... The point of all he had said was that it was not possible for a minister in charge of a bill of this magnitude to elaborate every part of it in order to meet the wishes of hon. members, however reasonable they

¹⁶⁹ Ibid., col. 104.

¹⁷⁰ Ibid., cxxiv, 1483 (6 July 1903).

¹⁷¹ Ibid., col. 1488.

¹⁷² Ibid., col. 1491.

¹⁷³ Ibid., col. 1557 (7 July 1903).

might be: and having achieved what all his colleagues on the board had long desired-viz., the power of buying land when it came into the market, and of applying working capital to the land in order to cure congestion, all he asked was that they should be allowed during the autumn and winter to take up those facilities and turn them to the best account.¹⁷⁴

John Dillon lambasted Wyndham for his failure to devote more time and resources towards the C.D.B. For such M.P.s the congested districts question was the Irish land question in its most acute form. The fact that Wyndham had allowed the relevant clauses of the bill to suffer was seen as deplorable. For the I.P.P. members both the urgency and merit of the congested districts question ought to have occupied Wyndham's attention before any other. Considering the disappointment in the west over the act and the subsequent renewal of agrarian agitation Wyndham might have taken heed of Conor O'Kelly's warning:

By satisfying Connaught the government would have one of the best guarantees for public peace in Ireland, but if they had a dissatisfied and disaffected Connaught, they would find that this bill, instead of producing peace, would leave behind it a record of disappointed hopes.¹⁷⁵

Under the act the C.D.B. could buy estates just like the estates commissioners. The finance the C.D.B. needed to acquire land and sanction advances was provided by the Land Commission. They could decide whether or not there was adequate security for any advance made by them to a tenant-purchaser and the Land Commission would be obliged to authorise the advance.¹⁷⁶

Where the C.D.B carried out improvements on an estate which subsequently caused the holdings to be sold at a higher price, the Land Commission paid the difference between the old and the new price to the board.¹⁷⁷ On the issue of untenanted land, the quantity the board could hold in terms of valuation was thirty times the interest on the Church Surplus Grant.¹⁷⁸ Prior to the 1903 act, the C.D.B. obtained most of its

¹⁷⁴ *Ibid.*

¹⁷⁵ *Ibid.*, col. 1483 (6 July 1903).

¹⁷⁶ Irish Land Act, 1903, 80.

¹⁷⁷ *Ibid.*, 72.

¹⁷⁸ *Ibid.*, 74.

income from the interest on the grant. The grant of £1,500,000 provided approximately £41,250 annually.¹⁷⁹

X). The position of the agricultural labourers.

Of all the groups within Irish agricultural society who had hoped to benefit from the Wyndham Act none were more disappointed than the agricultural labourers. Under the act agricultural labourers were defined as ‘any person (other than a domestic or menial servant) working for hire in a rural district whose wages...do not exceed two shillings and sixpence a day and who is not in occupation of land exceeding one quarter of an acre’.¹⁸⁰ Since the bill was introduced late in the parliamentary session, time was at a premium. When the section of the bill dealing with the labourers was reached there was little time to spare and there was an urgent need to conclude the bill before the end of the session. As the bill was already overloaded Wyndham had brushed over the labourers question in order to focus on other areas.

Early on in the committee stage in the House of Commons it became evident that the labourers’ question was not adequately dealt with. T. W. Russell decreed that ‘there was nothing in this bill which would make anything like a settlement of the labourers’ question’.¹⁸¹ Wyndham acknowledged as much and agreed to facilitate the labourers as much as possible in the bill but to introduce another separate bill if necessary:

He [Wyndham] did not say that these clauses were a satisfactory settlement of the labourers’ question, which must be hereafter dealt with. Not only was it a large and complicated question, dependent on finance, local government and other questions, but alternative methods of dealing with it were recommended by different sections of the house. He had therefore come, with the greatest regret, to the conclusion that it would not be possible to deal with the subject, as it should be dealt with, in the bill. It was, however, desirable to retain the labourers’ clauses, as they were of some value.¹⁸²

All Irish M.P.s were deeply concerned that the labourers would be abandoned. They pressed Wyndham for an assurance that a separate bill would be introduced in the next parliamentary session. Eventually the chief secretary promised that ‘he would undertake

¹⁷⁹ William F. Bailey, ‘Ireland since the famine. A sketch of fifty years’ economic and legislative change’ in *Journal of the Statistical and Social Inquiry Society of Ireland*, xi, no. 83 (1902/03), p. 148.

¹⁸⁰ Irish Land Act, 1903, 93.

¹⁸¹ *Hansard* 4, cxxv, 36 (8 July 1903).

¹⁸² *Ibid.*, col. 36.

to give the matter his consideration during the autumn'.¹⁸³ Irish M.P.s understood him to mean that a bill would be introduced in the following year.

There was naturally great disappointment at the inadequacy of the labourers' clauses among the members of the I.P.P. John Murphy, M.P. for East Kerry, emphasised that 'the land agitation was due primarily to the condition of the congested districts and the condition of the agricultural labourers'.¹⁸⁴ There was a sense, despite Wyndham's assurance, that the labourers were being abandoned in order to secure a significant boon for the tenant farmers. The I.U.P.P. was equally dissatisfied with the bill's treatment of the labourers. John Gordon, M.P. for Londonderry South, warned that in the north of Ireland 'very great disappointment would be felt among the labourers in that part of the country if nothing adequate was done for them in this measure'.¹⁸⁵

The introduction of Wyndham's bill had raised expectations among the labourers who anticipated a share of the untenanted lands. James O'Shee, M.P. for West Waterford (I.P.P.), emphasised that 'in the south of Ireland the great question at present was not the amendment of the Labourers' Acts...but as to whether the labourers were to get allotments of land'.¹⁸⁶ A proposed amendment by O'Shee to provide labourers with an allotment of untenanted land was unsuccessful.

In the House of Lords Lord Emly championed the labourers' cause. He believed that the inadequate treatment of the class in the bill would lead to serious consequences: 'The land agitation that was now disappearing would be followed by a labour agitation of a far worse and more far-reaching character'.¹⁸⁷ He proposed an amendment to enable labourers, who were in occupation of a cottage received under the Labourers Acts, to purchase their residence with the Land Commission advancing the money under the same terms as it was advanced to agricultural holdings under the bill. Although the proposal was unsuccessful it did demonstrate that many felt that the agricultural labourers were being sacrificed for the benefit of the tenant farmers.

As the bill stood labourers whose daily wage was less than 2*s.* 6*d.* could apply for a cottage under the labourers' acts but had to get their application signed by six men.

¹⁸³ Ibid., col. 42-43.

¹⁸⁴ Ibid., col. 45.

¹⁸⁵ Ibid., col. 46.

¹⁸⁶ Ibid., col. 48.

¹⁸⁷ Ibid., cxxvii, 340 (7 Aug. 1903).

A labourer who applied or signed a request for a cottage but who was dismissed within a year could apply to the courts for compensation due to unfair dismissal because of his involvement in the matter. Lord Emly moved a motion to include the proviso that if a labourer was appealing against what he perceived to be a wrongful dismissal, the appeal should be brought before a county court judge and not a 'court of summary jurisdiction' which would contain large farmers who would be biased against the labourer.¹⁸⁸

On behalf of the government the duke of Devonshire explained why an appeal due to wrongful dismissal had been put in the bill in the first place:

In certain parts of Ireland, he [the duke of Devonshire] did not believe in the south or west at all, but to a large extent in the north, the Labours (Ireland) Acts had been rendered completely nugatory by the action of district councils and the tenant farmers. In a great many districts the practice had arisen of intimidating labourers from making use of their rights under the Labourers Dwellings Act by threatening them with dismissal, or by actually dismissing them.¹⁸⁹

Thus, Lord Emly's proposed amendment was defeated by 66 votes to 48 after a division.¹⁹⁰

Subsequently, Lord Inchiquin moved to omit the clause altogether. Many Irish landlords in the house were opposed to the idea of allowing the dismissed labourer to go to court for compensation simply because of his involvement in an application by another for a cottage. If such a labourer was incompetent he could not be dismissed without the fear he would successfully apply to the courts for compensation, after blaming his dismissal on his involvement in an application for a cottage. Lord Inchiquin's proposal was passed by 68 votes to 44 after a division.¹⁹¹ However, the clause was later reintroduced after some minor alterations. Following a division of the house it was barely carried by 63 votes to 62.¹⁹²

XI. Trinity College Dublin.

On the final day of the committee stage in the House of Commons Wyndham introduced a new clause dealing with the land of T.C.D. which proved to be one of the most

¹⁸⁸ Ibid., col. 345.

¹⁸⁹ Ibid., col. 348.

¹⁹⁰ Ibid., col. 350.

¹⁹¹ Ibid., col. 354.

¹⁹² Ibid., col. 632 (10 Aug. 1903).

controversial clauses in the bill. The new clause would facilitate an annual payment of £5,000 to T.C.D. out of the Irish Development Grant, to indemnify the college from any loss of income which might accrue under the act. The clause outlined that this loss could arise:

from the redemption under the land purchase acts of any superior interest owned by the college, that is to say, the difference between the annual income payable in respect of the superior interest and the annual income of the investment in which the redemption money of the superior interest is invested.¹⁹³

Such losses could have a negative effect on the college's educational capacity. Wyndham acknowledged that the clause was divisive and felt that it would be difficult to get it passed. He apologised for introducing such a controversial clause at such a late stage but admitted that it was the only solution he could see to the question of the T.C.D. lands a matter which directly affected approximately 10,000 tenants. The chancellor of the exchequer, Charles Ritchie, had insisted that the matter be met out of Irish money. Therefore, Wyndham had had to use the Irish Development Grant as it was already in the bill.¹⁹⁴ William O'Brien, however, held that the clause had been inserted to pacify the solicitor-general for England, Sir Edward Carson, M.P. for T.C.D. who was opposed to the bill overall.¹⁹⁵

The second M.P. for the college in the house was the solicitor-general for Ireland, James Campbell. He pointed out that the Trinity College Leasing and Perpetuity Act had been passed in 1851, at the request of the lessees who rented the land off the college and sublet it to the tenants, to standardise the dealings between them and T.C.D.:

The principal object of that act was to bring relief to the lessees, and to accede to their request to have their tenure changed from terminable lease into perpetuity. That act went on to provide that Trinity College should be at liberty to give leases for a period not longer than ninety-nine years, provided the rent was not less than three-fourths of the annual value of the land, but it also gave an alternative right to the lessees to demand a lease and grant in perpetuity...subject to a rent fixed upon a basis having reference to standard commodities.¹⁹⁶

By 1903 T.C.D. owned approximately 200,000 acres the vast majority of which was held by landlords who paid the college a head rent. These landlords in turn sublet the

¹⁹³ Ibid., cxxv, 53 (8 July 1903).

¹⁹⁴ Ibid., col. 50-3.

¹⁹⁵ See O'Brien, *An olive branch in Ireland*, p. 245.

¹⁹⁶ *Hansard* 4, cxxv, 65 (8 July 1903).

land to tenants and the rents paid by these intermediary landlords were subject to the Trinity College Leasing and Perpetuity Act, 1851 which were up for examination every ten years. Due to the rent reductions which judicial tenants had received, in 1881 and 1896, the middlemen had had their rent reduced by approximately 44 %. However, since the leasing and perpetuity act of 1851, the middlemen had had their head rent to T.C.D. increased by approximately 31 %.¹⁹⁷ The commodities upon which the head rent was based were mutton, butter, beef, oats and wheat. James Campbell M.P. maintained these middlemen had made considerable profit between 1851 and 1881. While the price of the commodities upon which the middlemen's rent was based had risen from the 1880s, the rent the middlemen charged the tenants had, in many cases, received two major reductions in the land courts. Campbell held that this was no fault of T.C.D. as it had faithfully upheld their part of the bargain made with the middlemen.¹⁹⁸

The opposition of the I.P.P. to the new clause was intense as the whole area of Irish education and the Catholic university question were unavoidably dragged into the debate. Their opposition centred on a number of key issues. Firstly, there was little sympathy for T.C.D., as many other landlords would also be put in a similar position by the bill yet they would not be receiving compensation. According to John Redmond:

The right hon. gentleman said that Trinity College was in a peculiar position: that it had leased out its land at long leases: that the middlemen had re-let to other tenants: and that the land could not be sold under this bill without inflicting a loss on Trinity College. But Trinity College was not the only landlord in that position. Other landlords had leased their property in the same way, and they would lose out just as Trinity College would lose... Yet there was to be no provision made for dealing with them: and Trinity was to be specially selected to receive this compensation.¹⁹⁹

Much anger was generated over the fact that money for T.C.D. would be taken out of the Irish Development Grant. The grant consisted of £185,000 and was the Irish counterpart of the English education grant. It was liable for any loss which accrued from the flotation of stock to raise finance for land purchase. In addition, annual charges of

¹⁹⁷ Ibid., cxxvii, 99-104 (6 Aug. 1903).

¹⁹⁸ Ibid., cxxv, 64-70 (8 July 1903).

¹⁹⁹ Ibid., col. 55.

£50,000 for the Irish Land Purchase Fund (until 31 Mar. 1907) and £20,000 for the C.D.B. were to come out of the grant.

T.C.D. was viewed as an exclusively Protestant college and its representatives in parliament were openly opposed to a Catholic university. The fact that money set aside for Irish education was to be diverted to a university for a privileged minority for non-educational purposes was a bitter pill for the I.P.P. to swallow. The question arose as to why T.C.D. was to receive preferential treatment when other bodies such as Maynooth College and the Presbyterian Church were in a similar position under the bill.

John Dillon objected that such an issue had been raised so late in the passage of the bill and he was disgusted that the labourers question had been brushed over only to have the matter of compensation to T.C.D. raised. He urged the chief secretary to deal with the issue in a separate bill in the next session.²⁰⁰ T.M. Healy was not enamoured with the clause either but felt that there was no alternative but to accept it in order to give the large number of T.C.D. tenants, who let their land from middlemen, a chance to purchase their holdings. However, he found the use of the Irish Development Grant very inappropriate:

It seemed to be an irony of fate that this development grant, which was the equivalent grant to which Ireland was entitled in respect of the grant for education, should go not to the unfortunate national schools of the country but should go in relief of one of the one exclusive university in the country which had distinguished itself in the late election by pledging the solicitor-general to oppose anything in the nature of a Catholic university.²⁰¹

Healy suggested that Wyndham create a commission to look into the T.C.D. dilemma whose report would then have to be followed by the estates commissioners.²⁰² Opposition to the T.C.D. clause was forced to a division where the Conservative government was successful by 197 votes to 134.²⁰³

On the report stage of the bill in the House of Commons the position of T.C.D. arose again.²⁰⁴ T.W. Russell moved to drop the clause which gave the college £5,000 a

²⁰⁰ *Ibid.*, col. 59-63.

²⁰¹ *Ibid.*, col. 57.

²⁰² *Ibid.*, col. 57-8.

²⁰³ *Ibid.*, col. 86.

²⁰⁴ The report stage followed the committee stage and offered M.P.s a final chance to make amendments to the bill before it went to the third reading stage.

year out of the Irish Development Grant. The lack of transparency and accountability in terms of exactly where the money was going and who was receiving it were his chief concerns. Russell considered the 'grant of £5,000 to Trinity College as hush money' and it 'was a job of the first magnitude'.²⁰⁵ John Dillon considered the grant to T.C.D. 'a most scandalous job'.²⁰⁶ The justification for it was that it would help the tenants to purchase, but there was little confidence amongst many Irish M.P.s that the money would be of any benefit to the T.C.D. middlemen and would not encourage them to sell. Wyndham was confident that the money would assist the tenants and the amendment was rejected.²⁰⁷ T. M. Healy's suggestion that a commission be established to investigate the issue was, later in fact, adopted by the government. It would consist of Healy, Lord Justice Gerald Fitzgibbon and George F. Trench.

In the House of Lords efforts were made to assist the middlemen to sell under the measure. Many doubted whether the middlemen would sell because after T.C.D. had taken its portion to redeem the head rents and after the costs of sale had been paid, the profit remaining would be quite small. Therefore, to facilitate the middlemen selling the earl of Donoughmore wanted a proviso to enable T.C.D. to lower the rents they charged the middlemen. This would be achieved by making the rents the college charged the middlemen subject to the fair rent provisions of the 1881 Land Act and allow them the same reductions judicial tenants had received in 1881 and 1896. Although the amendment received support from a number of Irish landlords in the house the government refused to deviate from their position. Other suggestions that the middlemen receive an extra 'bonus' or a double 'bonus' to facilitate the sale of their lands were equally unsuccessful.²⁰⁸

XII). The response to the act.

The reaction to the act which was passed by parliament was, in the main, enthusiastic as far as Irish opinion went. The I.P.P. welcomed it as a significant act albeit imperfect. Redmond acknowledged that it was a genuine attempt by the government and he

²⁰⁵ *Hansard* 4, cxxv, 1064 (17 July 1903).

²⁰⁶ *Ibid.*, col. 1066.

²⁰⁷ *Ibid.*, col. 1068-69.

²⁰⁸ *Ibid.*, cxxvii, 108-11 (6 Aug. 1903).

promised it would receive a fair trial. However, he was swift to emphasise that it was a government measure and that the responsibility lay with them. He maintained that the Land Conference terms had been departed from in a number of areas which ensured it would not solve the land question.²⁰⁹ There were a number of areas where the I.P.P. were quite dissatisfied. The provisions regarding the congested districts and the agricultural labourers were held to be wholly inadequate, although they had managed to obtain a pledge from Wyndham that a separate labourers' bill would be introduced in the next parliamentary session.

On the question of the evicted tenants there were some doubts as to whether the act actually provided the means to resolve the problem. Likewise, there was some unease over the prices that would be given under the price 'zones'. John Dillon predicted that they would establish a false standard of price and he bemoaned the fact that the 'bonus' was not distributed at a higher rate. As it was there was room for conflict between landlords and tenants over the price.²¹⁰ Equally the reality that the wealthier landlords would receive a larger 'bonus' than those who were more impoverished threatened to lead to a stalemate as regards sales in the poorer areas of the west.

The administration of the act would be crucial according to the I.P.P. If it was administered in what they considered a conciliatory spirit then many of their apprehensions would disappear. William O'Brien identified the principal flaws in the measure as the absence of decadal reductions, the absence of a time limit for the 'bonus' and the failure to provide a larger 'bonus' to the landlords.²¹¹ According to O'Brien these were the areas where the government had departed furthest from the Land Conference report.

For the act to be a success for the I.P.P. there were a number of goals that had to be realised. The evicted tenants would have to be reinstated, the C.D.B. would have to accelerate and improve its operations, the promise of a separate labourers bill would have to be fulfilled and the prices paid by the tenants for their holdings could not be exorbitant. While they held that the act contained a number of defects they were willing to give it a fair trial as it was still regarded as a great measure. As regards the question of

²⁰⁹ *Ibid.*, cxxv, 1322-9 (21 July 1903).

²¹⁰ *Ibid.*, col. 1340-7.

²¹¹ *Ibid.*, col. 1351-2.

home rule they adhered to their belief that the act would only further the case for self-government.

While the act received the royal assent on 14 August 1903 it did not come into operation until 1 November. Despite his avowal on the third reading that it would receive a fair trial, John Dillon quickly voiced his distrust of the new act.²¹² On 25 August he spoke at Swinford, Co. Mayo where he attacked the whole concept of conciliation with the landlords. The *Freeman's Journal* reported:

To the amazement of some of us old campaigners, we hear Irish landlords talking of conciliation, and of intention to go into conferences with the leader of the Irish party...when the landlords talk of conciliation, what do they want? They want 25 years' purchase of their land...I am so far sceptical that I have no faith in the doctrine of conciliation.²¹³

Dillon commented that having achieved so much by agrarian agitation it would now be foolish to change their policy and he recommended that the agitation be renewed with even greater vigour.

Redmond and O'Brien were intent on giving the bill a fair chance and adopted a conciliatory approach. The national directory of the U.I.L. met in Dublin on 8 September. Notably, those opposed to the act such as John Dillon and Michael Davitt failed to attend. William O'Brien moved a list of resolutions which can be summarised as follows; (i). The U.I.L. welcomed the act which was it claimed was due to their campaigning and expressed the hope it would enable all Irishmen to unite for the country's benefit. (ii). That while the act failed to live up to some of the Land Conference's recommendations the act still went further than any previous piece of legislation. Thanks was expressed to the I.P.P., T. W. Russell and the Ulster tenants, the Land Conference landlords, the Liberal party and George Wyndham and his associates in government. (iii). The U.I.L. counselled that the landlord/tenant negotiations should be friendly and amicable. The tenants should pose a united front and not react hastily to offer to sell. (iv). In cases where the landlord's asking price was too high, tenants should seek advice and not do anything ruinous to themselves or hurtful to the tenantry in general. (v). The U.I.L. congratulated the labourers on the pledge received from

²¹² *Ibid.*, col. 1340.

²¹³ *F.J.*, 26 Aug. 1903.

Wyndham to have a labourers bill in the next session of parliament. (vi). The administration of the act would have to be closely watched. (vii). That the operation of the measure would lead to a greater demand for home rule. All of the resolutions were passed amidst general agreement.²¹⁴

In the interlude between the act receiving the royal assent and 1 November 1903 Redmond spoke in all four provinces in support of the new act. On 13 September at Aughrim, Co. Wicklow at a meeting held under the auspices of the U.I.L., he heralded the act as 'the greatest measure of the kind since the union'.²¹⁵ Likewise O'Brien made a number of public speeches in favour of the act and promoted the spirit of conciliation as regards sales negotiations.

T. W. Russell was an enthusiastic supporter of the new act which he regarded as 'the greatest measure passed for Ireland since the act of union'.²¹⁶ However, he prophesied that it would not solve the land question and that there would have to be further amending bills in the future. Poignantly he identified that the financial provisions of the act would collapse.²¹⁷ Russell believed that compulsion would have to be resorted to in the future as some landlords simply would not sell under any circumstances.²¹⁸ Furthermore, he was keen to outline to his constituents the benefits that had accrued from their alliance with the nationalist tenant farmers:

There would have been no land bill but for the sacrifices of the Irish people in the west, and other districts of the country. There would have been no land bill but for the agitation carried on by their organisations. And all I claim to have done is that, at the psychological moment I stood in with them for a great purpose, that I did my best to make Ulster a factor in the war, and, that thus united, Ireland has secured in an incredibly short space of time, a land bill such as no land reformer now living ever expected to see. I say this is the only sane policy for Ireland.²¹⁹

On 9 October 1903 the Ulster Farmers' and Labourers' Union held a conference in Belfast. R.B. Canghey J.P. presided, and T. W. Russell M.P., James Wood M.P. and

²¹⁴ *I.T.*, 11 Sept. 1903.

²¹⁵ *Ibid.*, 14 September 1903. Redmond spoke in Down on 27 September, in Roscommon on 11 October, and in Kerry on 25 October.

²¹⁶ *Hansard 4*, cxxv, 1349 (21 July 1903).

²¹⁷ *Ibid.*, col. 1349.

²¹⁸ *I.T.*, 20 Aug. 1903.

²¹⁹ *Ibid.*, 8 Oct. 1903.

Edward Mitchell M.P. were present. The first portion of the meeting was held in private and a number of resolutions were adopted. These included an appeal to its members to prepare for an eminent general election and a recognition that compulsory purchase would have to be used in the future against those landlords who refused to sell. As well as that there were concerns over the price to be paid for land. The *Irish Times* reported:

This conference sees with alarm and regret an apparently combined movement amongst Irish landlords to demand about 26 years' purchase of second term rents, exclusive of the 'bonus', as the basis for sale, and whilst recognising that each estate must be judged by its own circumstances, deprecates such terms as uneconomic, entirely unnecessary to safeguard the landlord from loss against the Land Conference, and dangerous to the tenant-purchaser.²²⁰

Russell, however, declared the act to be 'a fair and reasonable compromise and ought to be worked for all that it is worth'.²²¹ He advised the tenants not to rush into bargains and stated that landlords asking for twenty-six years purchase or greater were not acting in the spirit of the act. On the issue of the labourers he called for a continuation of the alliance with the nationalists to resolve the matter and ridiculed the poor record of the I.U.P.P. on the land question.²²²

Although the Irish Landowners' Convention did not meet in the months before the act came into operation the measure had secured their approval. The president of the convention, the duke of Abercorn, acknowledged the legislation as a 'great land bill'.²²³ Likewise, the duke of Devonshire, who was an absentee landlord, held that the act was 'a great attempt to restore agrarian peace in Ireland'.²²⁴ However, there was a minority who were unhappy with the act. Lord Muskerry held that there was a serious peril that the act would not be a final settlement of the land question and was annoyed with the government for conceding far too much, in his opinion, to the nationalists:

The government have thrown over their loyal supporters in favour of the nationalist party... This bill now before your lordships is in reality a strong step to bring home rule about. The whole of this legislation has not only been unjust and dishonest, but it has shown great cowardice on the part of successive

²²⁰ *Ibid.*, 10 Oct. 1903.

²²¹ *Ibid.*

²²² *Ibid.*

²²³ *Hansard* 4, cxxvii, 811 (11 Aug. 1903).

²²⁴ *Ibid.*, col. 824.

governments, who have prostituted their sense of justice to the outcry of agitator's and for the purpose of gaining a few votes.²²⁵

The other prominent landlord organisation, the Land Conference Committee, met on 27 August where they issued a statement in favour of the act. Colonel Hutcheson-Poe chaired the meeting in the absence of the earls of Dunraven and Mayo. The committee expressed their gratitude to the chief secretary for following the recommendations of the Land Conference as closely as possible. However, they believed that the adoption of the earl of Dunraven's proposed amendment to allocate the 'bonus' at a standard rate of 15 % would have been a far greater tonic to sales under the act. A resolution to this effect was proposed by Lindsay Talbot-Crosbie and seconded by Lord Castletown.²²⁶

The I.U.P.P. welcomed the act. The leader of the party, Colonel Edward Saunderson, was quite hopeful that it would bring prosperity and peace to Ireland. Moreover, he held that the act would increase the loyalty of the people as it would remove the land question as a weapon which could be wielded by the nationalist agitators.²²⁷ Similarly, John Lonsdale heralded the new legislation as 'by far the greatest measure of land reform ever passed by any parliament'.²²⁸

The reaction of the two dominant English parties differed from Irish opinion. The leader of the Liberal party, Sir Henry Campbell-Bannerman declared the act to be 'more than a great agricultural or agrarian reform', a 'social and political revolution'.²²⁹ There was an appreciation of the statesmanship and skill with which Wyndham had piloted the bill through parliament especially as the Liberal leader considered that the chief secretary had had little support from his cabinet colleagues during the debates. The fact that the bill had been debated almost elusively by Irishmen was held as a justification for the claim of self-government. However, there was an element within the Liberal party who begrudged the benefits the landlords were to receive, and who feared that the tenants would be unable to repay their annuities and that the British taxpayer would suffer in the future. Such fears were espoused by George Lambert who compared

²²⁵ *Ibid.*, col. 809-10

²²⁶ *I.T.*, 28 Aug. 1903.

²²⁷ *Hansard* 4, cxxv, 1329-33 (21 July 1903).

²²⁸ *I.T.*, 31 Oct. 1903.

²²⁹ *Hansard* 4, cxxv, 1336 (21 July 1903).

Wyndham to a 'very charming highwayman' who was putting the imperial credit at great risk.²³⁰

The Conservatives held that the new act would bring peace and prosperity to Ireland and that it would be detrimental to the cause of home rule. Although the Irish question would remain there was a hope that with the agrarian element removed much of the bitterness and associated problems would be extinguished. The prime minister, A. J. Balfour, decreed that the act would forward the cause of the two principal problems associated with the land question, namely, land purchase and the congested districts.²³¹

XIII). Conclusion.

A common theme expressed in both houses of parliament, especially during the committee stages, was that members felt they were working against the clock. It was late in the parliamentary session when the serious debating began which meant that certain sections of the bill were not discussed as fully as some M.P.s would have liked. William O'Brien identified the shortage of time as a major problem: 'In accordance with the usual vile habit as to Irish legislation, the committee stage was deferred to the last weeks of the session, when every hour was of gold, and we were forced to debate under the incessant threat that, unless the bill reached the House of Lords by a brief date named, it must be lost.'²³²

Wyndham, on a number of occasions, called for proposed amendments which were only of minor importance to be dropped in order not to impede the progress of the bill. Thus the I.P.P. moved no amendments on the report stage, despite their unhappiness with certain aspects of the bill, in order to give it a free run. The question arises as to whether or not this was a deliberate ploy by Wyndham to capitalise on the unique atmosphere which had been created by the Land Conference, so as to deprive the members of the luxury of time which could have led to further contentious issues emerging.

Once the actual examination of the bill got underway there were a number of issues which dominated the proceedings in both houses. The issue which almost resulted

²³⁰ Ibid., col. 1364.

²³¹ Ibid., 1338.

²³² O'Brien, *An olive branch in Ireland*, p. 246.

in the bill's demise was the 'zones'. Opposition to the 'zones' had been worked up by the *Freeman's Journal* to the point where Redmond felt he had no choice but to attempt to abolish, or at least amend them. The lack of unity in the I.P.P. also came to the fore on this issue when Dillon proposed that Redmond should move for the adjournment of the debate which would almost certainly have led to the bill's demise. However, following concessions from Wyndham, the Land Conference Committee, the Irish Landowners' Convention and a secret meeting between the chief secretary and Redmond, the potentially fatal crisis was resolved.

The appointment of the estate commissioners caused considerable debate. Nearly all parties felt that the administration of the act would be the key to its success but the I.P.P. were especially keen to stress this point. The fact that Frederick Wrench appeared to have a different status than the other two commissioners was a cause for grave concern. As the bill originally stood Wrench had a higher salary and was exempt from parliamentary criticism because his salary was to come out of the consolidation fund. Eventually, Wyndham enabled all three commissioners to be subject to parliamentary criticism but the difference in salary remained a cause for concern for many tenant representatives as it appeared Wrench held a superior position to the other two commissioners.

On the issue of the evicted tenants William O'Brien was the principal speaker for the I.P.P. Landlord spokesmen such as Colonel Saunderson, while in favour of a settlement of the question, did not want the present occupiers of the evicted tenants' holdings to be subject to intimidation as a result of government legislation. The I.P.P. denied that there would be any such agitation. The issue was resolved, however, by raising the limit of advances available to evicted tenants, from £500 to £1,000, and allowing the estates commissioners to go outside this limit in certain special cases. Where the old holding could not be acquired they could buy another holding from the landlord on the estate or from untenanted land acquired by the estates commissioners.

The section of the act that dealt with the agricultural labourers had been seen as completely inadequate by virtually all sides in both houses. The chief secretary was eventually compelled to promise that a labourers' bill would be introduced in the next parliamentary session, a promise which was sufficient to pacify the Irish M.P.s.

Clauses dealing with the congested districts formed a substantial portion of the bill. Calls from the I.P.P. and T.W. Russell to grant the C.D.B. compulsory powers or the right of pre-emption were rejected by the government. Dr. Edward Thompson's proposal to introduce an element of popular representation onto the board was resisted by Colonel Saunderson as he held it would introduce sectarianism onto the board and was eventually withdrawn. Wyndham, under the bill, had increased the board's annual income to £90,000 and put aside £1,250,000 to buy untenanted land. A proposed amendment by Conor O'Kelly to enlarge the areas under the board's jurisdiction was also rejected.

The retention of sporting rights proved to be a topic of major debate. The preservation of the game was of crucial importance to the landlord representatives who were keen to keep the landlords in the country and to encourage tourists. Many tenant representatives held that the tenant ought to hold the rights once he had purchased his holding. Conversely, the landlord representatives believed that such an outcome would lead to the destruction of the game as the tenant-purchasers would not have the means or the capital to maintain them. Eventually and after much debate in both houses, it was decided that if the landlord already held the rights he kept them. Where it was unclear or there were concurrent rights and the landlord failed to agree with his tenants they would be vested in the Land Commission.

Mining rights also caused some heated debate in both houses of parliament. Landlord representatives believed that they ought to get some compensation for minerals on their land or the future development of them. A proposal by the earl of Donoughmore in the House of Lords, in cases where the mineral rights were vested in the Land Commission, was altered to entitle the vendor to 25 % of the future profits made out of the mineral rights. The measure was passed despite strong opposition from the I.P.P. Wyndham, however, ensured that the tenant-purchasers could use the gravel, stone and clay of their holdings without violating any law.

The clause dealing with the sale and repurchase of a landlord's demesne was intended to encourage the landlords to remain on in Ireland. T. P. O'Connor tried to limit the provision to landlords who had resided in the country for more than six months in the last five years and to exclude absentee landlords altogether. The proposed

amendment was dropped due to the impracticality of proving what a 'resident landlord' was. Liberal opposition was evident in the proposal of Thomas Aston, seconded by Francis Canning, who moved to omit the provision altogether but this proposal was not forced to a division.

The maximum limit of an advance to any one tenant was raised to £7,000. When the bill had been introduced it had stood at £3,000, and could go up to £5,000 in certain circumstances. The I.P.P. were very concerned with preventing graziers benefiting from the measure while permitting dairy or tillage farmers to acquire their holdings and the final version of the clause expressed that sentiment.

The 'bonus' was probably the cornerstone of the whole bill. Its purpose was to bridge the gap between what the tenant was able to pay for their holdings and what the landlord was willing to accept. There was certainly some truth in the claim by the Liberal M.P., Francis Channing, that the 'bonus' was a bribe to ensure that the House of Lords passed the bill. During the committee stage Channing and Thomas Aston moved to abolish the 'bonus' as they felt that the British taxpayer was being exploited and that if compulsion had been used there would have been no necessity for the £12,000,000. Their protests failed to garner sufficient support.

At first the 'bonus' was to be allotted at an inverse ratio to the purchase money. An amendment by Redmond to fix it at 15 % and have a time limit of five years was unsuccessful. Eventually Wyndham fixed it as at a uniform 12 % The amount put aside for the 'bonus' was felt to be insufficient by many Irish M.P.s and £20,000,000 was what many had hoped for as it would ensure there was no room for argument between tenants and landlord. However, £12,000,000 was the maximum that Wyndham had been able to procure from the treasury although he acknowledged that it would probably fall short of what was required.

The clause which indemnified T.C.D. against loss provoked considerable controversy. In the event of the middlemen of the college selling, £5,000 was to be taken annually from the Irish Development Grant. The clause was introduced on the final day of committee in the Commons which left little time for debate and was bitterly opposed by the I.P.P. Wyndham apologised but it was probably at Sir Edward Carson's request that the clause was included. The clause was inserted in the bill after a division which

was almost the only one in the Commons outside of those on the 'zones'. Many tenant representatives consoled themselves that it was the only way that the tenants of T.C.D. could avail of the bill.

In the House of Commons the Irish landlords were represented by only a handful of members. Colonel Edward Saunderson was the principal Irish landlord representative. Sir John Colomb and John Butcher, both representing English constituencies, were also to the fore in attending to the needs of landlords. Aside from T. W. Russell, who played a prominent role in the debates, the absence of the Ulster unionist members and their poor participation during the discussions on the key features of the bill was noteworthy. In the House of Lords the Irish landlords were well represented with many large Irish landowners taking a prominent role in the discussions. Like the Commons virtually all the debates were left to members from Ireland.

On the I.P.P. side John Redmond, William O'Brien and John Dillon were to the fore during the discussions on the bill. They were ably supported by numerous other M.P.s on various occasions. Notwithstanding the odd interjection from some Liberal and Conservative members the bill was essentially debated by Irish representatives.

One of the striking features of the bill's passing was the level of praise directed toward the chief secretary. In both the Commons and the Lords, Wyndham was congratulated on the skill, diplomacy and courage with which he had handled the measure. The accusation of the Liberal leader Sir Henry Campbell-Bannerman, on the third reading, that Wyndham received little help from his fellow government ministers certainly had a strong element of truth. Aside from the prime minister, A. J. Balfour, who spoke on a couple of occasions, the chief secretary was left to steer the bill's passage on his own. Carson, Atkinson and Campbell spoke on small matters that concerned them and could hardly be said to have been pillars of support for Wyndham. The fact that the chief secretary was often almost a solitary figure, in his attempts to further the bill's progress, revealed much about the attitude of his cabinet colleagues towards the measure.

CHAPTER FOUR: 'AN IMMENSE SOCIAL REVOLUTION': THE SALE OF ESTATES.¹

I). Introduction.

The terms of the Wyndham Land Act proved very enticing to landowners in Ireland and when it came into operation on 1 November 1903 there was a rush to avail of the act. By 31 December 1904 the applications for advances to tenant-purchasers totalled £15,439,256. Just over £12,500,000 of that sum related to direct sales between landlord and tenants.² Landlords preferred to deal directly with their tenants as opposed to selling to the estates commissioners or the C.D.B. The advantages to the landlord of a direct sale to his tenants were obvious. So long as the purchase price agreed upon fell within the 'zones', the agreement had to be sanctioned by the Land Commission. In a sale to the commissioners or the C.D.B. the price they offered the landlord was based upon an evaluation of the estate. There was no such visit in direct sales. Therefore, the landlord had greater room in which to manoeuvre and he could try to convince his tenants to agree to a higher price than he might otherwise obtain.

Fears had been expressed in parliament that landlords, once they had sold, would abandon their residences and leave the country. The ad interim report of the estates commissioners for the period up to 31 December 1904 quickly dispelled those fears. The commissioners found that in virtually every case up to 31 December 1904 landlords had kept their demesnes and houses or repurchased them under clause three.³ The mass exodus of landlords from the country had not materialised. One of the objectives of the estates commissioners was to enable the resident landowners 'to repurchase so much of the untenanted land in his occupation as he may require for the purposes of a home farm and amenities of a country gentleman's life'.⁴ The commissioners had to balance this with cases where there were uneconomic holdings and where the landlord wished to retain more untenanted land than they deemed necessary for him to enjoy the lifestyle of a country gentleman. Thus landlords had the option of effectively becoming comfortable members of the farming class.

¹ John Morley Liberal, M.P., *Hansard* 4, cxxii, 127 (7 May 1903).

² *Ad interim report of the estates commissioners for the period from 1st November, 1903, to 31st December, 1904*, 25 [Cd. 2471], H.C. 1905, xxii, 177.

³ *Ibid.*, p. 9

⁴ *Ibid.*

Under the terms of the 1903 act, the 'bonus' that was to be given to landlords upon sale was up for consideration after five years. The 12 % 'bonus' rate was guaranteed up until 1 November 1908. Correctly identifying that the 'bonus' was to be reduced and fearing that it might be abolished altogether, Irish landlords rushed to take advantage of the act before the deadline. With a Liberal government in power from early 1906 and a new land bill in the pipeline, the generous terms of the Wyndham Act looked set to disappear. The estates commissioners highlighted the frenzied efforts of landlords to lodge their sales applications in time to avail of the 12 % 'bonus'. From 1 April 1908 to 31 March 1909, in cases of direct sales between landlords and tenants, advances involving 2,536 'estates' and totalling £22,577,803 were applied for. In the month of October 1908 alone, applications worth approximately £11,000,000 were lodged. Augustine Birrell, Liberal chief secretary from 1907 to 1916, revealed how in one week in October, £7,000,000 worth of agreements were lodged.⁵ On 24 November 1908 notice was given that the 'bonus' was to be reduced to 3 % from that date. From then until 31 March 1909, purchase agreements worth £863,662, which had been entered into prior to 24 November, were lodged.⁶

According to the report of the estates commissioners for the year ending 31 March 1909, applications for advances under the Wyndham Act amounted to just over £78,000,000. However, the actual sum that had been advanced up to that date was just over £27,000,000. The treasury had rarely been able to advance more than £5,000,000 a year for the duration of the Wyndham Act. The 1909 Land Act was introduced by the Liberals to address the problems that had arisen out of the Wyndham Act. Clause three of the 1909 Land Act was an attempt to alleviate the problem of pending sales under the Wyndham Act and to provide landlords with more options. A landlord who had sold but who was waiting on the distribution of the purchase money had the option of taking it 'either wholly or partly in 2 ¾ % guaranteed land stock at 92'.⁷ Many landlords simply could not afford to wait for a number of years to receive payment. The interest paid on the purchase money by the tenants, in lieu of rent prior to its distribution, rarely

⁵ Augustine Birrell, 'Proposed [Irish] land bill' 13 Nov. 1908 (T.N.A., CAB 37/96/151), pp 3-4

⁶ *Report of the estates commissioners for the year ending 31 March 1909 and for the period from 1st November 1903 to 31st March 1909*, xii-xiv, [Cd.4849] H.C. 1909, xxiii, 737.

⁷ *Report of the estates commissioners for the year ending 31 March 1911 and for the period from 1st November 1903 to 31st March 1911*, iii, [Cd.5795] H.C. 1911, xxix, pt. i, 331.

exceeded 4 % while the charges on many estates were 5 % and 6 %. A landlord who was solvent at the time he agreed to sell his lands could be in a very different position if he elected to wait for a cash payment.

The regulations regarding the allocation of money and pending sales under the Wyndham Act came into force from 1 April 1910. Once a portion had been set aside for the operation of the labourers' acts, the money available for pending advances in each financial year was to be allocated as follows; four-tenths was to be put towards direct sales in cash; four-tenths was to be put towards direct sales partly in cash and partly stock; one-tenth each would go towards sales to the Land Commission and the C.D.B. In order to establish the priority in which the vendors of estates would receive payment, three 'principal registers' were created. The first register contained all the direct sales pending under the Wyndham Act. Priority was allocated according to the date on which the application was lodged with the estates commissioners. The second register comprised all the pending sales to the estates commissioners. Sales were prioritised according to the date an application was lodged, the date a preliminary price estimate was accepted by the vendor or the date when the land judge forwarded to the commissioners the particulars of an estate. The final register dealt with pending sales to the C.D.B. and sales were prioritised in the same way as those under the second register.

Each of the three 'principal registers' contained two 'subsidiary registers'. One would deal with pending sales where it had been agreed that payment would be in part-cash and in part-stock while the second subsidiary register was concerned with payments wholly in stock. Once a vendor agreed to take payment wholly or partly in stock, they were transferred from the principal register to the relevant subsidiary register. The same system of prioritisation applied to subsidiary registers.⁸ On 1 April 1911 a new set of regulations replaced those dated 15 February 1910. Apart from a few minor alterations they were essentially the same.⁹ In 1915 further minor changes were made to the regulations.¹⁰

⁸ Regulations made by the lord lieutenant under section 23 (8) of the Irish land act, 1903, and section 4 of the Irish land act 1909 dated 15 February 1910 in *Report of the estates commissioners for the year ending 31 March 1910 and for the period from 1st November 1903 to 31st March 1910* [Cd. 5423] H.C. 1910, xxxi, 847.

⁹ Regulations made by the lord lieutenant under section 23 (8) of the Irish land act, 1903, and section 4 of the Irish land act 1909 dated 28 March 1911 in *Report of the estates commissioners for the year ending 31*

In the estates commissioners' report for the year ending 31 March 1911, the breakdown was as follows: £3,143,246 went towards pending sales in cash; £2,723,205 towards half-cash half-stock payments and £946,158 towards payments wholly in 2 ¾ % guaranteed land stock.¹¹ Upon the publication of the estates commissioners' final report in 1921, £61,728,777 had been advanced in cash. In half cash, half 2 ¾ % stock, £12,004,113 had been advanced while advances wholly in 2 ¾ % stock amounted to £3,251,281.¹² Many landlords who could not afford to wait for the purchase money in cash opted for the part-cash part-stock option or took the purchase money wholly in stock.

II.) Types of landownership

Before examining the sales under the act through a series of case studies, a basic understanding of how landlords held their land in the period is necessary. Land held in fee simple meant that the owner was in absolute control of his land. According to Ruth Cannon: 'The word "fee" is a reference to "forever". The word "simple" means "without qualification". The owner of a standard fee simple estate has the right to ownership of the relevant land forever. He is the absolute owner of the land.'¹³ Variations of fee simple included determinable fee simple and fee simple subject to a condition. These were known as modified fee simples which, as the name suggests, did not equate with unconditional ownership. A determinable fee simple terminated upon the occurrence of a certain incident or event. The land returned to the individual who had granted the determinable fee simple or to somebody specified by the grantor. The interest of the grantor of the determinable fee simple was known as a possibility of reverter. If the

March 1911 and for the period from 1st November 1903 to 31st March 1911, [Cd.5795] H.C. 1911, xxix, pt. I, 331.

¹⁰ See *Statutory rules and orders, 1915. No. 291. Landlord and Tenant, Ireland. 'Regulations, dated April 1, 1915, made by the lords justices under section 23 (8) of the Irish Land Act, 1903 [3 Edw. 7. c. 42] and section 4 of the Irish Land Act, 1909 [9 Edw 7, c. 42]* in Irish Land Commission, *Report of the estates commissioners for the year from 1st April, 1920, to 31st March, 1921 and for the period from 1st November, 1903 to 31 March, 1921* (Dublin, 1922).

¹¹ *Report of the estates commissioners for the year ending 31 March 1911 and for the period from 1st November 1903 to 31st March 1911*, iv, [Cd.5795] H.C. 1911, xxix, Pt. I, 331.

¹² Irish Land Commission, *Report of the estates commissioners for the year from 1st April, 1920, to 31st March, 1921 and for the period from 1st November, 1903 to 31 March, 1921*, p. vi.

¹³ Ruth Cannon, *Land law* (Dublin, 2001), p. 6.

event never materialised, the owner would hold the land indefinitely. A fee simple subject to a condition was almost indistinguishable from a determinable fee simple:

The distinction between a conditional and determinable fee is that with a conditional fee the mere happening of the event will not automatically cause the estate to end. It merely gives the grantor or the holder of the gift over a right of entry and the estate only terminates on the exercise of this right.¹⁴

Where land was held in fee tail the occupant held the land for the duration of his lifetime. This was known as a life estate and the person who held the fee tail was known as the tenant in tail. Upon the death of the tenant in tail, the land passed to his eldest son by primogeniture. In this way, land could be kept within a family for generations. However, it was extremely difficult for a tenant in tail to sell his land. He could only sell his life interest in the land. Anyone who bought such an interest would hold the land *pur autre vie* which meant that they would hold the land until the tenant in tail died. In order to overcome these restrictions, a tenant in tail could apply for a disentailing assurance which was lodged with the high court. This would essentially transform the fee tail into a fee simple.

The issue of future interests was also relevant to the 1903 act. Future interests did not establish ownership rights at the time but could do so at a future date.¹⁵ Reversions and remainders were future interests. A reversion referred to an instance whereby land reverted back to the grantor when a life estate or fee tail terminated. When the grantor had specified that the land was to go to a person other than himself upon the termination of the life estate or fee tail, this was known as a remainder. The person in receipt of the land upon such an occurrence was known as a remainderman.¹⁶

The Settled Land Acts 1882-90 were pertinent to the Wyndham Act. According to Jack Anderson: 'The basic objective of the legislation...[was] to give the limited owner-the immediate possessor of the land-greater powers to deal with the settled land, including the power to sell the land. Under the acts, the limited owner...[was] called the tenant-for-life.'¹⁷ The tenant-for-life was given the power to sell the fee simple. Thus the purpose of the Settled Land Acts was to allow the sale or transfer of land which

¹⁴ Ibid., p. 7.

¹⁵ Ibid., p. 21.

¹⁶ Ibid., pp 21-25.

¹⁷ Jack Anderson, *Irish land law* (Dublin, 2002), p. 83.

otherwise would have been inalienable. It applied principally to land held under a settlement, land held under a trust for sale and the land of a minor. A settlement could 'denote any disposition of any kind of property in favour of successive owners, usually with the motive of retaining the property in the family name'.¹⁸ Land held by fee tail, estates *pur autre vie* and modified fee simples all fell under the umbrella of settlement. The individual who held land in this way or who held the land for the duration of his lifetime was known as the tenant-for-life. He could sell, lease and even mortgage the land. The settled land acts provided that future interests in the land, such as reversions and remainders, could not be terminated upon sale but rather attached to the purchase money. The purchase money was given to the trustees of the settlement who were responsible for allocating it in accordance with the terms of the settlement.

Trustees of the settlement were created under the Settled Land Acts 1882-90. Their purpose according to Anderson was:

to ensure, by and large, that the tenant-for-life in exercising his powers under the acts does so for the benefit of the settlement as a whole. The task of the trustees is a delicate balancing act between regulating the significant powers given to the tenant-for-life by the acts and not overly restricting the actions of the tenant-for-life. The latter would go against the key objective of the acts, which is to free the land, and the immediate possessor of that land, from the fetters of the original settlement.¹⁹

Trustees could have been appointed under the original settlement or to facilitate the settled land acts. Where a minor held land he was considered a tenant-for-life. However, he could not sell the land. In such a case, the trustees of the settlement had the power to sell a minor's estate.²⁰

III). Persons eligible to sell under the Wyndham Act.

Under the land purchase acts, the following people had the right to sell:

The persons having power to sell under the land purchase acts comprise absolute owners in fee-simple, or in fee-farm, tenants-for-life and other limited owners of such estates under the Settled Land Acts... Absolute and similarly limited owners of leasehold estates, where the lease is for lives or years renewable for

¹⁸ Ibid., p. 82.

¹⁹ Ibid., p. 88.

²⁰ Ibid., pp 82-92.

ever, or for a term of years of which not less than sixty are unexpired at the time of the sale being made...Trustees for sale or with power of sale, bodies corporate, and trustees for charities, have also power to sell...Mortgagees, *in possession*, with power of sale are also similarly entitled.²¹

Anyone who wished to sell under the Wyndham Act had to provide *prima facie* evidence in the form of deeds and other documentation that he was actually entitled to sell. The vendor had to prove that rent had been paid to him 'or his immediate predecessor in title' for at least six years prior to the sale.²² Once the estates commissioners had established the vendor's right to sell, they informed anyone with an interest in the estate and published a notice in the *Dublin Gazette*.²³ In the absence of any difficulties, the commissioners drew up a certificate which declared the vendor's right to sell.²⁴

A limited owner was someone who held an interest in land which was less than a fee simple such as a life tenant.²⁵ He could be recognised by the estates commissioners as the owner.²⁶ Clause seventy of the Wyndham Act abolished 'all covenants, agreements, and conditions in any lease or fee-farm grant prohibiting, restraining, or tending to restrain the alienation of any land held thereunder' in order to further sales.²⁷

Under the Settled Land Acts 1882-90, the tenant-for-life could not sell the mansion house without first obtaining the permission of the trustees of the settlement. Under the 1903 act, however, this was no longer necessary. The estate of a minor could be sold by 'the trustees of the settlement, if there are any, and if there are none, than by persons appointed by the court to exercise on their behalf the powers of sale of a tenant-for-life'.²⁸ An example of such a case was the sale of the Leinster estate in Co. Kildare where the duke was only sixteen years old when it was sold in 1903. Similarly, the estate of a 'lunatic' could be sold under clause twenty-six if sanctioned by the lord

²¹ Cherry and Maxwell (eds), *Irish Land Act*, p. 1077.

²² Irish Land Act, 1903, 17 (1).

²³ The cost of all advertisements was paid by the Land Commission in order to defray the expenses of the vendor. See 'Provisional rules under the Irish Land Act, 1903 (Sections 1 to 23), 23 October, 1903', rule 45 cited in Cherry and Maxwell (eds), *Irish Land Acts*, pp 1173-4.

²⁴ 'Provisional rules under the Irish Land Act, 1903 (Sections 1 to 23) 23 October, 1903', rules 16-18, cited in Cherry and Maxwell (eds), *Irish Land Acts*, p. 1168.

²⁵ Henry Murdoch, *Murdoch's dictionary of Irish law 3rd edition* (Dublin, 2000), p. 472.

²⁶ Irish Land Act, 1903, 17.

²⁷ *Ibid.*, 70.

²⁸ Cherry and Maxwell (eds), *Irish Land Acts*, p. 1077. See Irish Land Act, 1903, 17.

chancellor.²⁹ It may have been necessary to sell such an estate in order to pay the debts of the 'lunatic', to pay off encumbrances on his estate or to provide for his future upkeep.

Clause three of the Wyndham Act dealt with advances to landlords which would enable them to repurchase their demesnes. The expression 'demesne' included 'any mansion house or other buildings thereon'.³⁰ Where a landlord was selling his estate to his tenants, the Estates Commission could buy his demesne and any 'other land in his occupation and adjacent to, or in the neighbourhood of, the estate' at a price they considered equitable and resell it back to him.³¹ The clause also applied to estates sold to the Estates Commission, the C.D.B., and estates bought by them from the land judge under clause seven. The maximum advance which could be made to the landlord was £20,000 or one-third of the total purchase money whichever was smaller.

Sub-section three of clause three placed a responsibility on the estates commissioners, before they resold any land to the owner, to take into account the acreage that would remain for the expansion of small holdings. Where the proprietor of a demesne, whose land was held conditional to a settlement, did not repurchase, the estates commissioners could give an advance to the trustees of the settlement to repurchase the demesne and land formerly in the owner's occupation.³²

Instead of negotiating a direct sale with his tenants a landlord could apply to sell his estate to the Land Commission who would investigate the circumstances of the estate and the prices that the tenants would be able to pay. A price would then be offered to the landlord who had one month to decide whether or not he wished to sell.³³ The price would be based on both the commissioners' valuation of the holdings and the price that the tenants were willing to pay. Three-quarters of the tenants, both in number and valuation, had to be willing to purchase in order for the sale to go ahead. The remainder could be forced to purchase if the estates commissioners considered it beneficial and

²⁹ Irish Land Act, 1903, 26.

³⁰ *Ibid.*, 98 (1).

³¹ *Ibid.*, 3 (1).

³² *Ibid.*, 3.

³³ 'Provisional rules under the Irish Land Act, 1903 (Sections 1 to 23) 23 October 1903' rule 23, cited in Cherry and Maxwell (eds), *Irish Land Acts*, p. 1169. Under rule 43 the time limit could be extended.

practical.³⁴ This was essentially a form of compulsory purchase but it only compelled the tenant to buy, not the landlord to sell.

Under clause six sub-section five of the Wyndham Act, a 'congested estate' was defined as 'an estate not less than half of the area of which consists of holdings not exceeding five pounds in rateable value, or of mountain or bog land, or not less than a quarter of the area of which is held in rundale or intermixed plots'.³⁵ Congested estates were not confined to the congested districts but were scattered throughout Ireland. The estates commissioners had the power to purchase and improve such estates. The purchase of a congested estate could be authorised even if the resale would likely incur a loss.³⁶

Once the estates commissioners decided to buy an area of land they made an order vesting the land in the commission. At least two months prior to the date of the vesting order, they had to publish in the *Dublin Gazette* their intention to issue such an order and inform any persons with an interest in the land.³⁷ The vesting order, conferring the fee simple of the land on the commission, was made conditional to any public or sporting rights, maintenance charges or other rights such as superior or intervening interests and encumbrances. Any claims on the land would subsequently be affixed to the purchase money.³⁸

The vendor had a window of one month, from the date that the estate was vested in the Land Commission or C.D.B., in which to deposit a draft allocation schedule and an abstract of title and to register the affair as a *lis pendens*. Where the sale was not to the Land Commission the landlord had one month from when the estates commissioners declared that he was entitled to sell.³⁹ A draft allocation schedule disclosed how the vendor proposed to distribute the purchase money, in addition to outlining the claims on it. An abstract of title demonstrated the vendor's right to sell. It outlined the history of the ownership of the estate in addition to any claims such as mortgages or easements. An

³⁴ Irish Land Act, 1903, 19.

³⁵ *Ibid.*, 6 (5).

³⁶ *Ibid.*, 6.

³⁷ 'Provisional rules under the Irish Land Act, 1903, (Sections 1 to 23), 23 October, 1903', 29 cited in Cherry and Maxwell (eds), *Irish Land Acts*, p. 1170.

³⁸ Irish Land Act, 1903, 16.

³⁹ 'Provisional rules under the Land Purchase Acts, 4 December 1903' order iv (3) cited in Cherry and Maxwell (eds), *Irish Land Acts*, p. 1209.

easement was a right of use of another person's land for a particular purpose. In this context, *lis pendens* essentially meant that the matter was registered as a pending lawsuit concerning the title of the land. Interest of 3 ½ % was paid by the estates commissioners on the purchase money to the vendor from the time of the agreement to sell until the land was vested in the Land Commission. All rent and arrears of rent transferred to the commission from the date of the agreement to sell. In direct sales between landlords and tenants the rate of interest, in lieu of rent prior to the distribution of the purchase money, could be negotiated but it had to be at least 3 ½ %.

Disagreements between tenant-purchasers over the 'boundaries of holdings, easements, or appurtenances' could be brought before the estates commissioners who had the power to resolve them.⁴⁰ An appurtenance was a right or restriction that was attached to an area of land. The prescribed form, which gave the details of the situation and was signed by all those involved in the dispute, had to be delivered to the estates commissioners who would attempt to remedy the situation.⁴¹

In 1849, the Encumbered Estates Court was established to supervise the sale of estates which were mired in debt. In the late 1850s, it was replaced by the Landed Estates Court. This was, in turn, incorporated into the Land Judges Court in 1879. Encumbered estates in the Land Judges Court could be purchased by the estates commissioners. The land judge was obliged to supply them with the necessary documentation and information relating to the estate.⁴² A price could be offered to the land judge by the Land Commission. If the land judge did not think that the offer was adequate, and it was not withdrawn, he could put the estate up for sale at a public auction. The land judge had 'all the powers for the apportionment and redemption of superior and intervening interests'.⁴³ Thus, any claims connected with the estate became a charge on the purchase money and were resolved before the land changed hands. According to the 1903 act: 'An order of the land judge declaring the Land Commission to be the purchasers of any land shall have the effect of an order vesting land in the

⁴⁰ Irish Land Act, 1903, 22.

⁴¹ 'Provisional rules under the Irish Land Act, 1903 (Sections 1 to 23), 23 October, 1903', rule 34 cited in Cherry and Maxwell (eds), *Irish Land Acts*, p. 1171.

⁴² A rental of the estate, maps and descriptions of any superior interests were some of the particulars which had to be supplied. See 'Provisional rules under the Irish Land Act, 1903 (Sections 1 to 23) 23 October, 1903', rule 25 cited in Cherry and Maxwell (eds), *Irish Land Acts*, pp 1169-70.

⁴³ Irish Land Act, 1903, 7 (4). See Irish Land Act, 1903, 15 (2).

commission...and shall also vest in them the right to collect and recover any arrears of rent specified in that order.’⁴⁴

Clause fifty-seven of the 1903 act specified that in sales in the Land Judge’s Court interest was paid at 3 ½ %, by the tenant-purchasers on the purchase money to the Land Commission. The interest was due from ‘the date of the order of the land judge accepting the offer of the tenants’.⁴⁵ Interest was paid until the payment of the purchase annuity commenced.

IV). The Leinster estate.

Sales under the Wyndham Act shall be examined through a series of case studies. This will provide an insight into the process involved and the difficulties that often arose during negotiations. One of the earliest and largest estates to be sold under the Wyndham Act was the Leinster estate centred at Carton in Maynooth, Co. Kildare. It was sold in late November 1903 by the trustees, on behalf of the duke of Leinster, who was still a minor. The estate comprised approximately 45,000 acres and was mainly situated in Co. Kildare with a few hundred acres in Co. Meath. The returns of advances made under the Wyndham Act listed Lord Frederick Fitzgerald and Arthur Fitzgerald, Baron Kinnaird, as the two trustees. The 1903 act allowed the trustees to sell, despite the duke being a minor.

Lord Frederick Fitzgerald (1857-1924) was a son of Charles William Fitzgerald, the fourth duke of Leinster. He held the rank of lieutenant-colonel in the army and saw service in Afghanistan, Egypt and South Africa. He was a member of Kildare C.C. and was the national commissioner for education in Ireland.

Arthur Fitzgerald (1847-1923) was the eleventh Lord Kinnaird of Inchturre and third Baron Kinnaird of Rossie. His grandfather Charles Fitzgerald, eighth Lord Kinnaird of Inchturre, had married Olivia Letitia Catherine Fitzgerald (1787-1858), the youngest daughter of William Robert Fitzgerald, the second duke of Leinster. Lord Frederick Fitzgerald’s grandfather Augustus Frederick Fitzgerald, third duke of Leinster, and Arthur Fitzgerald’s grandmother were brother and sister. Arthur Fitzgerald was a

⁴⁴ Ibid., 7 (5).

⁴⁵ Ibid., 57 (1).

prominent figure in the development of soccer in Britain. He was an accomplished footballer winning five Football Association Cup medals with Old Etonians and Wanderers in addition to representing Scotland. His record of eleven F.A. Cup final appearances is still unequalled. In 1890 he became president of the F.A. Outside of football he had a successful career in banking and became a director of Barclay's Bank Ltd in 1896.⁴⁶

On 15 September 1903 the trustees informed the tenants on the Leinster estate that they were willing to sell. They offered 'to sell the different Leinster estates at 26 years' purchase subject to a reduction of 12 ½ per cent on first term rents with a view to adjusting them to the second term standard'.⁴⁷ One years' purchase was the equivalent of one years' rent. On the same day the tenants were notified, a meeting was held in Athy, Co. Kildare to consider the question of purchasing under these terms. Just how many tenants could have been notified in such a short space of time is open to question, although a newspaper at the time reported that the meeting was well attended.⁴⁸ Matthew J. Minch, the chairman of the meeting and a former M.P. for the I.P.P., revealed that 'of course, our meeting here today does not comprise all the Leinster tenants, inasmuch as the time was short and circulars were only sent out to those whose names we could secure at very short notice'.⁴⁹ Minch was also head of the Athy branch of the U.I.L. although he did not appear to be involved in the negotiations in that capacity. Even though the U.I.L. was quite weak in Co. Kildare its absence from the sale negotiations was notably. Minch had resigned as M.P. for South Kildare and had been replaced by Dennis Kilbride in May 1903.

Much of the meeting was spent trying to come to a decision as to the terms of purchase they would accept. It was eventually decided that they would be willing to buy at a price not exceeding twenty-four years purchase of the second term rents. Certain members at the meeting considered that they were being too generous towards the trustees and that they would be criticised. J. B. Deegan, vice-chairman of Athy Urban District Council, stated that 'they would be erring on the side of generosity on offering

⁴⁶ H. C. G. Matthew and Brian Harrison (eds), *Oxford dictionary of national biography*, xxxi (Oxford, 2000), pp 732-4.

⁴⁷ *The Times*, 19 Sept. 1903.

⁴⁸ *Leinster Leader*, 19 Sept. 1903.

⁴⁹ *Ibid.*, 19 Sept. 1903.

24 years' purchase' and 'he believed their meeting would be unfavourably criticised by the majority of the tenants in Ireland in consequence of their generosity!'⁵⁰ A committee was appointed in Athy which consisted of the following gentlemen: M. J. Minch, R. Anderson, T. Anderson, J. Gannon, R. Wright, P. Barrington, C. Greene and E. Heydon. A. Reeves and A. K Pennycook were appointed secretaries.⁵¹ Although Matthew Minch did acknowledge that it was only a preliminary meeting, it was not clear whether the committee would be representing the whole estate or just the Athy section when they met with the trustees.

On 17 September 1903, the Athy committee met with the agent of the estate, Charles R. Hamilton, in Dublin. Stephen J. Browne, solicitor and chairman of Kildare C.C., attended on behalf of the Maynooth tenantry but played no part in the discussions. The agent told them that the 'trustees had made up their minds, after consultation with their London solicitors, not to sell under 26 years' purchase, inasmuch as, being trustees, they had no power to reduce the income of the present duke'.⁵²

After the meeting, Matthew Minch stated that it was unreasonable and unjust to expect all the tenants to pay the same standard price for their holdings and that their varying positions and circumstances had to be taken into account. He considered 24 years' purchase the maximum that the tenants could offer. A correspondent for the *Freeman's Journal* illuminated the attitudes of many of the tenants. There was a feeling that the large farmers were dictating the pace and terms of the sale. These were men 'who have heaps of money, made in business, and others who have splendid situations'. Others held that the sale was being 'run by the big men and Scotchmen who have got the fat of the land'.⁵³ The mention of Scotchmen referred to the introduction of a number of Scottish tenants by the third duke after the famine.

In the second week of negotiations, the divisions among the tenants became more obvious. A meeting of the Maynooth tenantry was called for 21 September in Maynooth town. Unlike previous gatherings it was decided to conduct the meeting in private. The press representatives would be subsequently informed of the tenants' decisions by

⁵⁰ Ibid.

⁵¹ See appendix I.

⁵² *Nationalist and Leinster Times*, 19 Sept. 1903

⁵³ Ibid.

Thomas Shaw, who chaired the meeting, and Laurence Ball. The meeting was held at two p.m. and the *Leinster Leader* estimated that approximately fifty tenants were present. Stephen J. Browne informed the gathering that the trustees had reconsidered their original offer and had intimated their willingness to sell at twenty-five years' purchase.⁵⁴

The *Nationalist and Leinster Times* described the Maynooth portion of the estate as being 'mostly made up of grazing lands, held by some of the leading graziers of Kildare and Meath. There are, however, some portions of the lands under tillage, and this, needless to say, is of the poorer quality, and is let in comparatively small farms'.⁵⁵ Accusations that the larger tenants were setting the pace were confirmed in Maynooth as 'the grazier element predominated and took charge of the meeting'.⁵⁶ Most of the meeting was concerned with the appointment of a deputation to attend the meeting in Athy on the following day. The Maynooth deputation consisted of Thomas Shaw, Laurence Ball, John Langan, Mark Travers, Mr. McGrath, James Patterson and Richard McKenna. Stephen Browne, chairman of the Kildare C.C., would accompany the deputation in his capacity as solicitor for a number of the Maynooth tenants.⁵⁷

On 22 September 1903 a general meeting of the Leinster estate tenants was held in Athy. The Maynooth delegation was in attendance and they held a private conference with the Athy committee prior to the main meeting. The tenants were there to consider the report of the committee which had met the agent, Charles R. Hamilton, on 17 September. The meeting was not completely representative of the Leinster tenantry, however, as tenants from the Castledermot section of the estate were conspicuous by their absence. Edward Heydon, county councillor, made the point that the tenants on the Castledermot manor had asked him to 'call a meeting for next Sunday for them to consider their own position and I asked them why not come forward on today as there was a meeting in Athy. They told me that the Athy land was not at all on equal grounds'.⁵⁸ Heydon's statement also showed how the Castledermot tenants considered their land to be of a different quality to land around Athy. With the Castledermot tenants

⁵⁴ *Leinster Leader*, 26 Sept. 1903

⁵⁵ *Nationalist and Leinster Times*, 20 Sept. 1903.

⁵⁶ *Ibid.*

⁵⁷ See appendix I.

⁵⁸ *Leinster Leader*, 26 Sept. 1903.

not represented, Edward Heydon asked the meeting not to make terms for them. Thus the question of whether all tenants on the estate should pay a uniform price, regardless of the quality of their land, came to the fore.

The unrepresentative nature of the meeting was called to attention as the *Leinster Leader* reported: 'Mr. E. Heydon said it was a serious thing to come to an arrangement and only one tenth of the tenants present. The chairman said, this was a public meeting. If the tenants came they would only be too pleased to have them'.⁵⁹ The committee which had met with the agent Charles R. Hamilton on 17 September came under fire at the meeting. Indeed, there was considerable confusion as to who the committee had represented at that meeting:

Mr. J. B Deegan - By whom was the committee formed - by the tenants?
Chairman - There was a committee appointed on this day week to interview the trustees. You were present yourself. Mr. Deegan asked had any committee been formed by the majority of the agricultural tenants on the Leinster estate for the purpose of making terms on their behalf? Chairman - You have all the information I have. Mr. Deegan - Then there has been no committee formed. Chairman - Well it is a matter for our own opinion. I suppose. There was a committee appointed'.⁶⁰

J. B. Deegan complained that the local M.P. for South Kildare, Dennis Kilbride, ought to have been asked to attend as his advice would have been beneficial. There certainly appeared to be two conflicting groups at the meeting, one side urging caution and more discussion about the terms, the other anxious to force the sale of the Leinster lands through as quickly as possible. The concerns of the smaller tenants were also articulated, especially concerning the number of years' purchase that had to be paid. Edward Heydon, county councillor, made the point that '25 years purchase is frightening everybody' and that they 'ought to consider it from the farmers point of view alone, from the point of view of people with 60 and 50 and 30 acres of land'.⁶¹ A contemporary newspaper commented that the 'large farmers were prominently in evidence at the meeting in Athy' which might have accounted for the palpable tensions.⁶² The

⁵⁹ *Ibid.*, 26 Sept. 1903.

⁶⁰ *Ibid.*

⁶¹ *Ibid.*

⁶² Unidentified newspaper article, 25 Sep. 1903, (Public Record Office Northern Ireland [hereafter cited as P.R.O.N.I.], Leinster Papers, D 3078/2/15/3).

conclusion of the tenants' meeting was to appoint a deputation to meet with the trustees with powers to make terms for the purchase of their holdings.

On 24 September the appointed deputation met one of the trustees. The *Irish Times* stated that 'a joint deputation representing the tenantry of Maynooth and of the Manor of Athy, waited by appointment on Lord Frederick Fitzgerald, one of the trustees'.⁶³ The meeting was brief, between thirty minutes and an hour.⁶⁴ The proceedings were held in private with the press being informed of the following terms: '1) 25 years purchase. 2) All arrears up to March 1903, to be added to the purchase money. 3) The gale [impending rent] due on September 29th and November 1st to be forgiven. 4) Payment of interest on the purchase money to commence from 29th September, 1903. 5) Sporting rights reserved to the duke'.⁶⁵ Even though it was only a joint deputation from Maynooth and Athy which agreed to these terms 'they [*Leinster Leader*] consider the terms of sale as accepted by practically the whole of the Leinster tenantry'.⁶⁶

The Castledermot tenants only met for the first time on 27 September and they had had little or no input into what terms they would purchase their holdings. The purpose of their meeting was to decide whether or not to accept the terms agreed on 24 September. Rev. M. Walsh P.P., chaired the Castledermot meeting, and was closely assisted by Edward Heydon who had been at the meeting with the trustees. Although Heydon had land in Castledermot, his position at that meeting was rather ambiguous as no meeting had been held in Castledermot to appoint a deputation or representative. Among the Castledermot tenantry there was a sense of apprehension about purchasing their holdings. Edward Heydon, speaking of the late duke was reported as having declared that 'he always gave the tenants better terms than other landlords. (hear, hear.) A voice - he was a good man. Another voice - better than the government will be'.⁶⁷ This highlighted the doubts held by some tenants who perhaps realised that a government in Dublin or London would not be influenced as easily as the local landlord. Unlike a benevolent landlord, the government would demand that land purchase

⁶³ *I.T.*, 25 Sept. 1903.

⁶⁴ *Ibid.*

⁶⁵ *Ibid.*

⁶⁶ *Leinster Leader*, 26 Sept. 1903.

⁶⁷ *Nationalist and Leinster Times*, 3 Oct. 1903.

annuities be paid in full and on time, no matter how good or bad an agricultural year had been.

At the meeting on 24 September 1903 with the trustees, Edward Heydon and Richard Wright had tried to persuade them to forgive arrears on smaller tillage farms. Heydon declared that they 'did their best to get the trustees to forgive all arrears on tillage farms under £50, and they explained that people on these farms were generally harder set, particularly about Castledermot, where the land was colder. They failed to get the trustees to agree to that'.⁶⁸ The newspaper accounts of the meeting indicate that much of the Castledermot tenantry were anxious about agreeing to twenty-five years' purchase because they considered their land to be inferior to the rest of the estate. John Keogh, a Castledermot tenant, made the revealing comment that 'it's all very well for the big bugs about Athy to give twenty-five years' purchase, but it's different with us'.⁶⁹ Eventually the meeting decided to accept the terms already agreed to by the Athy and Maynooth deputations and the motion was carried with only three dissentients.⁷⁰

In analysing the sale of the Leinster estate, it is of the utmost importance to examine the people who actually negotiated the terms. A joint deputation from Maynooth and Athy negotiated the terms with the trustees. The Maynooth section of the deputation consisted of eight men. The *Leinster Leader* placed a Mr. McGrath on this deputation but he was replaced by William Chamberlain, who was present at the meeting of 22 September in Athy and the meeting of 24 September with the trustees.⁷¹ Mr. McGrath would appear to be James McGrath who rented 173 acres in Maynooth.⁷² When we examine appendix I, we can see that the deputation consisted of men who were large farmers, holding well over a 100 acres, except in the case of Joseph Langan who had 46.⁷³ It was possible that some of these men held land under other landlords in the region. Thomas Shaw does not appear on the return of advances made under the 1903 act but two substantial farmers, John and Hugh Shaw, farmed over 200 acres each at Griffinrath, Maynooth. Richard McKenna, Laurence Ball and Stephen Browne were

⁶⁸ Ibid.

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ *Leinster Leader*, 26 Sept. 1903.

⁷² *Return of advances made under the Irish Land Act, 1903 during the period from 1st November, 1903 to 31st December, 1905, vol. 1 parts i, ii, and iii* [Cd.3447, Cd.3560, Cd.3547] H.C. 1907, lxx, 1.

⁷³ See appendix I.

all J.P.s. McKenna was a county councillor as was Browne. Browne also happened to be chairman of Kildare C.C. and was solicitor for some of the Maynooth tenants. The members of the Maynooth section of the deputation were no ordinary tenants. In fact they would be considered the elite of the tenantry, owing to the significant tracts of land they rented and the prominent positions some of them held in local government.⁷⁴

As regards the Athy deputation, aside from Anthony Reeves, who rented 80 acres the rest held well over 150 acres each. Matthew Minch, Thomas Anderson, Richard Wright and John Gannon were all J.P.s. Minch was a former M.P. and a wealthy malt and corn merchant. Edward Heydon was a county councillor. Philip Barrington farmed 201 acres at Glassely, Athy. Andrew Pennycook and Anthony Reeves acted as secretaries for the deputation. Wright and Heydon had 24 and 59 acres in Castledermot respectively, although the vast majority of their land was in Kilkea. The Athy deputation also comprised large farmers, many of whom held prominent positions in local government. This eighteen-man deputation rented approximately 3,580 acres between them.⁷⁵ Even with the best intentions, it is questionable whether or not these large farmers actually appreciated or understood the needs and concerns of the smaller tenants. While these wealthier tenants might be expected to be prominent in any negotiations for sale, the fact that there were no small tenant farmers surely influenced the outcome of the negotiations. The question also arises as to whether or not the unrepresentative nature of the tenant meetings had a bearing on who was chosen for the deputations.⁷⁶

Denis Kilbride, M.P. for South Kildare, was more noticeable by his absence than by any involvement in the sale. He was not present at the meeting in Maynooth, the two meetings in Athy or that meeting in Castledermot. At the Athy meeting of 22 September, questions arose as to his absence which the *Leinster Leader* reported as follows: 'Mr. J.B. Deegan - has the parliamentary representative of the district been asked to attend here today? Chairman - not aware he has. Mr Deegan - wouldn't it have been well he had been. Don't you think he is a fit and proper person to be here? Chairman - I certainly

⁷⁴ Ibid.

⁷⁵ Ibid.

⁷⁶ Ibid.

would only be too pleased if Mr. Kilbride the representative of the district were here'.⁷⁷ The M.P. for North Kildare, Edmund Leamy (I.P.P.), played no role in the sale although the reason for this may have been his ill-health. He died in the south of France in late 1904 where he had been living for his health.

On 11 October 1903 Denis Kilbride gave an instructive speech on the Wyndham Act at Athy, Co. Kildare. The gist of Kilbride's speech, aside from explaining the act's operation, was that landlords were going to benefit far more than tenants. He also made a number of valuable points concerning the sale:

Whatever was said in Athy or Dominick Street [duke of Leinster's town residence] has no binding effect on anybody. As long as agreements are not effected the tenants are neither legally or honourably bound by the terms. He had heard that a circular was sent out to the Leinster tenants calling a meeting in Athy. That circular was received in most cases on Monday, and the meeting was called for Tuesday, while several tenants never got a circular at all. How could a tenant imagine that he is bound by an agreement made behind his back.⁷⁸

Even seventeen days after these terms had been agreed there was still considerable anger among sections of the Leinster tenantry at the manner in which they had been negotiated. The grievances of many tenants on the Leinster estate were given voice by Stephen Heydon, Kildare county councillor:

In south Kildare at the present time the headline has been set but he was afraid it was the wrong headline for south Kildare. It was set generally by those north Kildare men, graziers, who are living within easy access of Dublin, and having prime grassland. Those are the men who proposed 25 years' purchase, which he considered was not fair for this part of the country at all.⁷⁹

Many were displeased with the price of 25 years' purchase which they would have to pay.

One of the most controversial aspects of the Leinster estate sale was the issue of sporting rights. It had been intimated to the tenants that the trustees wanted to retain the sporting rights. At the Athy meeting of 22 September, after a heated debate, it still remained uncertain who would retain the rights. Some of those present held that the rights ought to be vested in the Land Commission, who would decide how to deal with

⁷⁷ *Leinster Leader*, 26 Sept. 1903

⁷⁸ *Nationalist and Leinster Times*, 17 Oct. 1903.

⁷⁹ *Ibid.*

the matter. Others opined that they should be transferred to the tenants or even handed over to the county council.⁸⁰ A considerable number of tenants wanted the sporting rights reserved to them once they purchased their holdings. They were anxious about the rights being reserved to the duke for a number of reasons. The tenants were chiefly concerned that the rights might be let out for profit, in which case, there might be a considerable number of strangers traversing their land. A resolution read out by the chairman at the Athy meeting of 22 September, M. J. Minch, summed up the tenants' fears: 'They didn't object to the sporting rights being retained by the duke of Leinster for his own personal use and that of his family and friends, but they strongly objected to those rights being let out for profit.'⁸¹ Eventually it was decided to empower the committee, which would meet the trustees on 24 September, to deal with the matter. At that meeting it was agreed that the sporting rights would be reserved to the duke until he came of age.

At the Castledermot meeting of 27 September, which had been convened to approve or reject the terms of sale, there was commotion over the duke's retention of the sporting rights. The Castledermot tenantry shared the same apprehensions about strangers intruding on their land. John Nolan, a Castledermot tenant, commented that there was 'some objection to the game rights being given up. We don't want to have gamekeepers coming in on our farms when we have purchased', adding 'I would not object to the duke or any of his friends coming on my land to shoot, but I would object to outsiders'.⁸² The issue of sporting rights revealed much about the mindset of the tenant farmers. After waiting so long to finally own their land, they had no intention of allowing strangers access to it.

Another contentious issue as far as sections of the Leinster tenants were concerned was the payment of the Lerr drainage scheme. The River Lerr ran through south Kildare around the Castledermot/Kilkea section of the Leinster estate. These charges were 'a charge for construction of drainage works ... created under the award of the Commissioners of Public Works made upon the completion of the drainage works in

⁸⁰ *Leinster Leader*, 26 Sept. 1903

⁸¹ *Ibid.*

⁸² *Nationalist and Leinster Times*, 3 Oct. 1903.

the district, and is a charge upon the lands'.⁸³ As the drainage of the Lerr had been part of an arterial drainage scheme a sum of £14,121 16s. 1d. remained to be paid back to the Board of Works at a half yearly charge of £363 8s. 9d.⁸⁴ This sum was now to be repaid out of the purchase money received from the sale of the estate. Prior to the sale it was being repaid in annual instalments by the duke of Leinster. At the Athy meeting of 27 September the matter came to the fore as the *Nationalist and Leinster Times* reported: 'Mr. Haydon said another fact of great importance to many tenants was that the duke would pay for the maintenance of the Lerr drainage... the duke would either invest a sum of money or mortgage a piece of property to produce what would pay for the maintenance. A Voice - We are not paying for it'.⁸⁵ The possibility that they would have to pay drainage charges on top of their annuities worried many tenants in the Kilkea/Castledermot area of the Leinster estate.

However, it was agreed that the duke would continue to pay these charges after the sale. In the statement of the money received under the act, £14,121 16s. 1d. was set aside to be taken out of the purchase money in the Kilkea section of the estate to pay the half yearly charge of £363 8s. 9d.⁸⁶ The tenants were indemnified against any drainage charges and their fears proved to be unfounded

The sale of the Leinster estate received considerable attention both locally and nationally. The tenants came in for some severe criticism over the price they had paid for their holdings. Even the *Irish Times* was taken aback at the financial scale of the sale and sounded a note of caution:

The small estates, with moderate valuation, constitute the Irish agrarian difficulty...the act will be a complete failure unless it affects the small farmers and poorer agriculturalists...Businesslike and agreeable as is such an agreement as the Leinster tenants have made, we should prefer to see the smaller landlords and poorer tenants coming in for the fruits of this piece of beneficent legislation. If the big landlords follow the example of the representatives of the Duke of Leinster, the five millions which the estates commissioners can advance the first

⁸³ Cherry and Maxwell (eds), *The Irish Land Acts, 1903 and 1904*, p. 1116

⁸⁴ 'Statement of monies realised from sales to tenants under the purchase of Land (Ireland) Act of 1903 completed between the 1st November 1903 and 1st October 1904 and the distribution thereof' (P.R.O.N.I., Leinster papers, D 3078/2/15/5).

⁸⁵ *Nationalist and Leinster Times*, 3 Oct. 1903.

⁸⁶ 'Statement of monies realised from sales to tenants under the purchase of Land (Ireland) Act of 1903 completed between the 1st November 1903 and 1st October 1904 and the distribution thereof' (P.R.O.N.I., Leinster Papers, D 3078/2/15/5).

year will very quickly be eaten up, so that it behoves those for whom the act was especially intended – namely, the less well-to-do, whether landlords or tenants – to see that they are not indefinitely shut out from its benefits.⁸⁷

Critics of the Leinster sale felt that other landlords would follow the precedent it had set. A letter from a Maynooth resident, signed W.H., which appeared in the *Freeman's Journal* remarked that 'a more grievous wrong could hardly be inflicted... on the small tillage tenants than by their inclusion in Mr. Minch's cast-iron mould of uniformity, and this is just the body of tenants least capable of understanding the injustice'.⁸⁸ The author saw the terms as 'most mischievous in its results if adopted, and it should be noted that its chief support comes from a swarm of new comers who represent the wealth of the tenancy and to whom any reduction is quite a god send'.⁸⁹ Another tenant on the Leinster estate, writing under the pseudonym 'Nemo', expressed his disgust at the manner in which the sale had been carried out:

In the negotiations which have been carried on with the Leinster trustees I have seen the names of these shop-keepers and business men in a very prominent position, together with the names of a few descendents of those Scotchmen, who in the old days were fondled by Hamilton [agents for the dukes of Leinster] and his master, the then duke of Leinster, and who got their farms at a figure never dreamt of by Irish men. These men certainly have cogent reasons for the eulogies which they have passed upon the dukes of Leinster.⁹⁰

Despite being taken aback by the scale of the sale the *Irish Times* dismissed the claims that the Leinster estate would set the price for land under the act as absurd: 'The twenty-five years purchase on the Leinster estate cannot rule the sales for Ireland, for Kildare is a choice bit of land with exceptional advantages,' and 'that no one with any intelligent appreciation of the situation would hold up the action of the Leinster tenants as an example which must be necessarily followed'.⁹¹ The *Freeman's Journal* was severely critical of the sale of the Leinster estate and declared that the tenants were paying too much for their land. It argued that the 'contention that because the tenants on the Leinster estate have got reductions less than the average received by tenants in the

⁸⁷ *I.T.* 25 Sept. 1903.

⁸⁸ *F.J.*, 10 Oct. 1903.

⁸⁹ *Ibid.*

⁹⁰ *Ibid.*

⁹¹ *I.T.*, 30 Sept. 1903.

land courts throughout Ireland, therefore the landlord is entitled to an increased number of years' purchase, is one of those crazy fallacies that have got hold of the minds of many people on the subject'.⁹² The tenants of the earl of Dartrey's estate in Co. Waterford passed a resolution which condemned the high price the Leinster tenants agreed to pay and expressed their fear that the Leinster example would be held up for others to imitate.⁹³ This exemplified the intense public scrutiny the sale received.

William O'Brien, one of the most prominent advocates of the Wyndham Act, felt very strongly about the sale of the Leinster estate. In his book, *An olive branch in Ireland*, he condemned the selfishness of the tenants and asserted that the sale set the tone for the province of Leinster.⁹⁴ Even in England the sale of the estate made an impact on the newspapers. The *Daily Mail* in particular wrote of the immense sum which the trustees of the Leinster estate would receive and the great advantages of the act to both the vendor and purchaser.⁹⁵

The fact that the trustees, who had power of sale under the Wyndham Act, sold virtually the entire estate while the young duke was still a minor, did not go unnoticed or uncriticised. The earl of Muskerry, for example, severely censured their actions in the House of Lords: 'One great estate, which used to support the highest dignity in the Irish peerage, has been sacrificed for ready money by the guardians of a minor, with little respect for the future of a title divorced from property and residence.'⁹⁶

As already noted, George Wyndham, the chief architect of the 1903 act, was related to the dukes of Leinster being the grandson of Pamela, the daughter of Lord Edward Fitzgerald who took part in the 1798 rebellion. Vernon Cochrane, a contemporary, was scathing of the trustees treatment of the young duke. In addition, he accused Wyndham of using his position to lubricate the sale of the Leinster estate:

The chief secretary has used his influence to secure part of the 'bonus' to sell the Leinster estate, which, whatever is its legal aspect, is a crime to the minor. When his constituents in England learn the true bearings of the case, the results to him will probably be as disastrous as 'Home Rule' has been to the Liberal party.⁹⁷

⁹² *F.J.*, 6 Oct. 1903.

⁹³ *I.T.*, 30 Sept. 1903.

⁹⁴ O'Brien, *An olive branch in Ireland*, p. 301.

⁹⁵ *Daily Mail*, 31 Oct. 1903.

⁹⁶ *Hansard* 4, xxx, 521 (22 Feb. 1904).

⁹⁷ *I.T.*, 14 Dec. 1903.

There certainly was a sense that the best interests of the young duke had not been well served by the sale of the estate. The young duke reached his majority upon celebrating his twenty-first birthday on 1 March 1908, almost five years after the trustees had decided to sell the Leinster estate.⁹⁸

It did not take long for the 'Leinster terms', as they became known, to influence other negotiations, especially those in the region of the estate. Fears that the sale would encourage other landlords to request similar terms were well-founded. During the negotiations on the Samuel Mills estate, situated in Co. Kildare and Queen's County, the agent declared that the landlord would only sell on the same terms that the trustees of the Leinster estate had.⁹⁹ Likewise, on the estate of R. H. McDonnell, which was situated near Athy, an offer of twenty-three years' purchase on second term rents was refused as the landlord insisted on the Leinster estate terms.¹⁰⁰

The lack of involvement in the sale on the part of the U.I.L. contributed to the high prices given by the Leinster tenants according to nationalists. The organisation was quite weak in Co. Kildare and there were only a handful of branches. Although Matthew Minch was head of the Athy branch of the U.I.L., it appears it was only for political purposes as he was a former M.P. His involvement in the sale negotiations was not in the capacity of a U.I.L. representative and there was little mention of the organisation during the whole process. At a league meeting held in Redwood, Co. Wicklow, D. J. Cogan, M.P. for East Wicklow, warned of the dangers of haste and the absence of organisation as *The Times* reported:

He could hardly get out of the idea that the action of the tenants there was chiefly due, and mainly due, to the want of organisation (hear, hear), because he was afraid that the wealthier and stronger tenants rushed the sale to the disadvantage of their poorer neighbours, and the sale was anything but a businesslike one, and he did think that it was one that wont prove advantageous either to the tenants themselves or to their posterity.¹⁰¹

John O'Donnell, M.P. for South Mayo, also attacked the bargain made by the Leinster tenants and he cited the lack of a U.I.L. organisation as one of the principle reasons for

⁹⁸ *Irish Independent* [hereafter cited as *I.I.*], 29 Feb. 1908.

⁹⁹ *F.J.*, 25 Nov. 1903.

¹⁰⁰ *Ibid.*, 27 Nov. 1903.

¹⁰¹ *Ibid.*, 6 Oct. 1903.

the high price.¹⁰² At a U.I.L. meeting in South Cork, Eugene Crean M.P., 'urged the tenants not to repeat the rash and foolish action of the duke of Leinster's tenants'.¹⁰³

The total sum from the purchase money, interest and 'bonus' amounted to £766,647 11s. 4d. The purchase money and interest received from the estates commissioners amounted to £674,516 25s. 16d. The 'bonus' was £80,108 16s. 18d. The statement also contains another figure of £12,021 7s. 6d. which is derived from 'income'.¹⁰⁴ When it is added to the bonus and purchase money we get the figure of £766,647 11s. 4d.¹⁰⁵ When one considers that the British Treasury was allocating just £5,000,000 a year to land purchase, this was a huge portion to be expended on just one sale and it undoubtedly had an adverse effect. In 1908 one newspaper in hindsight declared: 'the sale of the Leinster estate under the Wyndham Land Act fairly crippled that badly financed measure'.¹⁰⁶ Expenses of sale added up to £22,815 and the redemption of charges on the estate amounted to £78,831 6s. 7d. The bulk of the purchase money was invested on mortgages.¹⁰⁷ These included a series of loans to Lord Tankerville of £298,000 at 3 ½ %, Mr. Duncombe Shafto £82,500 at 3 ¾ %, Colonel H. Denison £39,000 at 3 ¾ %, Lord Fitzwilliam £41,000 at 3 ¾ % and Lord Hastings £122,500 at 3 ½ %. Overall these loans amount to £603,000.¹⁰⁸

George Montagu Bennet, seventh earl of Tankerville (1852-1931), succeeded his father in 1899. He was deputy lieutenant and justice of the peace in Northumberland and had served in the Royal Navy. During the duke of Marlborough's term as lord lieutenant of Ireland in the late 1870s George was his aide-de-camp. In 1895 he married Leonora Sophie Van Marther of New York.¹⁰⁹

William Charles De Meuron (1872-1943) became the seventh earl Fitzwilliam upon the death of his grandfather. From 1893-4 he served as the aide-de-camp for the

¹⁰² *The Times*, 28 Sept. 1903.

¹⁰³ *Ibid.*, 1 Oct. 1903.

¹⁰⁴ It is possible that this figure, referred to as 'income', was the interest on the purchase money paid by the tenants to the trustees prior to its allocation.

¹⁰⁵ 'Statement of applications of sums received on the sale of the Leinster Estates in Ireland' (P.R.O.N.I., Leinster Papers, D 3078/2/15/5).

¹⁰⁶ *I.I.*, 29 Feb. 1908.

¹⁰⁷ 'Statement of applications of sums received on the sale of the Leinster Estates in Ireland' (P.R.O.N.I., Leinster Papers, D 3078/2/15/5).

¹⁰⁸ *Ibid.*

¹⁰⁹ *Who's who 1911* (London, 1911).

marquess of Lansdowne who was viceroy of India at the time and he served in the South African War.¹¹⁰ The earl sold a considerable portion of his Wicklow estates under the Wyndham Act.

Born in 1847, Colonel Henry Denison had been commander of the Nottinghamshire yeomanry (Sherwood Rangers). He married Edith Taylor of West Ogwell, Devon in 1877. His address in the 1911 edition of *Who's who* was given as Eaton Hall, Retford, Nottinghamshire.¹¹¹

George Manners Astley, twentieth Baron Hastings died in September 1904 aged forty-seven. The statement in the Leinster papers concerning the application of the money received from the sale was dated July 1904 so one assumes it was the twentieth baron and not his son Albert Edward Delaval Astley (1882-1956) who received a loan. The twentieth baron married Elizabeth Evelyn Harbord, the daughter of the fifth baron Suffield in 1880.¹¹²

One of the mortgage loans was to Mr. Duncombe Shafto. Charles Ottiwell Duncombe Shafto was born in 1853 and worked as a barrister. He married Helena Rosa, daughter of Rev. George Pearson Wilkinson of Harperley Park, in 1877. One of their sons, Charles Duncombe Shafto, was a lieutenant in the army and was killed in the South Africa War at Scion Kop in 1900. The Leinster papers do not say for certain whether it was Charles or one of his two surviving sons who received the loan. His eldest surviving son, Captain Arthur Duncombe Shafto, served in South Africa during the war. George Duncombe Shafto was his other son.¹¹³

Only £61,706 18s. 7d. of the purchase money was actually invested in stocks. Stock was purchased in a number of Irish companies or institutions such as Dublin Corporation, Belfast Corporation and Bank of Ireland. Railway stock such as Caledonian Railway and Midland Great Western of Ireland proved popular.¹¹⁴ The agent for the

¹¹⁰ *Burke's peerage and baronetage* (105th ed., London, 1970).

¹¹¹ *Who's who 1911* (London, 1911).

¹¹² *Burke's peerage and baronetage* (105th ed., London, 1970):

¹¹³ See Ruvigny et Raineval, marquis de (Henry Massue Melville), *The Plantagenet roll of the blood royal* (London, 1907), pp 309-10 and *Who's who 1911* (London, 1911).

¹¹⁴ See appendix II for the stocks purchased.

estate, Charles R. Hamilton, received the considerable sum of £15,000 for his services during the sale.¹¹⁵

According to the statement on the legal and beneficial ownership of the purchase monies of the Leinster estate of December 1905, approximately £272,076 of the purchase money was tied up in family charges.¹¹⁶ Frederick, Walter, Charles, George, Henry and Nesta were all children of the fourth duke of Leinster, Charles William Fitzgerald (1819-87). They all received a portion of the purchase money. Gerald Fitzgerald was the eldest son of the fourth duke and succeeded him as the fifth duke of Leinster. Upon his death in 1901, the title passed to his eldest son Maurice who was only fourteen at the time and thus a minor.

A small section of the tenantry on the Leinster estate accounted for more than half the purchase money. By 1908, the Leinster sale was seen by many as a prime example of how the Wyndham Act had been exploited by those who had been in least need of assistance. The total number of purchasers on the estate was 506. Of that total, 77 received advances over £3,000 which amounted to £381,825.¹¹⁷ The Liberal attorney-general at the time, R. R. Cherry, voiced such feelings during the debates on the 1909 Land Act:

The house would recollect that in the [1903] act power was given to make advances up to £7,000 to a single purchaser, and soon after the act came into operation this provision was largely taken advantage of by the rich and well-to-do, and really the poor people were shut out. He was speaking of the tenants, and those large tenants of the duke of Leinster's estate were certainly not the class of people intended to be benefited by the land purchase acts.¹¹⁸

The sale of large properties such as the Leinster estate had eaten into the purchase money available and quickly exhausted it. These estates, mainly in the east of the country, contained large holdings whose tenants were in little need of assistance. These large sales were processed to the detriment of those tenants in the west of Ireland who were most in need of the act. According to R. R. Cherry:

The duke of Leinster's estate was not an exceptional case, because there were many others of a similar kind where large holdings had been bought. The

¹¹⁵ 'Leinster estate sale' (P.R.O.N.I., Leinster papers, D 3078/2/15/16/3).

¹¹⁶ See appendix III for the family charges on the Leinster estate.

¹¹⁷ *Hansard* 4, cxcviii, 243 (8 Dec. 1908).

¹¹⁸ *Ibid.*, col. 243.

purchase of large holdings had exhausted the money available, and left the poor and distressed portions of the country in the west, and south, in north Connaught, Clare, Kerry and Donegal, in the background. Those poor tenants had not the same energy, and assistance, and enterprise as the larger tenants, and consequently they could not take advantage of the act to the same extent.¹¹⁹

In 1909 the Liberal chief secretary, Augustine Birrell, based his justification for graduating the 'bonus' on cases such as the Leinster estate. Not only had the estate taken a large portion out of the available purchase money but it also used up a significant part of the 'bonus' fund available to landlords. In Birrell's view, the 'bonus' was not introduced to allow well circumstanced landowners to make a financial killing but to provide the poor and encumbered landlords, especially in the west, with the opportunity to sell:

Therefore, though it is eminently desirable that the imperial exchequer should assist in the agrarian revolution in Ireland, and in bringing about a satisfactory solution yet nobody will say that for a well-managed estate like that of the duke of Leinster's the duke should get £80,000 into his breeches pocket for selling at market value an excellent estate upon which there has never been any particular amount of trouble.¹²⁰

In fact, Birrell was certain that the purchase money of the Leinster sale, when invested, brought in a much greater annual income than the estate ever had.¹²¹

V). The estate of John Redmond, M.P.

In his position as leader of the I.P.P., John Redmond was considered to be the chief spokesman for the tenant farmers of nationalist Ireland. As a tenant representative he had helped negotiate the terms of the Land Conference Report which had formed the basis of much of the Wyndham Act. Ironically, upon the death of his uncle Lieutenant-General John Patrick Redmond in March 1902, he found himself in the position of a landlord as his uncle's Wexford estate passed to him. The lands were situated near the towns of New Ross and Wexford. The I.P.P. leader would have sold in 1902 under the earlier land acts but the price would not have been enough to pay off the charges on the

¹¹⁹ *Ibid.*, cxcviii, 243 (8 Dec. 1908).

¹²⁰ *The parliamentary debates*, fifth series, *House of Commons* [hereafter cited as *Hansard 5 (Commons)*], iii, 194-5 (30 Mar. 1909).

¹²¹ Augustine Birrell, 'Proposed [Irish] land bill' 13 Nov. 1908 (T.N.A., CAB 37/96/151), p. 7.

estate. When he inherited the estate there had been arrears of approximately £4,000 which were due to his uncle's widow. John Redmond had purchased the arrears at his own expense thus preventing the tenants being sued for their recovery. Furthermore, there was a jointure of approximately £1,000 which had to be paid annually to the general's widow.¹²²

After the Wyndham Act had received the royal assent in August 1903, the debate began as to what would be a reasonable price for tenants to pay to purchase their holdings. John Dillon had become increasingly vocal in his opposition to Redmond's and O'Brien's conciliation policy, preaching that the average price under the new act ought to be similar to the 1885 Ashbourne Act prices. The average prices, in terms of the number of years' purchase for the years 1901 and 1902, were 18.1 and 17.9 respectively.¹²³ Dillon, Davitt and the *Freeman's Journal*, under the control of Thomas Sexton, predicted that landlords would receive extravagant terms under the Wyndham Act to the detriment of the tenants. In September 1903 the Leinster estate was sold at 25 years' purchase. This led to outrage among nationalists who felt the sale would set the standard for exorbitant prices. Indeed there was a certain amount of resentment among many nationalists at the prices landlords received under the act.

John Redmond was in communication with his agents, Little and Nunn, as to the terms he ought to offer the tenants who wished to purchase. They promised they would try to make 'the most advantageous agreement possible for...[him] with the tenants'.¹²⁴ The terms they proposed, after consultation with M. J. O'Connor the solicitor for a section of the tenantry on the estate, were as follows: 23 $\frac{1}{13}$ years' purchase on first term and non-judicial rents which represented a reduction in the tenants rent of 25 % and 26 $\frac{2}{13}$ years' purchase on second term rents which represented a reduction of 15 %.¹²⁵ However, in mid-October 1903 the section of the estate near Wexford town offered the terms of 24 $\frac{1}{2}$ years' purchase on second term rents and 23 years' purchase on first term rents which would subsequently appear in the press. The section of the tenantry around

¹²² *I.T.* 19 Oct. 1903.

¹²³ *Return showing by counties the average numbers of years' purchase under the Ashbourne Act for the years 1901 and 1902, and under the act of 1903, to the 31st July, 1908, in the different counties of Ireland* (356) H.C. 1908, xc, 1411. Ashbourne prices in this return were held to mean prices under the 1891-6 land acts as advances under the 1885 act had ceased by then.

¹²⁴ Little and Nunn to John Redmond, 8 Oct. 1903 (N.L.I., Redmond papers, MS 15, 242/11).

¹²⁵ *Ibid.*

Wexford town passed a resolution thanking the I.P.P. leader. The *Wexford Independent* reported:

In consideration of the low rental, and the peculiar character of the family charges and the jointures, and more especially in consideration of his efforts for the tenantry of Ireland, they were all quite satisfied with the prices that had been agreed upon, and were very grateful to him, as they appreciated that he was making a great personal sacrifice.¹²⁶

The timing of Redmond's acceptance of the Wexford tenants offer to buy was rather contentious. With fears that the Leinster estate might set the price of land widespread among tenant representatives, he was willing to accept a price that was almost as high. The fact that the tenants on the Wexford portion of the estate had offered such prices willingly was lost amid the controversy that ensued. Indeed, Redmond himself, seemed to have underestimated the significance of the terms and the effect it would have on negotiations under the act. As one of the earliest attempted sales, the terms offered were bound to be of significant interest to the rest of the country. By accepting what were viewed in many nationalist circles as exorbitant terms, his political position as I.P.P. leader was weakened. With Dillon, Davitt and Sexton already arguing against the policy of conciliation espoused by O'Brien and himself, Redmond's authority was severely undermined. Any attempt to reign in that triumvirate, who insisted that landlords would receive excessive prices under the act, would be almost impossible now given the terms Redmond had accepted from his tenants. The possibility now also arose that the 'Redmond terms' would be the minimum that any landlord would consider.

The *Irish Times* recognised the significance of the Redmond sale commenting: 'Twenty-four and a half years' purchase is not by any means a bad stroke of business for a landlord whose political followers have paraded Ireland from end to end with the injunction that tenants must not dream of offering more than seventeen or eighteen years.'¹²⁷ The independent nationalist M.P., Jasper Tully, was scathing in his comments on Redmond's proposed terms. Tully was horrified by the Land Conference, in which Redmond had participated, as he believed it had greatly increased the price of Irish land:

¹²⁶ *Wexford Independent*, 21 Oct. 1903.

¹²⁷ *I.T.*, 19 Oct. 1903.

‘The farmers have no one but themselves to blame if every selling landlord in the country says he would be a patent fool if he did not insist on getting at the very least 27 ½ years purchase, [Tully added three years for the ‘bonus’] the same as Mr. John Redmond, the chairman of the Irish party’.¹²⁸

Many of the nationalist rank and file were greatly angered by Redmond’s behaviour. At a meeting of the Dungarvan Rural District Council Redmond was lambasted by a number of members. They feared that landlords would request the same terms that the leader of the I.P.P. had sought. James Hayes, a member of the council, neatly summed up their feelings:

I must say that he, as a leader, has set a very bad example. I would not mind men like Mr. Stuart or Lord Waterford, but the leader of the party that the people have been going to jail for, to say that he would turn around and ask 24 ½ years’ purchase for his land in these times is a scandal, and I think a resolution ought to be proposed if not condemning his action, at the least protesting in the strongest manner against it. If this land act was to benefit the farmers why then should men like Mr. Redmond, identified with the people expect 24 ½ years purchase for the land? I would blame no landlord in the country to get as much as he could for his land after that.¹²⁹

Those who feared that the terms offered by Redmond would affect negotiations under the act soon had those fears confirmed. On the estate of Major Maxwell Close in Co. Armagh, for example, it was decided to offer the tenants the same terms as those accepted by Redmond.¹³⁰ Major Close eventually sold 13,009 acres for £210,793 which was one of the largest sales to be processed in the first year of the act’s existence.¹³¹ Similarly, the Redmond terms were used as a bench mark when the marquis of Ely’s lands were being sold.¹³²

At a meeting in Swinford, Co. Mayo on 20 October, John Dillon was careful not to openly condemn Redmond. However, he was keen to emphasise that tenants should compare prices by the number of years’ purchase and not by the reduction in rent they received. Comparing prices by the number of years’ purchase had been the predominant

¹²⁸ *Ibid.*, 20 Oct. 1903.

¹²⁹ *Ibid.*, 22 Oct. 1903.

¹³⁰ *Ibid.*, 28 Oct. 1903.

¹³¹ *Return of advances made under the Irish Land Act, 1903 during the period from 1st November, 1903 to 31st December, 1905, vol. I parts i, ii, and iii* [Cd.3447, Cd.3560, Cd.3547] H.C. 1907, lxx, 1.

¹³² *I.T.*, 2 Dec. 1903.

method under previous land acts. Dillon and his supporters feared that the new system of comparing the reduction in rent would be exploited by landlords in order to obtain higher prices from unsuspecting tenants.¹³³ By keeping the focus on the number of years' purchase offered, the fact that Redmond's terms gave a reduction of 20 % on second term rents and 25 % on first terms rents was effectively glossed over.¹³⁴

The *Freeman's Journal* had preached that the Wyndham Act would significantly raise the price of land in Ireland. However, as the primary nationalist newspaper it sought to justify the terms accepted by Redmond and it lambasted those landlords who had sought to exploit the sale in order to raise the price on their own lands. The newspaper cited the exceptional circumstances of the case such as the low rental, the family charges, the cancellation of arrears of rent and the 'special services of Mr. Redmond to the tenantry of Ireland' as the reasons for the generous price. Indeed, Redmond's political services to the country were put forward as justification for the terms agreed upon.¹³⁵

Michael Davitt was decidedly unimpressed with Redmond's actions and openly critical of the terms of sale. Davitt believed in land nationalisation and had opposed both the Land Conference and the Wyndham Act from the outset. In response to the *Freeman's Journal* article of 31 October 1903, Davitt declared the newspaper's attempts to justify Redmond's terms as preposterous:

You cannot fairly or honestly, defend the selling of any landlord's property, whether he is an Irish leader or an Irish saint, for a certain price, and say at the same time that Mr. Talbot-Crosbie and Lord Dunraven are absurdly unfair when they demand a similar figure. This is turning the whole thing into a farce.¹³⁶

In Davitt's mind, the price was extortionate and it was being exploited by landlords so as to obtain similar terms. Indeed he considered it the height of hypocrisy for the newspaper to try to justify the price on account of Redmond's position or past services and then to denounce other landlords for requesting similar terms.

Davitt's savage criticism provoked an immediate response from the editor of the *Freeman's Journal*:

¹³³ *Ibid.*, 21 Oct. 1903.

¹³⁴ *Ibid.*, 19 Oct. 1903.

¹³⁵ *F.J.*, 31 Oct. 1903.

¹³⁶ *Ibid.*, 4 Nov. 1903.

Mr. Redmond's sale to his tenants is being cited daily in the landlord press and by landlords throughout Ireland as a justification for extravagant demands. It is, therefore, both relevant and necessary to point out the differences which exist between the circumstances of Mr. Redmond's estate and the circumstances of those other estates where high prices are claimed.¹³⁷

The newspaper's attempts to defend Redmond, however, appeared absurd in the wake of Davitt's criticism. Davitt's response to the 'Redmond terms' threatened to damage the unity of the I.P.P. Rev. James C. Cannon of Letterkenny confided to Redmond that 'Davitt is acting from the worst of motives and would, if he could, plunge the country into another split. His mean and dishonest attempt to misrepresent the negotiations on your Wexford estate is quite enough justification for saying this'.¹³⁸

William O'Brien had been unaware of Redmond's sale terms until they appeared in the press. Despite his annoyance that his advice had not been sought by Redmond, he did not openly criticise him. O'Brien believed that the timing of the sale had been decidedly ill-judged and he held that Redmond should have waited a couple of months so as not to influence the standard of prices. According to O'Brien, the 'alarm raised by the publication of the Wexford terms had given his [Redmond's] critics a weapon before which he quailed'.¹³⁹ Any attempt by Redmond to force Dillon and company to tow the party line now looked extremely unlikely. In a published letter to Rev. Father O'Flynn, president of the Cork U.I.L., O'Brien announced the resignation of his parliamentary seat in early November 1903. His reason for adopting such a course was to prevent a split in the I.P.P. between the advocates of a conciliatory policy towards landlords and the Wyndham Act and the supporters of Dillon, Davitt and the *Freeman's Journal*.¹⁴⁰

Following O'Brien's resignation, the pressure on Redmond steadily mounted. A public meeting in Limerick city was fixed for 15 November at which he would attempt to clarify the terms of his sale. In the days leading up to the gathering, the I.P.P. leader came under attack yet again. Fr. Lee C.C., St Michaels, Limerick, in a published letter in the *Irish Times*, refused to attend the planned meeting on account of Redmond's presence:

¹³⁷ *Ibid.*

¹³⁸ Rev. James C. Cannon to John Redmond, 21 Nov. 1903 (N.L.I., Redmond papers, MS 15, 242/13).

¹³⁹ O'Brien, *An olive branch in Ireland*, p. 289.

¹⁴⁰ *I.T.*, 6 Nov. 1903.

But, surely, if the farmers are not the fools I do not take them to be, they and everyone genuinely interested in them—priests and laymen—will keep far away on Sunday next from Mr. Redmond and his demonstration. Their absence, to my mind, would be the best demonstration of the opinion they have formed of this politician, and of their sense of the grievous injury he has inflicted on their class all over Ireland by the price he as a landlord exacted from his own tenants... We were led to believe that the land question was to be settled by this purchase bill... But if the action of any one man is capable of frustrating that measure, it is surely the action of Mr. Redmond, who, tenants' representative as he is, and the leader of the nationalist party, comes forward in his capacity of landlord and sells his estate to his tenants at the highest possible price... at the outset of the operation of this act, and then gives the key to the landlords of the country as to the price they may look for from their tenants.¹⁴¹

The independent nationalist M.P. Jasper Tully followed suit claiming that Redmond had set the price for land under the Wyndham Act after consultation with the landlords.¹⁴²

There was sympathy for the I.P.P. leader in some circles. George Wyndham felt that Redmond was being treated unjustly and confided to Moreton Frewen, who had an estate in Co. Cork, that it was unfair 'that anyone should have made [political] capital out of the sale of his estate'.¹⁴³

At the Limerick meeting, Redmond lamented the resignation of William O'Brien and called for unity among nationalist interests. He urged tenants to approach landlords in a spirit of conciliation and fairness but emphasised that there could be no standard price for the whole country. The quality of the land, the rental and various other circumstances would have to guide tenants in the prices they offered and it was unwise to pinpoint a 'fair equivalent' of the Ashbourne prices. Redmond openly admitted that some Irish landlords had sought to extract unfair prices on the strength of the published terms he had offered to his tenantry. In a feat of mathematical gymnastics, Redmond attempted to show that the actual terms of the sale would amount to significantly lower than what had been published in the press:

The great majority of the tenants on that estate who never went into land courts at all will receive reductions amounting to about 40 per cent, or eight shillings in the pound, on the rents for which they are now liable; in other words, they will be purchasing their land for about eighteen and a half years' purchase. But there

¹⁴¹ *Ibid.*, 13 Nov. 1903.

¹⁴² *Ibid.*

¹⁴³ George Wyndham to Moreton Frewen, 14 Nov. 1903, in Guy Wyndham (ed.), *Letters of George Wyndham* (Edinburgh, 1915), p. 84.

are two years' arrears on this estate, and it is part of the arrangement that they should be absolutely wiped out. If it is fair to take that into account, then these tenants will be buying their lands at sixteen and a half years' purchase and on a rental which over the whole estate is twenty-five per cent below Griffith's valuation.¹⁴⁴

Redmond's position was becoming increasingly isolated, however, following O'Brien's unexpected departure and the Limerick meeting had been a desperate attempt to get his critics back on side. It was a damage limitation exercise which would hopefully remove his Wexford estate from the spotlight. At a time when Redmond needed the support and public backing of his colleagues, it was quite significant that both Dillon and Davitt failed to attend the meeting. Dillon excused himself on health grounds while Davitt pleaded a prior engagement.

While members of the I.P.P. may have been wary of publicly criticising Redmond, the independent nationalist, T. M. Healy, had no such reservations. The M.P. for North Louth admonished Redmond for attempting to sell so quickly under the Wyndham Act. He believed that he ought to have waited for a number of months instead of setting a precedent for sales prices. In his opinion, Redmond had 'put up the price on every tenant in Ireland' and his terms would 'echo and re-echo on every estate'.¹⁴⁵ Healy expressed the hope that Redmond would reconsider the sale on such terms. The *Irish Times* reported: 'It was too valuable an asset for the landlords to lose sight of. He [T.M. Healy] hoped Mr. Redmond would be well advised, and drop the sale on those terms, because unless he did so it would stink in the nostrils of the tenant farmers of Ireland.'¹⁴⁶

Back on the Wexford estate the negotiations were ongoing. Redmond came under increasing pressure from tenants' representatives such as Rev. David Bolger. A number of priests were involved in the negotiations on behalf of tenants in their area and Bolger was associated with the tenantry around the New Ross part of the estate. The tenants on this section of the estate considered their land to be considerably poorer than that around Wexford town. Fr. Bolger pleaded with Redmond to reduce the price and to consider the implications:

¹⁴⁴ *I.T.*, 16 Nov. 1903.

¹⁴⁵ *Ibid.*, 17 Nov. 1903.

¹⁴⁶ *Ibid.*

The average selling price of land in Co. Wexf[ord] previous to the recent act... was 18 years purchase. This was the price voluntarily given by tenants & accepted by landlords. I do believe – and it is the opinion also of all sensible men with whom I’ve spoken on the matter, that your sale has increased the price of land. You are very much blamed in the matter. I wish you had waited a while and not given a lead for your own sake and the sake of the tenant-farmers of Ireland. And if you have taken a false step perhaps tis not too late to retrace it. In god’s holy name; for your own sake – & for the sake of your people and for the sake of your position – throw this bit of land to your people at 18 yrs purchase. Had you done so then Parnell was never as honoured as you would be today.¹⁴⁷

While the terms published in the press in October 1903 were agreeable at the time to the portion of the tenantry near Wexford town, it seems that the furore that followed convinced them that better terms could be obtained. Additionally, the tenants on the New Ross section of the estate held that their land was poorer. This would explain why the negotiations were protracted for a number of months. In a letter to Fr. Bolger who was negotiating on behalf of the tenants, Redmond revealed his feelings on the whole matter:

If the tenants had allowed me to ‘wait a while’, I might soon have been able to sell at a much better price for them. But I was not allowed to wait. The Wexford tenants insisted upon meeting. They fixed their own price. Your tenants also met & urged me...to sell. Now the position is that we have almost come to an arrangement...I am making a fight for my children, for whom I could easily have made proper provision had I devoted the last 25 years to working for my own interests instead of giving up my profession. I feel I am bound to do the best I can so long as I know the tenants will be getting their land upon fair & reasonable terms wh[ich] will enable them to live & prosper.¹⁴⁸

After considerable correspondence between his agents, solicitors and the various priests acting on behalf of the tenantry, new terms were arrived at in late December 1903 which were lower than those previously circulated. The reason for the climb-down on Redmond’s part could be attributed to the negative publicity the previous terms had received. It was also an attempt to repair some of the damage to Redmond’ political reputation and standing as I.P.P. leader. A circular outlining the new terms was subsequently distributed among the tenants on the estate.

¹⁴⁷ Rev. David Bolger to John Redmond, 5 Dec. 1903 (N.L.I., Redmond papers, MS 15, 242/14).

¹⁴⁸ John Redmond to Fr. Bolger, Dec. 1903 (N.L.I., Redmond papers, MS 15, 242/14).

In March 1909, under cross-examination in court from T. M. Healy, who was acting as counsel for the prosecution in a case brought against a number of U.I.L. officials over their conduct at the national convention of the U.I.L. on 9 February 1909, Redmond revealed the exact terms under which his estate was sold. This was the infamous Molly Maguires convention, where members had debated whether or not to support the 1909 land bill, and there had been considerable disturbance with William O'Brien and his supporters unable to get a hearing amid the commotion. The provisions of the sale had been as follows:

Judicial rents fixed since the passing of the act of 1896 within the 'zones' (29) sold, at 23.7 years' purchase, with a 22 ½ per cent reduction. Not within the 'zones' (2), sold at 20.7 years' purchase, with a reduction of 35 per cent. Judicial rents fixed before the 14th Aug., 1896 (15 [16?]) within the 'zones') sold at 22.2 years' purchase, with 27 ½ per cent reduction. One holding not within the 'zones' was sold for 24.8 years' purchase, with a reduction of 20 per cent... Non-judicial rents (46) sold at 18.3 years' purchase, with a reduction of 40 per cent. Total – 94 holdings sold at 21.3 years' purchase, with a reduction of 30 per cent.¹⁴⁹

Overall Redmond sold 3,150 acres for £35,351.¹⁵⁰

In the course of the U.I.L. prosecution case in March 1909 it was alleged that a private meeting of the national directory of the U.I.L. had taken place on 8 September 1903. While cross-examining John Redmond, T. M. Healy alleged that Redmond had presided over a five hour meeting at which it had been decided how to approach the subject of prices under the Wyndham Act. He also held that a private resolution had been passed which set 18 ½ years' purchase on first term and non-judicial rents and 22 ½ years' purchase on second terms rents as acceptable terms under the new act. Upon examination of the minute book of the league, however, no such evidence for the resolution could be found. On further questioning Redmond declared that he had no recollection of the meeting, to which William O'Brien exclaimed 'oh, my god! As if any one could forget that meeting that was present at it'.¹⁵¹

O'Brien maintained that a twenty-two man committee had been appointed to go throughout the country advising and assisting the tenants to obtain a reasonable price for

¹⁴⁹ *I.I.*, 11 Mar. 1909.

¹⁵⁰ *Return of advances made under the Irish Land Act, 1903 during the period from 1st November, 1903 to 31st December, 1905, vol. I parts i, ii, and iii* [Cd.3447, Cd.3560, Cd.3547] H.C. 1907, lxx, 1.

¹⁵¹ *I.T.*, 11 Mar. 1909.

their holdings. A conciliatory attitude was to be adopted towards landlords while at the same time ensuring that extravagant prices were not paid by tenants. O'Brien called such a policy 'conciliation plus business'. He was fearful that the wealthier tenantry in many parts of Ireland would recklessly agree to high prices, as would occur on the Leinster estate. These high prices would prove detrimental to the poorer tenants who would be ruined by agreeing to such terms.¹⁵² The policy had proved a failure though as the *Irish Times* recorded: 'He [William O'Brien] found that owing to Mr. Dillon's speeches, the attitude of the *Freeman*['s] [*Journal*], and the sale of the Redmond estate, the arrangements for the local testing of the act had been made completely unworkable.'¹⁵³

O'Brien maintained that the opposition of Dillon, Davitt and company to this policy led to its abandonment and the result was that the tenant-purchasers paid inflated prices:

Had these plans been suffered to proceed, they would have effectuated the purchase of the land of Ireland upon terms at an average increased reduction of ten per cent, and an average decrease of three in the number of years' purchase, as compared with the average actually paid under the act. In round numbers they would have achieved a saving of £20,000,000 to the tenant-purchasers.¹⁵⁴

It was highly significant that Redmond was willing to sell his estate at prices considerably in excess of those which O'Brien claimed were advocated at the private meeting of the national directory of the U.I.L. in September 1903. Indeed it must have been a factor in O'Brien's resignation in November 1903, which was not long after Redmond's first set of terms were published. In O'Brien's eyes, Redmond's acceptance of these initial terms would have been a betrayal of both the Irish tenant-purchasers and I.P.P. policy.

By agreeing to sell in the weeks prior to the official commencement of the Wyndham Act, Redmond drew considerable scrutiny upon his estate. The timing of the sale damaged his political standing and undermined his ability to rein in the likes of Dillon and Davitt. The 'Redmond terms' followed the announcement of the Leinster estate sale and was certainly a godsend for landlords who feared that prices might not exceed precedent levels set by the Ashbourne Act. O'Brien wrote:

¹⁵² O'Brien, *An olive branch in Ireland*, pp 260-2.

¹⁵³ *I.T.*, 11 Mar. 1907.

¹⁵⁴ O'Brien, *An olive branch in Ireland*, p. 262.

A great shout went up from every rent-office in the country. For years afterwards, the first reply made to almost every body of tenants who broached the question of purchase to their landlords was: 'I will accept the same terms as your own leader, Mr. Redmond,' and, needless to say, the terms they fastened upon were the '24 ½ years' purchase' of the first announcement, and not the reduced terms which limped along very much later.¹⁵⁵

The fact that it was the tenants on the estate and not Redmond himself that had offered the initial price was obscured in the confusion and outrage which followed. The publication of the initial terms had proved exceedingly damaging to the I.P.P. leader. Those terms became a popular reference for landlords and the fact that the estate was finally sold at a much lower number of years' purchase was all but ignored. This attitude was exemplified by the northern landlord, W. H. Boyd who 'considered that half an acre of land under the land purchase act of 1903, was worth what the leader of the nationalists, Mr. Redmond, had got-namely, 24 ½ years' purchase and the 'bonus'.¹⁵⁶ Those initial terms of 24 ½ years purchase quickly became a weapon in the landlord arsenal. Even later in 1908, when many landlords feared the introduction of compulsory purchase, Lord Barrymore quipped: 'If Mr. Redmond's idea of compulsion is to compel us to sell our estates upon the terms upon which he sold his, I suppose we shall all be prepared to consider the question with a more or less favourable eye.'¹⁵⁷

Redmond, however, made little personal gain from the sale of the estate and obtained none of the 'bonus':

When the purchase money came to be allocated, it was found by Judge Meredith that the amount produced by the purchase was not sufficient to meet the family charges and the mortgages, and, therefore, he said, in public court, that the 'bonus' should not be paid to me at all, and I [John Redmond] never got a shilling of the 'bonus'.¹⁵⁸

A 12 % 'bonus' calculated on the purchase price of £35,351 would have amounted to £4,242. Redmond made no financial gain from the transaction. In reality, his inheritance had proved to be a considerable burden both financially and politically.

¹⁵⁵ *Ibid.*, p. 282.

¹⁵⁶ *I.T.*, 26 Aug. 1905.

¹⁵⁷ *Ibid.*, 14 Sept. 1908.

¹⁵⁸ Cited in Dennis Gwynn, *The life of John Redmond* (London, 1932), p. 104.

VI. The Archdale estate, Co. Fermanagh

One of the first landlords to enter into discussions with his tenants under the Wyndham Act was Edward Archdale of Castle Archdale in Co. Fermanagh. Although he was an extensive landowner, he was considered a model landlord and was an advocate of tenants' rights. During the 1903 North Fermanagh by-election, he had supported the successful Russellite candidate Edward Mitchell. On 3 September 1903, he called a conference of his tenants in Irvinestown at the home of his agent Anthony F. Maude, J.P., to discuss terms. Archdale offered to sell at 26 years' purchase based on the tenants' current rents which translated into a reduction of 3s. in the pound. Furthermore, he consented to let the tenants keep any bog land which they held.

The vast majority of the tenants, however, refused the terms offered and declared that a reduction of 5s. in the pound or 23 years' purchase was the maximum price that they could afford. Although a handful of tenants agreed to sign agreements, the *Fermanagh Times* reported that most were quite wary:

Some of the tenants present expressed the opinion that by keeping to these terms they would be placing upon themselves an annual burden which, in adverse seasons, or when the harvests were bad, they might not be able to bear, and the result would be that in the end they would be compelled to part with the land altogether.¹⁵⁹

Archdale intimated that 26 years' purchase was the minimum that he could afford to accept. Indeed, he appeared to be aware of his estate's potential to set the price for other sales under the act and was determined to uphold the interests of landlords as well as those of tenants stating: 'I am, of course, in favour of justice and generosity to tenants, but also to my own class.'¹⁶⁰

Although the initial meeting between Archdale and his tenants failed to hammer out an agreement the negotiations attracted considerable attention. The Co. Kerry landlord, Lindsay Talbot-Crosbie, blamed the gap between Archdale's offer and what the tenants could afford to accept on the failure to provide the 'bonus' at a higher rate than 12 %. Amazingly Talbot-Crosbie advocated new legislation to increase the 'bonus' even though it was only September 1903 and the act would not come into operation until

¹⁵⁹ *Fermanagh Times*, 10 Sept. 1903.

¹⁶⁰ *Ibid.*

1 November. As Talbot-Crosbie outlined in a published letter in the *Irish Times*: 'It is to be hoped now that Mr. Archdale, and all landlords similarly circumstanced, will maintain their position until the amendment to the act, which is just shown to be so necessary, is secured.'¹⁶¹ Archdale was also critical of the government for not providing the grant-in-aid at a higher rate as was recommended by the Land Conference Report. In a letter to the *Fermanagh Times* he wrote: 'It would have been better if the government could have seen their way to base their legislation more than they have done on the findings of that report.'¹⁶²

The M.P. for South Fermanagh, Jeremiah Jordan (I.P.P.), was highly critical of the meeting in Irvinestown. He held that the Archdale offer would be copied by other landlords and would help set the price of land in that region as he outlined in a letter to the *Fermanagh Times*: 'The danger I apprehend is that this unhappy incident may tend to fix and set the tune and crystallise the price for other county landlords, and indefinitely retard sales and purchase.'¹⁶³ Jordan maintained that Archdale had inadvertently been the 'catpaw of the landlords' and by offering exorbitant terms at such an early stage he had inflicted considerable damage on the prospect of sales: 'I fear the meeting was convened too hastily, and without due consideration of the probable effect. The terms seem to have been deficient in specific detail, were crude, immature and calculated to lead directly to the abortive result.'¹⁶⁴

The earl of Belmore, in a letter to the *Fermanagh Times* about the proposed sale of the Archdale estate, was keen to draw the attention away from the number of years' purchase offered by Archdale. As already mentioned years' purchase of rent was the most popular and widespread method used to calculate sale prices prior to the Wyndham Act and had been used under the Ashbourne Act and previous legislation. Belmore felt that under the Wyndham Act the focus should be on the reduction in rent which the tenant received and how his annuity compared to his current rent. Belmore wrote: 'I may add that if the new act is to work we must give up talking about the average amount of

¹⁶¹ *I.T.*, 9 Sept. 1903.

¹⁶² *Fermanagh Times*, 10 Sept. 1903.

¹⁶³ *Ibid.*

¹⁶⁴ *Ibid.*

years' purchase and look to the difference only between the annuities which the tenant will have to pay and the rent he is paying at the time of sale.'¹⁶⁵

At the invitation of the Tenants Defence Association in Irvinestown, T. W. Russell put forth his views on the sale in a letter to the association's secretary published in the *Fermanagh Times*. Russell counselled the tenants to:

bear in mind that they are making a final bargain, that the engagement is for 70 years, and cannot be altered by any amount of parliamentary or other pressure. Good or bad seasons, high or low prices, will make no difference. The state will have lent the money, and the instalments must be paid.¹⁶⁶

Russell believed that Archdale could afford to give more than the 15 % reduction on second term rents, without any substantial loss to his income.

Archdale, however, had supported Russell's colleague Edward Mitchell during his election campaign, which, perhaps, placed the two M.P.s in an uncomfortable position. Mitchell held that it was not the number of years' purchase but the amount of the reduction in the current rent which the annuity represented that was all important. However, Mitchell was convinced that Archdale could offer a greater reduction than 15 % on second term rents and he expressed the hope that the landlord would step forth with more generous terms.¹⁶⁷

The M.P. for North Monaghan, Dr. Edward Thompson (I.P.P.), who considered Archdale 'a model landlord, and a most estimable and liberal minded gentleman', also urged that the focus should not be on the number of years' purchase but on the reduction of rent received.¹⁶⁸ However, Thompson believed that if Archdale was approached in the correct manner, a compromise could easily be reached and a greater reduction could be obtained for the tenants.

In response to the public commentary, around the proposed terms of the sale of his estate, Archdale wrote to the press stating that there were a number of reasons which influenced him in offering the price he had because he felt anything less would have meant a reduced income. His two chief arguments were as follows: firstly, there would be a number of incidental expenses which would eat into the purchase money and the

¹⁶⁵ *Ibid.*, 17 Sept. 1903.

¹⁶⁶ *Ibid.*

¹⁶⁷ *Ibid.*

¹⁶⁸ *I.T.*, 17 Sept. 1903.

'bonus'. Secondly, it was highly unlikely that the purchase money could be invested in securities at 3 ¼ %. Archdale argued that the large volume of money which would come on the market would have the effect of lowering the rate of interest any landlord who invested his purchase money would receive. Moreover, he drew attention to the sacrifice that many landlords were making in selling their property. He wrote: 'Land is rightly considered the best property in the world, and its present owners cannot be expected to part with it at too great a sacrifice, or at much further diminution of an income so much reduced.'¹⁶⁹

In October 1903, Archdale bowed to public pressure and circulated a letter among his tenants outlining a revised offer. The new terms were a reduction of 30 % off first term rents and a 20 % reduction on second term rent. All tenants who signed before 1 November were to be forgiven a half years' rent. Remarkably, Archdale foresaw the flood of sales that would occur in little over a year and stated it as one of the principal reasons for his revised terms: 'As I am anxious my tenants should be amongst the first to apply to purchase their holdings, and so avoid the block which is likely to occur later on, and also get an immediate and substantial reduction in the annual payment, I have decided to lower my former offer.'¹⁷⁰

On 26 October a deputation from the tenantry accompanied by Edward Mitchell, M.P., met with Archdale and after some discussion, the revised terms were agreed to. The tenants would receive a reduction of 4s. in the pound on second term rents and 6s. in the pound on first term rents. Arrears were added to the purchase money and the running gale was forgiven. There had been some anxiety expressed by the tenants about turbary, timber and sporting rights. Eventually it was decided that the sporting rights would be reserved to the landlord and the timber rights to the tenants. Where a bog formed part of a holding, it was to be sold with it, otherwise, it would be put in the hands of trustees who would administer it.¹⁷¹ The various sections of the Archdale estate in Co. Fermanagh and Co. Tyrone agreed to substantially similar terms.

The Archdale estate was one of the earliest sales under the act and was the first estate upon which negotiations for sale actually commenced. The fact that it sold for a

¹⁶⁹ *Fermanagh Times*, 24 Sept. 1903.

¹⁷⁰ *Ibid.*, 29 Oct. 1903.

¹⁷¹ *Ibid.*

considerably higher number of years' purchase than had been typical under previous land acts did not pass unnoticed. Like the sales of the Leinster and Redmond estates, it helped to establish a purchase price for land that was much higher than prices under the Ashbourne Act. Edward's nephew, Henry Blackwood Archdale, would recall how the sale terms came in for scathing criticism:

When the Wyndham Act came into operation in 1903, he [Edward Archdale] promptly gave the tenants the advantages of that measure, and sold to them on very reasonable terms, which were afterwards quoted and taken as a standard for the rest of the country. Although his action was severely criticised by many people at the time, subsequent events have shown the wisdom of the course he took.¹⁷²

Between 6 April 1905 and 26 March 1908 Edward Archdale received £242,047 for the 29,334 acres he sold which would have left him with a 'bonus' of £29,045. Additionally he sold and repurchased his demesne under section three of the act. The demesne consisted of 1,607 acres at a price of £19,847.¹⁷³ The advance for the repurchase of his demesne had to be repaid back by Archdale over sixty-eight and a half years at an annuity of 3 ¼ %.

VII). The Arnott estate, Co. Cork

Sir John Arnott originally bought his estate in West Cork from the duke of Devonshire in the 1890s for a sum of £200,000.¹⁷⁴ Upon Sir John Arnott's death, control of the estate devolved to the trustees, his second wife Dame Emily J. Fitzgerald and his son Sir John A. Arnott (Emily's step-son). After being approached by Canon Shinkwin, president of Bandon U.I.L., regarding the possible sale of the estate, Sir John A. Arnott intimated that he was not anxious to sell but would agree under the following terms: a 22 % reduction on first term rents, 10 % off second term and 20 % off non-judicial rents, and the sporting rights were to be reserved to the trustees.¹⁷⁵ In terms of years' purchase his offer translated into 24 years' purchase on first term rents, 27 ¾ years' purchase on second term and 24 ½ years' purchase on non-judicial rents.¹⁷⁶

¹⁷² Henry Blackwood Archdale, *Memoirs of the Archdales* (Enniskillen, 1925), p. 55.

¹⁷³ *Returns of advances under the Irish Land Act, 1903*. See bibliography for references.

¹⁷⁴ *Southern Star*, 28 Nov. 1903.

¹⁷⁵ *Ibid.*, 17 Oct. 1903.

¹⁷⁶ *Ibid.*, 6 Feb. 1904.

On 5 November 1903 a meeting of the tenants on the estate to consider the terms was held in Bandon town where it was decided to reject the trustees' offer. The chairman, Canon Shinkwin, considered the proposed price was too high and warned the tenants of the dangers of striking a deal which could come back to haunt them in the future. The *Southern Star* reported his speech:

Remember all the risks of the future are yours, for the landlord, when he sells, emancipates himself from them. You will have many a bad year before the 68 ½ years have come to an end, years as bad as the present one, possibly a series of them in unbroken succession as happened on former occasions; and this danger, coupled with high rates and dearer labour, and a growing foreign competition must make the most thoughtless amongst you cautious.¹⁷⁷

An offer to buy at nineteen years' purchase on the basis of second term rents was put forth by the tenants who also proposed that the sporting rights be reserved to the trustees but emphasised that such rights should die with them. However, Sir John A. Arnott, in a letter to Canon Shinkwin, published in the *Southern Star*, turned down their offer and warned that negotiations would stall unless the tenants were more reasonable with their proposals. He wrote:

The tenants seems to ignore the fact that their holdings are let to them at very reasonable rates, and that those tenants who applied to the Land Commission Court gained no appreciable advantage - in fact, the rents were increased in several cases. I should part with this trust property with much regret, but having yielded to the desire of the tenants to become owners of their holdings, I naturally expect from them, at any rate, such a proposition as would command the careful consideration of the trustees.¹⁷⁸

There was considerable annoyance and anger among the Arnott tenantry at the refusal of the trustees to sell on such terms. They held that when Sir John Arnott originally purchased the estate in the 1890s, he had offered to sell to the tenants by townland at eighteen years' purchase, the same terms as the duke of Devonshire had offered to some of his Bandon tenants prior to the sale. Sir John Arnott's offer had eased any tensions which might have arisen over the purchase of the estate from the duke. No sale on those terms had actually occurred but the general belief of many tenants was that the offer to sell on those terms had not been withdrawn. Hence, tenants felt that by

¹⁷⁷ Ibid., 7 Nov. 1903.

¹⁷⁸ Ibid., 14 Nov. 1903.

offering nineteen years' purchase, they had even exceeded what Sir John Arnott senior originally intimated he would have accepted for the estate. The 'promise' to sell by the deceased owner would continue to be a prominent theme in the negotiations for sale.¹⁷⁹

With the negotiations stalled, a number of meetings were held where it was decided by the tenants to ask for an abatement of the rent considering the poor season just passed. Canon Shinkwin presented the tenants' case to Sir John A. Arnott but their request was refused. Arnott pointed out that the rents had been fixed by the courts and that the quality of the seasons had already been factored in. A new sale offer was, however, presented by Arnott to the tenants via a published letter to Canon Shinkwin. The revised terms were as follows: 25 % off first term rents, 18 ½ % off second term and 27 ½ % off non-judicial rents. He also agreed to forgive half a year's rent for all tenants.¹⁸⁰ Arnott may have been influenced by a declaration of the town tenants of Bandon, which formed part of the estate, that they fully supported the demand of the agricultural tenants to purchase.¹⁸¹ If a town formed part of a predominantly agricultural estate, it was possible for the town tenants to purchase. With both the town and agricultural portions of the Arnott estate both eager to avail of the act, there was increased pressure on the trustees to sell on acceptable terms.

Sir John A. Arnott had stressed in his letter to Canon Shinkwin that his revised offer was final and that he wished for a reply by 15 February 1904. On 3 February another meeting of the tenants was held in Bandon where the revised terms were still considered unreasonable. The tenants decided to increase their offer to 18 ½ years' purchase on first term rents, 21 ½ years' purchase on second term and non-judicial rents to be treated as first term.¹⁸²

With neither side willing to yield the negotiations remained deadlocked, with the frustration of the tenantry being increased by the belief that the promise and terms under which Sir John A. Arnott's father had apparently agreed to sell had been shamefully broken. The tenants held that the terms offered were exorbitant and an example of landlord greed.

¹⁷⁹ *Ibid.*, 28 Nov. 1903.

¹⁸⁰ *Ibid.*, 23 Jan. 1904.

¹⁸¹ *Ibid.*, 14 Jan. 1904.

¹⁸² *Ibid.*, 6 Feb. 1904.

The relationship between Lady Fitzgerald Arnott and her stepson had been far from amiable. On 19 February 1904, the two of them appeared in the Court of Chancery. Sir John A. Arnott had gone to the court to clarify whether or not his step-mother was required to sign the cheques on the estate. She had refused on account of his failure to inform or consult her about certain business transactions and the sale of the Bandon estate. Without her signature on the cheques, business on the estate was at a standstill. The fact that Sir John A. Arnott had offered to sell on certain terms without consulting her had also irked Lady Fitzgerald Arnott.¹⁸³

The tenants on the Arnott estate and their representatives became increasingly disillusioned with the Wyndham Act and the introduction of compulsory purchase legislation was seen as their only hope of purchasing their holdings. The acceptance of the high price asked by Sir John A. Arnott would almost certainly lead to ruination in years to come as far as Canon Shinkwin was concerned. The *Southern Star* reported his speech at Bandon in January 1905:

Some people said on platforms and other places that the Wyndham Act is working satisfactorily (cries of 'no, no') and that some 15 or 16 or 17 millions' worth of land had been sold. Was this a proof that the Wyndham Act was working satisfactorily? It was only working satisfactorily for one set of people - it was working satisfactorily for the landlords who were demanding those high prices, was it working satisfactorily for the men who were expected to pay those prices? Not at all...it will bring them after a time into a state of bankruptcy. For if the instalments to be paid to the estates commissioners were too high arrears would accrue, and the tenants would be worse off than before for it would be with the state that they would have to deal, and the tenant who fell into arrear would be sold out and his lands pass into the hands of somebody else.¹⁸⁴

With negotiations having reached a stalemate on the Arnott estate, the tenants decided in January 1905 to request that the estate be sold to the estates commissioners. At a meeting held in Bandon on 12 January, Rev. Thomas Brown, the Presbyterian minister, proposed a resolution on behalf of the town tenants in support of the request to sell.¹⁸⁵ A deputation representing both the agricultural and town portions of the estate met with Sir John A. Arnott at the Imperial Hotel, Cork. He again refused their request

¹⁸³ *I.T.*, 20 Feb. 1904

¹⁸⁴ *Southern Star*, 7 Jan. 1905.

¹⁸⁵ *I.I.*, 13 Jan. 1905.

and, moreover, declined to consider selling the town portion of the estate. Arnott felt that it was 'ridiculous to ask him to sell now at Ashbourne prices' and he contested the interpretation held by the tenants, about the promise apparently made by his father, and felt himself in no way bound by it. Bizarrely, he held that his father had been referring to the duke of Devonshire's Lismore estate, which incidentally, was not sold until the introduction of the Wyndham Act. Arnott declared he was 'a business man born and bred' and intended to treat the sale of his estate 'as a purely business matter'.¹⁸⁶

The report of the meeting in the *Southern Star* was revealing. There was, reportedly, considerable tension between the deputation and Sir John A. Arnott which was further aggravated by an inability to come to an agreement. Arnott's understanding of what his father had meant when he promised to sell was seen as a gross betrayal by the deputation. Indeed, they felt that he had sullied the memory of his father. The meeting ended with the deputation storming off despite the fact that Sir John had ordered lunch for them.¹⁸⁷

Sir John A. Arnott's step-mother Lady Emily J. Fitzgerald, when contacted by the tenants' representatives, promised to do all she could to bring about a peaceful settlement.¹⁸⁸ However, all negotiations looked to have hit a dead end. Canon Shinkwin advised the tenants to remain united and to wait, if necessary for a year or two. Upon his advice the tenants decided to organise a demonstration in Bandon. The local branches of the U.I.L. were to work together to organise this meeting. At a meeting of Bandon U.I.L. in early June 1905, it was agreed that 'the question of the Arnott estate will be fully and exhaustively dealt with' at the gathering.¹⁸⁹ It was hoped that John Dillon and other party M.P.s would speak at it. The demonstration was eventually cancelled due to the ongoing disagreement between William O'Brien and the I.P.P. The purpose of having such a monster meeting was simply to put pressure on Sir John A. Arnott to sell on reasonable terms and it was felt that the dispute would overshadow their objective.

There were inklings that some tenants were willing to accept Sir John A. Arnott's asking price and a minority of tenants on the estate had resolved to agree to the

¹⁸⁶ *Southern Star*, 18 Feb. 1905.

¹⁸⁷ *Ibid.*, 18 Feb. 1905.

¹⁸⁸ *Ibid.*, 25 Feb. 1905.

¹⁸⁹ *Ibid.*, 10 June 1905.

terms of purchase offered. These tenants were mainly Protestant, and, in terms of acreage, they formed a significant portion of the estate. The *Irish Times* reported:

There is, however, on the estate a considerable minority of tenants who are perfectly willing to accept Sir John Arnott's terms. Fifty tenants have consented to purchase on those terms, and twenty-five of those have actually signed the agreements. Most of them are Protestants in independent positions, and they represent about two-fifths of the total acreage of the estate.¹⁹⁰

These larger farmers agreed to the following terms. First term tenants received a reduction of 6s. in the pound, second term tenants 4s. 6d. in the pound and non-judicial tenants received a reduction of 7s. 6d. in the pound. Sporting rights on the land were reserved to the trustees for their lifetime and mineral rights were vested in the Land Commission.¹⁹¹

In response, Canon Shinkwin called on the tenantry to stick together and warned the smaller tenants not to be forced into an agreement that they would regret in the future. Shinkwin stated:

Speaking generally, the terms offered by Sir John Arnott are not reasonable. They may be reasonable as far as a few holdings on the estate are concerned - that was in the case of the few men who have the large holdings, the best land, and the lowest rents; but they were a minority, and the great majority were in the possession of inferior land, and they were being asked to purchase their holdings on the same terms as were offered to the tenants of large holdings at cheap rates.¹⁹²

On 2 August 1905 a meeting of the Arnott tenantry was held in Bandon at which it was decided to ask Sir John A. Arnott for a reduction of 25 % on the gale (the impending rent) which was due and an extra two months in which to pay. The whole body of tenants at the gathering marched to the estate office where they presented their request to the agent, Mr. Hodson. Rev. M. O'Sullivan, C.C. Bandon, and Fr. Bernard, P.P. Newcestown, spoke in private with the agent on behalf of the tenants but Canon Shinkwin had been unable to attend. The priests decided to follow up with a letter to Arnott referring to the request and the meeting with the agent.¹⁹³ Unfortunately for the tenants, however, Arnott refused to grant a reduction but did grant an extra month for the

¹⁹⁰ *I.T.*, 19 Apr. 1905.

¹⁹¹ *Ibid.*, 2 May 1905.

¹⁹² *Ibid.*, 6 July 1905.

¹⁹³ *Southern Star*, 5 Aug. 1905.

rent due. A number of tenants were processed for rent but the Bandon U.I.L. promised to pay their expenses.¹⁹⁴

To aggravate matters even further, Sir John A. Arnott put up a stud farm on the estate for public auction in September 1905 which his nephew purchased for £3,250 or approximately 33 years' purchase.¹⁹⁵ Many tenants felt that the sale was a ploy to set the price of land in the area and to trick them into offering higher prices for the purchase of their holdings. The *Southern Star* commented that 'it looks as if the dispute between landlord and tenant is about to leave the region of controversy, and enter that of actual conflict'. A 'defence fund' was also started to assist those being processed for rent.¹⁹⁶

Although many of the tenants were advised by their priests to be patient and hold out for better terms, little by little, purchase agreements were signed and by February 1906, a significant number of tenants had agreed to the terms. In fact, almost 8,000 acres was ready to be declared an 'estate' for sale under the act.¹⁹⁷ The records show that between 1 October, 1907 and 24 January 1918, the trustees of the Arnott estate received £178,537 (£30 was paid in cash by two tenants) for the sale of 16,704 acres under the Wyndham Act.¹⁹⁸

The case studies examined illuminate the process of selling an 'estate' under the act. The sale of the Leinster, Redmond and Archdale estates all helped to set the tone and indeed the price for transactions. These three estates were among the earliest to be sold under the act and the negotiations were conducted relatively quickly. The Leinster and Archdale sales were two of the largest to be sold under the operation of the act. The Arnott estate was, however, more a long drawn-out affair and demonstrated the considerable frictions and tensions which existed between the trustees and the tenantry. It also highlighted the role of the U.I.L. in negotiations under the act. The case studies highlighted the role played by the Catholic and Protestant clergy in sales and the involvement of M.P.s and other local government officials. None of the sales on any

¹⁹⁴ *Ibid.*, 12 Aug. 1905.

¹⁹⁵ *Ibid.*, 14 Oct. 1905.

¹⁹⁶ *Ibid.*, 7 Oct. 1905.

¹⁹⁷ *I.T.*, 26 Feb. 1906.

¹⁹⁸ *Returns of advances under the Irish Land Act, 1903, 1903-20*. See bibliography for references. Smaller portions of land were also sold under the Birrell Land Act of 1909.

'estate' took place in a vacuum and they were influenced by outside events which in turn helped to influence other sales.

VIII). The 'bonus' and the repurchase of demesnes.

The 'bonus' or grant-in-aid was one of the most enticing aspects of the Wyndham Act, as far as landlords were concerned. Augustine Birrell, Liberal chief secretary from 1907 to 1916, would describe it as 'the pulse of the land purchase machine' and the principal reason for the huge volume of sales which occurred under the act.¹⁹⁹ For encumbered owners, it offered the possibility of obtaining a tidy sum of cash even if little remained out of the purchase money once their estate charges were paid off. For those who held estates which were relatively debt-free, the act offered an opportunity to make a considerable financial profit. The higher the price a landlord was able to obtain from his tenants, the larger the 'bonus' he received. As the cash 'bonus' was for the use of the vendor alone, the temptation to hold out for the best price possible must have been irresistible to some landlords.

According to the report of the estates commissioners for the year ending 31 March 1910, applications for advances under the 1903 act were approximately £80.5 million while the actual amount advanced was £33.9 million.²⁰⁰ Many landowners who had sold faced a lengthy wait before they received the purchase money and 'bonus'. Under the terms of the 1909 act, those facing such a long interval before payment had the option of taking the purchase money wholly or partly in 2 ¾ % land stock at the price of 92. Many landlords took advantage of this option, especially if they could not afford to wait for years for the purchase money in cash. Although the reports of the estates commissioners supplied the figures for the number of landlords who took advantage of the clause, unfortunately neither their reports nor the returns of advances specify details of the individual vendors. Similarly, they do not identify the small number of landlords who received a 3 % 'bonus' between 24 November, 1908 and the commencement of the Birrell Act of 1909.

¹⁹⁹ Augustine Birrell, 'Irish land bill' 18 Aug. 1909 (T.N.A., CAB 37/100/113), p. 1.

²⁰⁰ *Report of the estates commissioners for the year ending 31st March, 1910, and for the period from 1st November, 1903 to 31st March, 1910*, xv-xvi, [Cd.5423], H.C. xxxi, 847.

A sample of thirty landowners who received purchase money for the sale of their estates from the commencement of the act up until 31 December 1909 has been compiled.²⁰¹ By adding the acreage and the advances received by each tenant in the sale, in the returns of advances under the act, the overall acreage and purchase price can be ascertained. The table gives an insight into the vast sums of money that were involved under the Wyndham Act and especially the importance of the cash 'bonus' in lubricating the sale of estates. After the Archdale sale the next highest in the sample was Major Maxwell Close whose 13,009 acres in Co. Armagh earned him £210,793 in addition to a 'bonus' of £25,295. As regards acreage the largest sale after Archdale in the sample was that of the earl of Carysfort who sold land in counties Wicklow, Kildare and Dublin. His decision to sell 17,669 acres for £170,723 earned him a 'bonus' of £20,486. On the other end of the scale, Thomas Hopkins sold 182 acres in Queen's County for £3,152 which entitled him to a 'bonus' of £378.

George Wyndham's first cousin, the earl of Mayo, sold his lands in Co. Kildare in the first year of the act's operation. He eventually sold 3,644 acres for £92,028 which earned him a 'bonus' of £11,043. The *Freeman's Journal* sent a reporter to cover the sale who was rather critical of the whole affair. The negotiations had been kept secret and little was revealed to the press. The correspondent claimed that the large grazing tenants had taken the lead in the negotiations and that they had rushed the rest of the tenantry into the deal:

In the first place the initiative in the negotiations was taken by the large grazing occupiers. The various meetings were summoned and arranged by them, and throughout the entire proceedings, their attitude forced the pace and hurried the negotiations to a definite issue. So manifest was the desire of these large holders to buy at almost any price, that some of the other tenants were more or less helplessly drawn into agreeing to terms which they did not consider as favourable in any sense.²⁰²

Interestingly, the solicitor for the tenants was Stephen J. Browne, chairman of Kildare C.C., who had also been involved in the sale of the Leinster estate where similar accusations had been levelled at graziers.

²⁰¹ See appendix IV.

²⁰² *F.J.*, 9 Jan. 1904.

The earl of Mayo was not the only one of George Wyndham's relatives to benefit from the 1903 act. His uncle, Henry Wyndham, was the second Baron Leconfield. On his death in 1901 his son Charles Henry Wyndham, George's first cousin, became the third Baron Leconfield. The baron sold a considerable amount of land in counties Clare, Tipperary and Limerick. Between June 1909 and October 1917 he received £88,060 for 9,212 acres under the 1903 act.²⁰³

Sir Anthony MacDonnell, under secretary for Ireland from 1902 to 1908 and whose brother Mark Anthony MacDonnell was the M.P. for Leix (I.P.P.), sold his 864 acre Mayo estate for £3,192 which gave him a 'bonus' of £383. According to the *Freeman's Journal*, the fact that his terms were very fair to his tenants served only to highlight the exorbitant prices which were being asked by other landlords. Nearly all of the tenants were on second term rents which would be reduced by 30 %. This corresponded to 21 ½ years purchase or a reduction of 6s. in the pound. In an extremely generous gesture a year's rent was forgiven and a bog of 256 acres was to be divided among the tenants. When all these concessions were added together, the *Freeman's Journal* calculated that MacDonnell had sold to his tenants at 17 ½ years' purchase or just over the average Ashbourne price in Co. Mayo.²⁰⁴

As previously discussed, clause three of the Wyndham Act was designed to encourage landlords to remain in Ireland after they had sold their estates, by enabling them to sell their demesnes to the Land Commission and repurchase them on the same annuity terms as their tenants. Just as important, it allowed landlords to become the owners of their demesnes in fee simple, in addition to providing them with what was really a low interest rate loan. By 31 March 1920, 316 demesnes had been sold and repurchased under the terms of the Wyndham Act. The annuities were at 3 ½ % (2 ¾ % for interest and ½ % for the actual sum loaned) and were repayable over approximately sixty-eight and a half years. The total area of the 316 demesnes was 112,158 acres which equalled £1,762,477. Of that sum, £1,540,497 consisted of advances while £221,980 was paid in cash by landlords themselves. In 277 cases, there was a mansion house or other residence situated on the demesne or lands repurchased. On 31 March 1920, nine cases

²⁰³ *Returns of advances under the Irish Land Act, 1903, 1903-20.* See bibliography for references.

²⁰⁴ *F.J.*, 9 Jan. 1904.

were pending consisting of 2,696 acres at a cost of £59,706. Of that sum, £38,058 would be advanced and £21,648 would be paid in cash by the landlords themselves.²⁰⁵

An examination of forty samples, where demesnes were sold and repurchased by landlords under the Wyndham Act, revealed that demesnes were sold and repurchased in all thirty-two counties.²⁰⁶ Remarkably, the marquis of Ely repurchased two demesnes in Co. Fermanagh totalling 1,559 acres at a cost of £15,648, all of which was advanced. The largest area repurchased in the sample was 2,054 acres which belonged to the earl of Carysfort who repurchased his Wicklow demesne for £20,000.²⁰⁷

The highest price given by landlords in the sample was paid by George Ker Mahon who repurchased 890 acres in Co. Galway at a cost of £31,672. As the price of his demesne was considerably over the £20,000 limitation, he paid £14,223 himself while receiving an advance of £17,449. On the opposite end of the scale, the earl of Bandon repurchased just nine acres in Co. Cork for which he was advanced a sum of £166, while in Co. Wexford; Sir George F. Brooke repurchased just eleven acres for £55.²⁰⁸

IX). Problems faced by Irish landlords 1903-9.

The Irish Landowners' Convention was keen to ensure that favourable prices were offered to Irish landlords for their estates. There was a fear that a large estate would be sold, at what they considered inadequate terms, which would, in turn, set the standard price for land under the act. In August 1903, just after the measure had received the royal assent, the secretary of the convention, G. de L. Willis, was visited by Lord Ely's London solicitor. Lord Ely had estates in Fermanagh and Wexford and his rental annual from them was £16,000 with nearly all the tenants on second term rents. Willis was horrified to learn that the solicitor intended to offer, on behalf of Ely, 19 years' purchase excluding the 'bonus'. Writing to Lord Clonbrock he said: 'I pointed out that such terms would be disastrous, both for Lord Ely himself and for the Irish landlords generally.'²⁰⁹

²⁰⁵ *Report of the estates commissioners for the year from 1st April 1919 to 31st March 1920, and for the period from 1st November 1903, to 31st March 1920*, 48 [Cmd. 1150] H.C. 1921, xiv, 661.

²⁰⁶ See appendix V.

²⁰⁷ *Ibid.*

²⁰⁸ *Ibid.*

²⁰⁹ G. de L. Willis to Lord Clonbrock, 22 Aug. 1903 (N.L.I., Clonbrock papers, MS 35,772 (6)).

Willis eventually succeeded in convincing Ely's solicitor that 25 years' purchase, aside from the 'bonus', was the minimum he ought to ask the tenants for.

The convention's fears of low prices under the Wyndham Act were considerably allayed by the sale of the large Leinster estate, which was sold to the tenants at 25 years' purchase the terms of which were widely condemned by nationalists. The terms of the Redmond and Archdale sales also helped to set the standard price under the act. Estates such as that of E. C. King-Harman played a similar role in Connaught something which William O'Brien would bitterly lament. The sale of the King-Harman estate in Co. Roscommon according to O'Brien 'gave as evil a lead for Connaught as the duke of Leinster's estate had already given for Leinster'.²¹⁰ The tenants on the King-Harman estate gave an average of 24 ½ years' purchase which represented an average reduction of 21.4 % in their rent.²¹¹ Overall, 70,000 acres were sold for £625,000.²¹² With only £5,000,000 being allocated annually for the first three years, properties such as the King-Harman and Leinster estates consumed huge portions of the available finance and inevitably contributed to the shortage of funds for other sales.

Land purchase proceeded more rapidly in the east of the country than in the west. Here the tenants were wealthier, there was less agrarian agitation and organisations such as the U.I.L. were weakest. In 1909 the Liberal attorney-general, R. R. Cherry, reinforced this point:

The act of 1903 operated very rapidly in parts of Ireland where it was least required, and very slowly in parts where it was most required. Roughly speaking, on the east side of Ireland-the east of Ulster, the whole of Leinster, and the east of Munster - land purchase worked splendidly. Large estates were sold, there was no trouble, and there were good tenants. All went through rapidly, but when you come to the west of Ireland there was an entirely different state of affairs.²¹³

In the west of Ireland, landlords were less inclined to sell their untenanted land along with the rest of their 'estate'. The C.D.B. and estates commissioners needed such land, more than they did in the east, in order to combat congestion and address the issue of uneconomic holdings. The letting of untenanted grasslands to large farmers and graziers was profitable for landlords and it may explain their reluctance to part with such lands.

²¹⁰ O'Brien, *An olive branch*, p. 301.

²¹¹ *Ibid.*

²¹² Terence Dooley, *The decline of the Big House in Ireland* (Dublin, 2001), p. 114.

²¹³ *Hansard 5 (Commons)*, iii, 413 (31 Mar. 1909).

According to Cherry this reluctance was the justification for introducing compulsion in 1909.

Discontent among a certain section of Irish tenants, concentrated in the west, was becoming increasingly vocal by mid-1904. In the counties of Galway and Roscommon the dark cloud of agrarian unrest was on the horizon. On 10 May 1904 in the House of Lords, Lord Muskerry called the government's attention to what he described as the lawless behaviour of the U.I.L. and tenants in the west who were intent on forcing landlords to sell.²¹⁴ Lord Clonbrock, a Galway landlord, concurred with Lord Muskerry's assessment. He maintained that the tenants were determined to violate the voluntary principle of the act by coercing the landlords into selling. In his opinion, such behaviour had made the act virtually inoperative.

Many landlords in the west felt that a co-ordinated attempt was being made to destroy the voluntary nature of the act and to intimidate them into selling on unfair terms. The activities of the U.I.L. in Galway were denounced by the earl of Westmeath. He accused the U.I.L. of preventing direct sales between landlord and tenants, contrary to the intentions of the framers of the act.²¹⁵ Lord Clonbrock supported the earl's comments. He prophesied that land purchase, by enabling those who were openly hostile to Britain to become proprietors, would prove catastrophic in years to come. In his opinion, the act was not being given a fair chance due to the 'tyranny...allowed to exist...when men are not allowed to make their own bargains, but must do so only with the authority of the league...and on terms settled for them by the league'.²¹⁶ Landlords, such as Lord Clonbrock, called on the government to protect the voluntary nature of the act and to halt land purchase in areas where there were disturbances and intimidation.

Landlords held that the U.I.L. lay at the root of the disturbances. The organisation was accused of encouraging tenants on certain estates not to pay their rent in a calculated effort to force landlords to sell. Lord Barrymore, who had lands in Cork, predicted that a new land war was imminent unless the government took firm action against rent strikes

²¹⁴ *Hansard* 4, cxxxiv, 876-77 (10 May 1904).

²¹⁵ *Ibid.*, cxxxv, 330-4 (19 May 1904).

²¹⁶ *Ibid.*, col. 335.

and other forms of intimidation.²¹⁷ The Conservative government was accused of being so eager to advance land purchase that they would turn a blind eye to the manner in which the transfer of land occurred.

Considerable pressure was put on some landlords to sell their untenanted land along with their tenanted. Lord Oranmore and Browne felt such pressure was in violation of the voluntary nature of the act. Many landlords were opposed to the sale of their untenanted land as they derived considerable income from it. Lord Oranmore and Browne elaborated in the House of Lords:

I would call your lordships attention more especially to another matter which prevents the act from working, and that is the determination which is evinced not to purchase holdings unless the landlord is prepared to sell what the tenants are pleased to call his grazing ranches. County councils, district councils, local newspapers, village agitators, all insist on this. And what are these grazing ranches? Grass land on which the landlords have spent large sums of money in drainage and in various improvements. These are the lands on which cattle are fed – those cattle which are one of the most valuable assets we have in the west of Ireland. Everybody is agreed that it is desirable that landlords should remain in Ireland...But you cannot expect men to live in a country if they have no inducement to live there, and if you take away all their grasslands you take away from the landlords every inducement to remain there.²¹⁸

Similar problems had arisen in Cork where the tenants of the earl of Cork, in addition to refusing to pay rent, had menacingly threatened his agent in order to force him to sell his estate on terms he considered unreasonable.²¹⁹ The pressure to sell both tenanted and untenanted land and the use of intimidation were such that the earl of Arran predicted that the Wyndham Act would be employed as an instrument of war by tenants and not an instrument of peace as they had hoped.²²⁰ The Conservative government sought to soothe landlord anxiety by promising to swiftly tackle any intimidation or infringement of their legal rights.

Lord Clonbrock had already announced his intention not to sell his estate under the 1903 Land Act. In a letter to George Wyndham in 1905, he called on the government to take action against those who were threatening the tenants of grasslands who rented

²¹⁷ *Ibid.*, col. 1425-26. (13 June 1904).

²¹⁸ *Ibid.*, col. 1431-2.

²¹⁹ *Ibid.*, col. 879-79. cxxxiv (10 May 1904)

²²⁰ *Ibid.*, col. 1433.

the land from landlords under the eleven-month system. While landlords such as Clonbrock were eager to maintain the lucrative system, tenant representatives held that only by dividing up such grasslands could the western problem be remedied. The chief secretary, in reply, was sympathetic and stressed that the government condemned any pressure being put on landlords to part with their land.²²¹

The pressure on landlords to sell their estates at low prices mounted, as did calls for them to part with their untenanted land. Lord Clonbrock neatly summed up the expectations of the western tenantry and the dangers it posed in the House of Lords:

In the west, especially, of Ireland, the expectations of the people have been raised to such a pitch by articles in the nationalist press and by speeches made in different parts of the country that the voluntary character of the act of last year appears to be quite lost sight of, and the belief seems firmly fixed in their minds that a landowner is bound to sell his property to his tenants at whatever terms it may be perfectly convenient for the tenants to offer. The consequence is that only very ruinous terms are offered - terms such as no man who is prepared to sell, or even is anxious to sell, can possibly accept; and the act to a very large extent remains a dead letter. The result is that there is great disappointment and a smouldering discontent which past experience teaches us may be fanned into a flame and lead to a renewal of the land war - a state of things which would not only be injurious to landlords, but most detrimental to the peace and prosperity of the whole country.²²²

Landlords were highly critical of the influence of the U.I.L., which they believed was opposed to direct negotiations between landlord and tenants. With the voluntary nature of the act being ignored, landlords such as Clonbrock called for the government to repress any agitation or intimidation against landowners. Additionally, he called on the estates commissioners not to authorise sales where intimidation had occurred. There was a feeling among landowners in the west that the Wyndham Act was being used as an instrument of war. They felt that tenants had lost sight of the fact that landlords were under no moral or legal obligation to sell. The Co. Clare landlord, Colonel O'Callaghan Westropp, believed that most of his peers were not overly eager to sell but would do so if offered reasonable prices. He identified a belief which seemed to prevail among tenants that all of the land in the country was up for sale. The prevalence of such notions

²²¹ *I.T.*, 18 Jan. 1905.

²²² *Hansard* 4, cxxxiv, 878 (10 May 1904).

presumably served only to hamper voluntary sales under the act.²²³ The pressure on landlords to sell their tenanted land at low prices was also combined with the demand for the sale of the untenanted grazing ranches. The U.I.L. held that the acquisition of such untenanted land was essential in order to alleviate congestion and to address the issue of uneconomic holdings

Many encumbered landlords, however, were in no position to resist rent strikes or other forms of intimidation and simply sold their estates. The earl of Westmeath illustrated the position of such individuals in the House of Lords:

Think of the position of the poor landlord in some parts of the west of Ireland. He is put to great trouble and expense; he has heavy charges to meet; he is not at all ready to enter into a prolonged fight against his enemies; the odds are ten to one he may have to give in, and he sells his land at a price which will hardly pay the charges on his property. Do people in this country know when they see the returns of sales which have actually taken place, how many of those sales are brought about by pressure? Or do they imagine that they are all voluntary?²²⁴

An example of such a case was the Daly (Dunsandle) estate in Co. Galway which was sold in 1904 after a U.I.L. sponsored campaign of agitation, which included a strike against rent. Lord Clonbrock complained bitterly to George Wyndham that Daly had been forced into selling on poor terms due to the lawlessness in the district. Although the terms were believed to be 23 years' purchase, Clonbrock considered them unreasonably low. He wrote: 'The lowness of them is a striking proof of the success of agitation & of the power of the league. It is so marked a proof that it is improbable not to anticipate that the same tactics will be pursued elsewhere.'²²⁵

Graziers, who rented the grasslands from the landlords, also came under pressure to surrender their farms so that the landlords would be forced to sell them along with the rest of their estate. The following notice was circulated in the area of Lord Ashtown's Galway estate, for example, in mid 1904:

The winning of Irish independence and the land for the people is the object and purpose of the men of Bullaun and Benmore in the present struggle with landlordism and grazierism, and whoever thwarts them in attaining these objects is a renegade and a traitor to his own. And must be dealt with as such deserve if

²²³ *I.T.*, 16 Apr. 1904.

²²⁴ *Hansard* 4, cxxxv, 1430 (13 June 1904).

²²⁵ Lord Clonbrock to George Wyndham, 26 Aug. 1904 (N.L.I., Clonbrock papers, MS 35,784 (8)).

the people are to succeed. The grazing farm of Benmore shall never be allowed to pass into the hands of graziers even if lives have to be sacrificed. This farm shall and must be divided amongst the tenants or else. Let the Congested Districts Board take warning from this and graziers beware for the spirit that animated the men of 81 and 82 is still abroad. God save Ireland.²²⁶

The notice implied that graziers were not part of 'the people' and were not entitled to the land. By late 1906, the agitation had spread beyond Galway to other areas in the west. This turbulent period for landlords and graziers would become known as the Ranch War.²²⁷

Landlords viewed the agitation, coordinated by the U.I.L., not only as an attempt to force them to sell their untenanted land but also to reduce the price. Members of the landed gentry, such as the earl of Donoughmore, stressed that they would willingly sell untenanted land if they were guaranteed a fair price. As far as he was concerned, 'the object of this agitation is not to force the sale of the grass lands, but to force the sale of the grass lands at a prairie value'.²²⁸ Lord Ashbourne agreed with Donoughmore and called on the Liberal government, which came to power in early 1906, to take decisive action. Furthermore, he articulated the sense of abandonment felt by many members of the landed class: 'It is all very well to say that in this state of terrorism landlords and farmers should display moral courage. Moral courage is very easy at Westminster, but it is a very difficult thing in Roscommon.'²²⁹

Some western landlords such as H. D'Arcy did indeed feel abandoned by the government and were uncertain how to deal with the agitation. D'Arcy had enjoyed relatively good relations with his tenants until the commencement of the Ranch War. Determined to force him into selling his estate and untenanted land, D'Arcy's tenants refused to pay any rent until a sale had been agreed. In response, D'Arcy offered 23 years' purchase which was far removed from the 17 years' purchase his tenants contemplated. Despairing of the situation, he blamed the government for the U.I.L. agitation: 'How can I come to terms with such people? My belief is that the government

²²⁶ Lord Ashtown to Lord Clonbrock, 16 June 1904, (N.L.I., Clonbrock papers, MS 35,774 (8)).

²²⁷ See chapter six.

²²⁸ *Hansard* 4, clxxv, 618 (5 June 1907).

²²⁹ *Ibid.*, clxxvi, 830 (24 June 1907).

‘winks’ at lawlessness, for the purpose of bringing down the value of land & the cheaper it is the less purchase money they will have to find.’²³⁰

Large landowners were not the only ones who felt deserted by the government. Smaller landlords, such as those represented by the Irish Landowners’ Alliance, felt they were being sacrificed simply because of political necessity. These landlords viewed the Wyndham Act as just the latest in a series of confiscatory and unjust legislation directed against their class. In a letter to Lord Clonbrock written on 21 June 1904, the Irish Landowners’ Alliance stated:

We strongly object to being expatriated, which will be the certain result of the working of the Wyndham Act in conjunction with the other existing Land Acts. We feel that it is but a poor reward for our unswerving loyalty to the British Crown if we are now to be offered up as a holocaust at the shrine of political expediency. We have no desire whatever to leave our country and our home though possibly the larger proprietors may think it more prudent - even at a sacrifice - to sever their connection with a country from the government of which all principles of justice and fair play to their class have long since been discarded... and we humbly submit to your lordship that *no government* has the right to *ruin or sacrifice any class* in the community.²³¹

Many members of the landed gentry clearly felt that the new Liberal government was not doing enough to tackle the cattle driving campaign which came to prominence during the Ranch War, 1906 to 1909.²³² Moreover, they believed that the government was content to turn a blind eye to the practice as it lowered the price of land and brought the grasslands onto the market. According to the landlord Major John C. W. Madden: ‘members of the government and those who held office if they were not in favour of cattle driving were in sympathy with it because it was a means of getting them out of a hole and reducing the price of land they wanted to get hold of. That seemed to be the whole crux of the thing.’²³³

In the midst of the Ranch War, Irish landlords were also faced with another difficulty, namely the delay in receiving the purchase money and the ‘bonus’. After the first year of the act’s operation, there was an increasing disparity between the number of

²³⁰ H. D’Arcy to Lord Clonbrock, Dec. 1907 (N.L.I., Clonbrock papers, MS 35,775 (1)).

²³¹ Executive committee of the Irish Landowners’ Alliance to Lord Clonbrock, 21 June 1904 (N.L.I., Clonbrock papers, MS 35,774 (8)).

²³² See chapter six.

²³³ *I.T.*, 2 Nov. 1907.

applications for sale and the amount of money actually advanced. Many vendors faced the possibility of waiting a number of years before they received their money.²³⁴ Most received around 3 ½ % interest on the purchase money from their tenants in the interval. Their estate charges were almost always higher as Lord Clonbrock outlined in the House of Lords:

It is also exceedingly hard for the landlords who have to meet fixed government charges, charges on mortgages, and various encumbrances, and to pay high interest while they are receiving only a small amount of interest on the purchase money; and they are unable to pay off those charges, as they naturally would do immediately were they in receipt of cash.²³⁵

With the staff of the Estates Commission already overburdened with sales, the collection of the interest from the tenants was often problematic. The earl of Dunraven, for example, outlined how some tenants were being allowed to get into arrears and consequently that the interest was not being passed onto the landlords quickly enough.²³⁶ When the earl of Mayo sold his estate in late 1903 the interest was not collected and he had to write to the estates commissioners to force them to collect it.²³⁷

In the initial stages of the act's operation, many landlords sold their lands on the assumption that they would receive the purchase money and 'bonus' within a reasonable period of time. As the block in processing sales worsened many had to take the delay into account when negotiating terms as the earl of Dunraven outlined in the House of Lords:

Landlords are placed in this position. Either they must decline to sell and are called preposterous persons who ought to be made to sell, or they must go back on the bargains which they have already made, or worse than all, they have to ask higher terms from their tenants than they would otherwise demand. They must protect themselves against the expense involved in this long and interminable delay, and the result is that all over Ireland landlords are asking considerably higher terms from their tenants than they would otherwise have been willing to accept if they could have relied upon getting their purchase money within reasonable time, and if the whole thing could go through as it ought to, without these great delays.²³⁸

²³⁴ See chapter five.

²³⁵ *Hansard* 4, cxcii, 785 (15 July 1908).

²³⁶ *Ibid.*, cxlix, 669-700 (14 July 1905).

²³⁷ *Ibid.*, col. 706-8.

²³⁸ *Ibid.*, cxlix, 699-700 (15 July 1905).

While larger landlords might have had other resources to call upon, many small landowners were placed in a desperate position. One such small landowner was George H. O'Flaherty who had sold his property in the west of Ireland and despairingly sought the counsel of Lord Clonbrock: 'How is a poor landlord to get along while waiting for the money, who has no cash, but what he receives from his property & has in the meantime to pay a high rate of interest on a mortgage & meet all his charges indispensable to his household no matter how he economises?'²³⁹ Smaller landlords who were solvent at the time of sale, often faced the prospect of becoming mired in debt while they waited for their purchase money and 'bonus'.

One of the chief delays preventing the distribution of the purchase money was the necessity of proving title. Even if the money was available, the title to the land had to be proven which inevitably slowed the process. As early as November 1904 Wyndham's private secretary, Murray Hornibrook, admitted to G. de L. Willis, secretary of the Irish Landowners' Convention, that the question of proving title had put a brake on the progress of the Wyndham Act. He wrote: 'Of the total amount issued for 1904 it has been possible to distribute only some 1 ½ millions, owing to difficulties in proving title.'²⁴⁰ The reality was that the title department simply did not have the staff or resources to cope with the volume of sales.

With delays in distributing the purchase money and 'bonus' growing calls for the introduction of compulsory purchase enraged many landlords. The landlords' supporters in parliament had fought bitterly against the introduction of compulsion in the 1907 Evicted Tenants Act, addressed in chapter six, because they felt it would set a precedent. When the royal commission on congestion, also addressed in chapter six, recommended the introduction of compulsory purchase in 1908, many landlords were incensed. They felt that any contemplation of compulsion was absurd when the estates commissioners were unable to process the sales they already had. As Lord Farnham opined in the House of Lords:

We have been informed that there are £53,000,000 of agreements now waiting to be financed, and I maintain that even more would have been lodged if it had not been for the policy of the United Irish League in interfering with negotiations.

²³⁹ George H. O'Flaherty to Lord Clonbrock, 18 Oct. 1909 (N.L.I., Clonbrock papers, MS 35,775 (4)).

²⁴⁰ Murray Hornibrook to G. de L. Willis, 25 Nov. 1904 (N.L.I., Clonbrock papers, MS 35,772 (7)).

How can a government which is unable to finance this voluntary system, with any show of reason get up and say that compulsion is necessary. I maintain there is no foundation for any compulsion whatever.²⁴¹

Others, such as the marquess of Londonderry, put the delay down to the Estates Commission's focus on what he considered to be the secondary objects of the act:

My own opinion is that the attention of the staff is engaged on minor and subsidiary branches of land purchase. Their time has been occupied in the reinstatement of evicted tenants, in the enlargement of holdings, and in providing parcels of land for what are called landless men; but their primary duty, I maintain is to administer the act and endeavour to promote the transfer of land under it.²⁴²

The consensus among many landlords was that the estates commissioners and their staff spent too much time on as evicted tenants, congestion, untenanted land and in answering parliamentary questions when they should have been concentrating on facilitating land purchase.

The revision of the Wyndham Act's terms, as set forth in the 1909 Land Act, was seen as a betrayal by many Irish landlords. They felt that the Land Conference settlement and the 1903 act had been destroyed. As Col. O'Callaghan Westropp emotionally wrote in a published letter in the *Irish Times*: 'Thus voluntary purchases are at an end, the Wyndham Act torn to tatters, the Land Conference policy is repudiated, and the chief secretary pours oil on the agrarian fire.'²⁴³ As far as Lord Farnham was concerned, the Birrell Act of 1909 was 'both confiscatory and socialistic'.²⁴⁴ Lord Castletown argued that it was a 'most ill considered evil measure' while Lord Ashtown declared that the bill was 'so vile...that it should be thrown out'.²⁴⁵ The guarantee of a 12 % 'bonus', the payment of the purchase money in cash and the 'zones' had been the principal incentives for landlords to sell under the Wyndham Act. Under the Birrell Land Act of 1909 the 'bonus' was distributed on a graduated scale and the purchase money was given in stock. Agreements within the 'zones' could now be investigated if

²⁴¹ *The parliamentary debates*, fifth series, *House of Lords* [hereafter cited as *Hansard 5 (Lords)*], ii, 435 (28 Sept. 1909).

²⁴² *Hansard 4*, cxlix, 805 (15 July 1905).

²⁴³ *I.T.*, 7 Dec. 1908.

²⁴⁴ *Hansard 5 (Lords)*, ii, 434 (28 Sept. 1909).

²⁴⁵ Lord Castletown to Clonbrock, 20 Sept. 1909 and Lord Ashtown to Clonbrock, 22 Sept. 1909 (N.L.I., Clonbrock papers, MS 35,775 (4)).

the estates commissioners so wished. Landlords were dismayed by the new legislation which introduced compulsion albeit to relieve congestion. The act was seen as a triumph for the cattle drivers and an attempt to drive the landed gentry out of the country.

The inclusion of compulsory purchase in the Birrell Act of 1909 angered landowners such as Lord Castletown who felt that his class was being squeezed out of their own country. In the House of Lords he set forth his fears:

Everyone knows why these compulsory clauses are inserted in this portion of the bill. They are the germ for compulsory acquisition of the resident landowner's home farm, demesne, garden, and eventually house, and everyone in Ireland knows the ultimate object that the framers of the bill have in view. It is openly referred to by men of all shades of opinion, who say it is merely a question of waiting for a new bill to come in, and then this germ will develop... The portions unsold are mainly represented by men who desire to live in Ireland, or who wish their descendents to do so. If you try to force those men to leave the country, and if you take their land compulsorily, they will go.²⁴⁶

G. de L. Willis, secretary of the Irish Landowners' Convention, held that compulsion would 'set up a new standard of prices, which would be called an official or government price'.²⁴⁷ His fear was that such a price would inevitably be lower than that received by landlords through their own negotiations with their tenants. For others, such as Lord Ashtown, the undoing of the Wyndham Act only confirmed their fears that compulsory purchase would be used as a weapon with which to drive the predominantly unionist landed gentry from the south and west of Ireland.²⁴⁸

Landlords were dismayed by the changes to the Wyndham Act which they considered had been one of the few beneficial pieces of legislation, as far as landowners were concerned, in decades. The undoing of the 1903 act only further disheartened them and many sensed only a bleak future for their class. The duke of Abercorn wrote to Lord Clonbrock in February 1909:

The position of the landowners now in Ireland in the southern portion of the country is indeed deplorable, and has been for many years past, as you well know, always worked for the benefit of one party, with the exception of Wyndham's Land Act - and this has up to the present time been so successful

²⁴⁶ *Hansard 5 (Lords)*, ii, 465-6 (28 Sept. 1909).

²⁴⁷ G. de L. Willis to Clonbrock, 5 Apr. 1909 (N.L.I., Clonbrock papers, MS 35,773).

²⁴⁸ *Hansard 5 (Lords)*, ii, 527 (28 Sept. 1909).

that the government appear to be ashamed of it and are doing everything in their power to restrict the benefits of the act.²⁴⁹

Under the Birrell Act of 1909, those who had already sold under the Wyndham Act of 1903 had the option of taking their payment in part-cash, part-stock or wholly in stock. Alternatively they could wait a number of years for the whole amount in cash. Such options offered little hope to many vendors who, as the earl of Shaftesbury pointed out in the House of Lords, were essentially caught 'between the devil and the deep sea'.²⁵⁰ One landlord who took the option of stock was Somerset Saunderson of Castlesaunderson Co. Cavan. His father, Colonel Edward Saunderson, had died in 1906 and Somerset completed the negotiation in 1908 just in time to avail of the 'bonus'. In total he received £98,000 for 9,400 acres.²⁵¹

X). Conclusion.

As landlords sold their lands under the Wyndham Act, the future of the landed gentry looked uncertain. Many struggled to see what use or influence their class could have in an Ireland of peasant proprietors. Some contemplated leaving the country and taking their chances in Britain or elsewhere in the empire. With Ireland in the midst of a social revolution, owing to the transfer of land from landlords to tenants, and the heyday of landlordism a distant memory, there was considerable apprehension among those who had or were going to sell. The earl of Dunraven believed that the landed gentry would be in a more comfortable position after selling their lands and that there would be opportunities for their class to exert an influence on the national life of the country. In fact he was adamant that the sale of their land would set them free. When writing in 1907, he was positive about the future of his class and held that fears of a mass emigration of the landed gentry had proved unfounded:

Loss of social influence and political power attaching to the possession of landed property, which might in some other cases largely affect the issue, may, in the case under consideration be disregarded; or, if regarded, the probability of positive gain in both respects must be admitted. Sentiment, tradition, the attractions of home, the comparative cheapness of living, and of field sports and

²⁴⁹ Duke of Abercorn to Lord Clonbrock, 22 Feb. 1909 (N.L.I., Clonbrock papers, MS 35,775 (3)).

²⁵⁰ *Hansard 5 (Lords)*, iii, 560 (28 Sept. 1909).

²⁵¹ Alvin Jackson, *Col. Edward Saunderson: Land and loyalty in Victorian Ireland* (Oxford, 1995), p. 204.

outdoor amusements, must be taken into account. As a class there can be no question that the financial circumstances of the landed gentry will be improved by sale... They will find, as the country settles down, as large a field for pleasure as and a larger scope for usefulness than they have hitherto enjoyed.²⁵²

Dunraven was convinced that land purchase provided an opportunity for the landed gentry to reinvent themselves. However, the chance had to be seized quickly as Dunraven predicted it would be their last.²⁵³

Horace Plunkett, a member of the landed gentry, observed the confusion and lack of purpose that was felt by many members of his class by 1908:

As one of that class who has made his choice, I need no apology for giving to the public the estimate of the existing situation and the forecast of the future which have led me to the conclusion that there is no better country for an Irishman to live in, or to work for, than his own. Almost every day I hear landlords, who have sold, or are hastening to sell, their estates, assert that there can in the future be no position of influence or utility for their class in Ireland. Their social and national influence and prestige already gone, they foresee a succession of predatory measures calculated to nullify those provisions of the agrarian settlement which were intended to enable them to remain in the country in the enjoyment of their houses and demesnes.²⁵⁴

Plunkett, however, viewed the Wyndham Act as a great opportunity for his class and a chance for them to involve themselves fully in the national life of the country. He had staked his future on remaining in Ireland and was keen to emphasise the opportunities he foresaw for the resident gentry. With the abolition of landlordism an inevitability, the barriers which had existed between landlord and tenants would no longer be insurmountable. As he assumed that the land question would gradually be solved, Plunkett foresaw his class assuming positions of leadership in their local communities. As agrarian agitation petered out, the people would turn to the resident gentry for leadership. Plunkett believed that his class were the natural leaders of rural Ireland for they possessed the education, experience, expertise and business skills which would be vital in the quest to improve, modernise and organise Irish agriculture. With the land question no longer serving as a bone of contention, those of his class who wished could become very influential in the national life of the country. He wrote:

²⁵² Earl of Dunraven, *The outlook in Ireland* (Dublin, 1907), pp 53-4.

²⁵³ Earl of Dunraven, *The legacy of past years* (London, 1911), p. 240.

²⁵⁴ Horace Plunkett, *Nobless oblige; an Irish rendering* (Dublin, 1908) pp 5-6.

The abolition of landlordism, so far from destroying the usefulness of the Irish gentry, really gives them their first opportunity, within the memory of living men, to fulfil the true functions of an aristocracy. They have ceased to be the masters; they are no longer dealing with dependents. My appeal to them is that they should recognise this fact, and take their new position as men who, working among others in a rural community, have by their wealth and education special advantages which they desire to use for the common good; and I assure them that for men who are willing and qualified to take that position it will be open.²⁵⁵

Therefore, Plunkett held that the choices which faced the landed gentry were of grave importance; either they immersed themselves in the national life of the country or they remained aloof from the rest of society. The Wyndham Act had provided a glorious opportunity for the resident gentry to reinvent themselves and to become the leaders of the national life of the country. Plunkett believed that the chance would not arise again. Indeed, the future of his class depended on the choices they made once they had sold their estates:

In the choice we must make, the future of our class in Ireland is involved; on this choice will depend the world's judgement of our historic character and our present worth. If we have any public spirit, or even self-respect-if we have any pride in those from whom we sprang, any concern for those who will come after us-we shall not let judgement go by default. We were originally placed by force of arms in a position to exercise a commanding influence upon our country, and we have been maintained in that position mainly by external power. It is charged against us-and we cannot deny the *fact*-that we have failed up to the present so to identify ourselves with the national life as to establish our influence upon the only sure foundation-popular goodwill. What is our excuse? The blame must either have been in ourselves or in the system. If in ourselves, it is not from want of capacity, for we have given to the service of the British Empire every quality that the service of Ireland now demands. If it was in the system, that hindrance will soon have passed. And in the passing there will come to us, if not the first, most assuredly the last, opportunity of showing that we stood ready, had the occasion served, to do our duty by our country.²⁵⁶

Aside from offering the resident gentry a genuine opportunity to take the lead in the national life of the country, the Wyndham Act proved a god-send for many members of the class. The 'bonus' in particular changed the fortunes of many encumbered landlords and gave them sufficient capital to establish themselves in other areas of

²⁵⁵ Ibid., p. 26.

²⁵⁶ Ibid., pp 37-8.

business if they so wished. Elizabeth, Countess of Fingall, recalled the boon that was the 'bonus': 'George Wyndham got his twelve millions. And it was certainly a jolly 'bonus' for the broken-down landlords, and for the spendthrifts, who were relieved of their mortgaged estates and made a free gift as well, for the 'bonus' went to the tenant-for-life.'²⁵⁷

The Wyndham Act allowed many landlords to escape the financial quagmire they found themselves in. Even if the bulk of the purchase money went towards paying charges on their estates the 'bonus' remained in the landlord's own hands. Landlords, for the first time in living memory, had the opportunity to establish themselves in other spheres of business free of the millstone which Irish land had become. Not long after the act was passed, George Wyndham, while on holidays in Monte Carlo, encountered a previously impecunious Irish peer gambling in a gaming room: 'Lord ----- had had a big estate in Ireland, but never a penny in his pocket. As George Wyndham passed by, Lord ---- pointing to the pile of notes and counters before him, called out gaily: "George! George! The 'bonus'!"'²⁵⁸

In 1908 David Lloyd George, president of the board of trade, emphasised in a cabinet memorandum that: 'A landlord who obtains twenty-five years' purchase and can invest the proceeds at 4 per cent – by no means a difficult operation at the present time – is actually better off than he was before he sold.'²⁵⁹ Furthermore, the option under clause three of the Wyndham Act of selling and repurchasing their demesne under the same annuity terms as the tenant-purchasers was highly significant. The clause enabled cash strapped landlords to obtain what was essentially a sizeable loan under very generous repayment terms. In 1913, the comptroller of the national debt office, W. G. Turpin, pointed out that the landlords who had sold under the 1903 act had done quite well overall:

As the prices of securities have fallen continuously since 1902, thus yielding a higher rate of interest, it is patent that in cases of cash advances the landlord has been enabled to secure an income of at least 90 per cent of the second term rent of the land...When it is remembered that in the majority of cases part of the purchase money is used to pay off encumbrances on which the interest payable

²⁵⁷ Elizabeth, Countess of Fingall, *Seventy years young* (Dublin, 1991 ed.), p. 282.

²⁵⁸ *Ibid.*

²⁵⁹ D. Lloyd George, 'Irish land purchase finance', 17 Nov. 1908 (T.N.A., CAB 37/96/154), p. 3.

was 4 per cent, 5 per cent and sometimes even 6 per cent, it is manifest that the bargain must have been exceptionally favourable to the landlord.²⁶⁰

For those landlords who were relatively unencumbered, the act presented an opportunity to make a financial killing. Decades of agrarian agitation, alongside the commitment of both the Liberal and the Conservative parties to establish a peasant proprietorship, left many landlords looking for a viable way out. Both British parties had settled on the policy of land purchase. The real battle was between those who advocated the system of voluntary purchase and those who wanted compulsory purchase. The movement for the compulsory purchase of the landlords' estates, as already discussed, had been instrumental in bringing about the Wyndham Act. The fear was that compulsion had only been postponed and that it would inevitably be resorted to in the years to come. Once the Liberal government came to power in 1906, it was evident that the terms on offer to landlords under the Wyndham Act were unlikely to be improved. The Wyndham Act provided the Irish landlords with an escape route and its terms were simply too enticing to be ignored.

Many landlords who had sold were reluctant to invest their purchase money in Ireland. The renewed agrarian agitation in the form of the Ranch War of 1906 to 1909 and the possibility of home rule undoubtedly acted as major deterrents. In 1903, a northern landowner, Hugh de F. Montgomery declared 'that in the present state of Ireland no conscientious trustees for any limited owner would think of investing one halfpenny in the trust funds of this country'.²⁶¹ Frankly, Montgomery felt that the lawlessness in the south and west was sufficient enough to frighten investment out of the country, something which could only have a negative effect on the future of Ireland. The earl of Donoughmore was equally pessimistic about the prospects of landlords investing their purchase money in Ireland:

The agitation [Ranch War] had not only ruined eight counties, but it had made its influence felt throughout the length and breadth of the land. (Hear, hear.) It had not only affected the agricultural interests, but every other interest. Some people talked about landlords who sold their estates putting their money in Irish investments. But was it advisable to invest money in Irish undertakings when

²⁶⁰ W. G. Turpin, 'Irish land purchase (1913),' 3 Mar. 1913 (T.N.A., CAB 37/114/17), p. 10.

²⁶¹ *I.T.*, 14 Dec. 1907.

they did not know whether it would assist in the development of these undertakings? Was it advisable to do so with the prospect of home rule?²⁶²

Speaking before the royal commission on congestion in 1907, Lord Ashtown was adamant that the bulk of the purchase money under the Wyndham Act would not be invested in Ireland. He held that the government legislation of previous decades had left resident landlords with only two incentives to stay in Ireland, those being sport and farming their own land but that these were both being eroded by the Wyndham Act. In Ashtown's opinion, the demand for their untenanted land to be sold and the continued agrarian agitation were frightening landlords and their capital out of the country: 'As matters are going on now, the money they invest will leave the country. It will not be invested here.'²⁶³

The evidence suggests that most landlords did not invest the proceeds of their sales in Ireland. In the case of the Leinster estate the purchase money was nearly all invested in mortgages and loans to members of the landed gentry in Britain. A tiny portion of the purchase money was invested in stock and shares in Ireland. There seems to have been an eagerness to invest in America and throughout the British colonies. Somerset Saunderson invested virtually all of the money he received from the sale of his estate in the British Empire and beyond. He invested in railways and other stocks.²⁶⁴

Other landlords, however, were simply unable to adapt from a rent-based income to the business of investing in stocks and shares. Unfamiliar with the world of commerce, many simply frittered their finances away. According to Shane Leslie, 'a great number had departed after the Wyndham purchase, while the going was good. Others stayed and muddled their purchase money away'.²⁶⁵ Shane's brother, Seymour Leslie, would recall in later life how their father, Sir John Leslie, intensely disliked the world of business and after selling the bulk of the estate under the Wyndham Act, the purchase money was invested in various stocks and shares on the advice of Sir Ernest

²⁶² *Ibid.*, 10 Oct. 1907.

²⁶³ *Tenth Report of the Royal Commission appointed to inquire into and report upon the operation of the Acts dealing with Congestion in Ireland*, 182 [Cd.4007] H.C. 1908, xli, 5.

²⁶⁴ See Jackson, *Col. Edward Saunderson*.

²⁶⁵ Shane Leslie, *The Irish tangle for English readers* (London, n.d.), p. 146.

Cassel.²⁶⁶ Having spent his life as a landed gentleman, Sir John Leslie was loath to involve himself in the rough and tumble of business and ‘any business decision brought on an agonised grimace of distaste’.²⁶⁷

A great debt of gratitude was felt by many members of the landed gentry, such as Shane Leslie, towards George Wyndham. There was a belief that Wyndham had made a genuine effort to provide a better future for the class. Leslie recalled in later years how the 1903 act had attempted to save his class from the dead weight that was Irish land. He wrote: ‘Thanks to George Wyndham the whole landed class were set free from their own shackles to go their way into pensioned oblivion or to attempt to make good in Ireland yet - George Wyndham, grandson of Pamela the daughter of Lord Edward Fitzgerald, to whom the presidency or kingship of Eire would be gladly awarded today.’²⁶⁸

While the 1903 act provided a financial solution for many landlords it also compounded the sense of abandonment that many already felt. Although the act was voluntary and there was no compulsion to sell, there was a sense among landlords that if they did not sell under the Wyndham Act they would not receive terms as favourable in the future. As a class, they were committed to the union with Britain but felt deeply betrayed by successive governments. Elizabeth Bowen would recall that the financial terms on offer were quite adequate, but the Wyndham Act was viewed by the landed gentry as just another in a long series of legislative measures undermining the power and belittling the position of landlords in Ireland:

The *modus vivendi* should have been good enough. But there is no doubt that by a number of Anglo-Irish landlords this abrogation of their power, and by a Conservative government was felt as a bitter blow. It was, “*Et tu, Brute!*”. One felt injured in spirit, if not in purse. As to the purse, the landlords were compensated by the issue of bonds backed by the government, and landlords willing to sell received bonuses. But the landlords were, or felt themselves, sacrificed to the hopes of successful continuance of that very union to which they had looked to maintain their authority.²⁶⁹

²⁶⁶ Sir Ernest Cassell was a Jewish German-born banker who became private financial advisor to King Edward VII in 1902.

²⁶⁷ Seymour Leslie, *The Jerome Connection* (London, 1964), p. 36.

²⁶⁸ Leslie, *The Irish tangle for English readers*, p. 144.

²⁶⁹ Elizabeth Bowen, *Bowen's Court* (Cork, 1998 ed.), pp 395-6.

CHAPTER FIVE: 'A CRAZY SCHEME FOUNDED ON CRAZED FINANCE': LAND PURCHASE AND FINANCIAL DIFFICULTIES.¹

D. Introduction.

Under the land acts of 1885-8, commonly known as the Ashbourne Acts, advances to vendors had been made in cash. The tenant's annuity was set at 4 % and he repaid the sum loaned to him over forty-nine years albeit with decadal reductions. Under the Balfour Acts of 1891-6 the system of land purchase was altered so that the vendor received payment in guaranteed 2 ¾ % land stock instead of payment in cash. The rate of the tenants' annuity remained at 4 % and the system of decadal reductions was introduced. The Wyndham Act of 1903 reverted back to paying vendors in cash with the rate of the tenant's annuity lowered to 3 ¼ %. This impacted on the period of repayment which would now be approximately sixty-eight and a half years.²

Under the land acts prior to the Wyndham Act, 73,809 holdings had been purchased consisting of approximately 2.5 million acres. The treasury had provided advances to the tune of £23,894,765 and tenant-purchasers had contributed £884,411. The total purchase money which had been advanced under these acts amounted to £24,779,176.³ By 31 March 1906, after a little under two and a half years of operation, applications to the amount of £35,275,831 had been lodged with the Estates Commission under the Wyndham Act.⁴ The volume of sales dwarfed the achievements of previous acts and highlighted the success of the Wyndham Act in terms of encouraging land purchase. With applications for the transfer of land from landlord to tenant being received at an unprecedented rate, serious questions were asked of the ability of the Irish Land Commission, the treasury and the government to facilitate land purchase. It was not long before faults began to appear in the operation of the act. This chapter will investigate the financial difficulties which plagued the Wyndham Act and their subsequent implications. The financial instability of the act will be analysed and we will

¹ Gibson Bowles, Conservative M.P. for Lynn, Regis, *Hansard* 4, cxxii, 74 (7 May 1903).

² See chapters three and four for details of incentives to landlords to sell their land.

³ See appendix VI.

⁴ *Report of the estates commissioners for the year ending 31st March, 1906 and for the period from 1st November, 1903, to 31 March, 1906*, xxiii, [Cd. 3148], H.C. 1906, xxv, 237.

see why land purchase could no longer realistically proceed on Wyndhamite terms by 1909.

II). The financing of the Wyndham Act.

Under the act a loan was advanced to the tenant-purchaser so that he could buy his holding. The cash for these advances was issued from the Irish Land Purchase Fund. It was raised by the creation of guaranteed $2\frac{3}{4}\%$ land stock which was floated on the stock market. Anyone who invested in the stock was assured a return of $2\frac{3}{4}\%$ on their investment, which was payable half yearly. The stock was redeemable at par (for example, when the issue of £100 stock raised £100 in cash) after thirty years from the date that the act came into operation (1 November 1903). The treasury could, in the short term, raise the money for advances by means of loans from the National Debt Commissioners (N.D.C.), the Bank of England and the Bank of Ireland.⁵

The guaranteed $2\frac{3}{4}\%$ land stock was secured firstly on the Irish Land Purchase Fund and subsequently on the Irish Development Grant which formed a portion of the Guarantee Fund. In the event of stock being issued below par or at a discount (for example, where £100 stock only raised £90 in cash), where the Irish Land Purchase Fund proved inadequate, the Irish Development Grant portion of the Guarantee fund was accessed. Once that was exhausted, the next fund in line was the Death Duty Grant followed by the Agricultural Grant, under the Local Government Act of 1898.⁶ Both of these grants formed part of the Guarantee Fund.⁷

The advance received by the tenant-purchaser was to be repaid in the form of an annuity at $3\frac{1}{4}\%$. Of that figure, $2\frac{3}{4}\%$ was for interest and $\frac{1}{2}\%$ for the sinking fund (the sum loaned). So, for example, on an advance of £100 the tenant's annuity would be £3 5s. This represented £2 15s. for interest and 10s. for the repayment of the sinking fund. The act did not fix any period of repayment, however, 'the period required by a sinking fund of 10s. per cent to amortize £100 stock at $2\frac{3}{4}\%$ per cent' was approximately

⁵ The N.D.C. was founded in 1786 to lower and eventually eradicate the national debt. The commissioners were involved in the investment of government funds and particularly matters relating to the stock market.

⁶ Irish Land Act 1903, 38.

⁷ Ibid., 40.

sixty-eight and a half years.⁸ The tenants' annuities were paid in two instalments on 1 June and 1 December of each year.⁹ Compared to the terms of the previous acts, the tenants received their loan at a low rate of interest and by extending the period of repayment the payment on the sinking fund was reduced. Under the Ashbourne Act of 1885, the tenant's annuity was 4 % (3 ⅛ % for interest, ⅞ % for the sinking fund).

Clause thirty-eight of the 1903 act dealt with the Irish Development Grant. As mentioned in earlier chapters a sum of £20,000 was to be procured annually from the grant for the C.D.B. Similarly, £50,000 was to be taken annually for the first four years of the act's operation, up until 31 March 1907. This was to be put towards the Irish Land Purchase Fund. The remainder of the grant, once all the charges to which it was subject were paid, formed part of the cash portion of the Guarantee Fund. £5,000 was to be paid annually out of the Irish Development Grant to indemnify T.C.D. against any loss of income resulting from the sale of land under the act. The indemnity money which was not called upon was to be invested and could be used in later years when the £5,000 was insufficient to meet the college's losses.¹⁰

The Land Purchase Aid Fund ('bonus' fund) of £12,000,000 formed part of the Irish Land Purchase Fund. The 'bonus' fund was accumulated by issuing guaranteed 2 ¾ % land stock. The 'bonus' fund was essentially a gift from the state. Therefore, the interest and the sinking fund of the stock issued for that fund were borne on the Land Commission vote in parliament. A 12 % cash 'bonus', calculated on the purchase money, was paid to the vendor but any land which the vendor repurchased was not included in the calculations. As mentioned in the previous chapter a 'bonus' was not paid out in sales in the Land Judge's Court or where an order for sale issued by the land judge was in force when the Wyndham Act received the royal assent. Where the estate was so encumbered that the vendor was not entitled to the rent, the 'bonus' was withheld. In such instances, and cases in the Land Judge's Court, the 'bonus' was added to the purchase money. A mortgagee with the power to sell was not entitled to receive

⁸ *Report of the Departmental Committee appointed to enquire into Irish Land Purchase Finance in connection with the provision of funds required for the purposes of the Irish Land Act, 1903*, 7, [Cd. 4005] H.C. 1908, xxiii, 267.

⁹ 'Rules and regulations made by the treasury, 14 April, 1905' rule 13 cited in Cherry and Maxwell (eds), *Irish Land Acts*, p. 1255.

¹⁰ *Ibid.*, 39.

the 'bonus' either. Five years after the act had become operative (1 Nov. 1908), the treasury had the option to change the percentage at which the 'bonus' was allocated, taking into account the sum that remained and the future demands on it.¹¹

In direct sales between a landlord and his tenants, once the holding was vested in the purchaser, the purchase money was deposited in the Bank of Ireland. An order was made by the Land Commission affixing any claims to the purchase money. Where land sold to the estates commissioners was vested in the Land Commission, under clause sixteen of the 1903 act, the Land Commission paid an annual interest of 3 ½ % to the vendor on the purchase money which remained unallocated. This was in place of the payment of rent. The interest was paid from the date of the vesting order or when the purchase money was deposited in the bank, depending on the method of sale.

The 3 ½ % interest was fixed in a sale to the Land Commission. The tenant-purchasers paid it to the Land Commission who then paid the vendor. The same system operated in direct sales between landlord and tenant except that the rate was worked out in the agreement but it could not be less than 3 ½ %. In both cases interest was paid by the tenant-purchasers until the purchase money was allocated. Where an estate was bought in the Land Judge's Court or purchased by the C.D.B., the tenant-purchasers also paid 3 ½ % interest on the purchase money to the Land Commission who conveyed it to the vendor.

Once the claims of those entitled to the purchase money were validated, the money was distributed. The redemption of any claim or charge on the land came out of the purchase money. In addition, the question of outstanding rents was addressed. Any unpaid rent due on a holding up until the day of purchase or the day of agreement to sell in the case of a sale to the Land Commission, could be paid out of the purchase money. However, the sum could not be greater than one years' rent. Such an arrangement had to be included along with the abstract of title.¹² The expense of proving title and of allocating the purchase money was paid by the Land Commission.¹³

¹¹ Irish Land Act, 1903, 48.

¹² 'Provisional rules under the Land Purchase Acts, 4 December, 1903', order iv (3) cited in Cherry and Maxwell (eds), *Irish Land Acts*, p. 1215.

¹³ Irish Land Act, 1903, 24 (9).

The purchase money was distributed by a judicial commissioner. It could be invested by the trustees of the settlement, with the consent of the tenant-for-life, in stocks, shares, bonds, mortgages or debentures, a list of which was printed periodically in the *Dublin Gazette*.¹⁴ An example of some of the investments authorised were Bank of England stock, Bank of Ireland stock, India 3 % stock, India guaranteed railway stocks or shares, inscribed stocks of colonial governments guaranteed by the imperial government and debenture preference guaranteed or rentcharge stocks of railways in Great Britain or Ireland.¹⁵

III). Irish Land Act, 1904.

Within months of the act becoming law it encountered difficulties. A decision in the Land Judge's Court by Justice Ross, regarding the sale of the marquis of Ely's Wexford estate, cast some doubt on the allocation of the 'bonus'. The framers of the act had intended for the 'bonus' to go to the tenant-for-life or to the current owner for his personal use. Judge Ross questioned this interpretation of the wording of the act. In addition, doubts had arisen over whether or not the 'bonus' could be given on the sale of untenanted land, as well as the powers of the estates commissioners and the C.D.B. to declare what was an 'estate' under the act. These difficulties threatened to make the act a dead letter and the Conservative government responded swiftly by announcing that a short amending act would be introduced in the new parliamentary session.

Despite the act being in its infancy, there were sections within Irish agricultural society who had already lost faith in it. On 2 January 1904, the Limerick and Clare Farmers' Club passed the following motion: 'That as the policy of conciliation has broken down because the landlords want too high a price, we call upon the directory of the United Irish League to put the old policy of compulsory purchase before the country, and that we request the directory to pass such a resolution at their next meeting.'¹⁶

On 4 January 1904 the national directory of the U.I.L. held its annual meeting. Fears were expressed that the conciliatory attitude of the tenants was not being reciprocated by the landlords who were holding out for extravagant prices or were

¹⁴ *Ibid.*, 51.

¹⁵ Cherry and Maxwell (eds), *Irish Land Acts*, p. 1113.

¹⁶ *I.T.*, 4 Jan. 1904.

simply refusing to sell. Concern about the allocation of the 'bonus' on untenanted land featured prominently. The *Irish Times* reported a proposal by P.A. McHugh, M.P. for North Sligo:

It appears that the law officers of the crown in Ireland have given it as their opinion that the 'bonus' is not payable on the sale to the commissioners or the Congested Districts Board of untenanted land separately from tenanted lands and that landlords may sell congested portions of their estates and receive the 'bonus' on such sale while retaining untenanted land...we desire to state that the expression of such an opinion...is, in our judgement, a shameless and criminal violation of solemn pledges to which the law officers were parties, and on the faith of which the purchase act of last session was accepted by the Irish party; that such opinions if acted upon by the estates commissioners and the Congested Districts Board would render the new act absolutely worthless and nugatory in the province of Connaught.¹⁷

In order to prevent such a scenario coming to pass, the directory advocated that the I.P.P. press for an amending act enabling the compulsory purchase of untenanted land. The relief of congestion and the reinstatement of evicted tenants were priorities for the nationalists.¹⁸ The uncertainty over the 'bonus' for untenanted land directly affected these two issues as the acquisition of untenanted land was essential if progress was to be made.

Another source of frustration for all sides was the lack of information available on the working of the act. They found it unacceptable that they had virtually no information on issues such as sales within the 'zones', sales of untenanted lands and the restoration of evicted tenants. Furthermore, the ad interim report of the estates commissioners for the period 1 November, 1903, to 31 December, 1904 was only published in April 1905. This was a year and a half after the act had become operational.

This sense of dissatisfaction was very evident in Ulster where many felt that the landlords in the province were not acting in the conciliatory spirit of the Land Conference and were demanding unreasonable terms for the sale of their estates. The Ulster Farmers' and Labourers' Union met on 25 January 1904 to discuss the progress of the act. The refusal of many landlords to even consider selling and demands for inflated

¹⁷ Ibid., 5 Jan. 1904.

¹⁸ See chapter six.

prices were sources of discontent. This dissatisfaction was expressed by Rev. Lyttle a member of the union. The *Irish Times* reported:

When it was borne in mind that the landlords would receive the 'bonus', easement in legal expenses, and payment in cash, and that these advantages combined gave them an additional 5 or 6 years' purchase as compared with prices under previous acts, he thought it could not be contended for one moment that the landlords had risen to their splendid opportunity. So far they had thrown that opportunity away, and proved that they were insatiable. They had wrecked the policy of conciliation and had made a renewal of the fight for compulsory purchase a pressing necessity throughout Ulster. It might be that the south and west and east of Ireland could affect occupying ownership under the act without compulsion; but it was evident that Ulster must either wait indefinitely or pay an exorbitant price.¹⁹

Lyttle urged that the movement for compulsion be resumed immediately and that the compulsory purchase of landlords' estates be made a priority throughout Ulster in the next general election.²⁰ Like the U.I.L. in the south, the Ulster Farmers' and Labourers' Union in the north, was ready to fall back on the call for compulsory purchase.

T. W. Russell highlighted the gravity of the situation, caused by the uncertainty over the payment of the 'bonus' on untenanted land, particularly in the poorer areas of the west:

If the landlords in the west of Ireland were able to sell their patches of land - those uneconomic holdings of four and five acres in extent - at a high price and retain the grazing lands because the 'bonus' could not be paid on untenanted land - and that was the opinion prevailing - the position was one of the gravest danger. The main purpose of the act would be frustrated if these men were allowed to sell their patches of land, which were no security for the British taxpayer, and to retain their grazing lands. The problem of the land in the west of Ireland was unsettled now.²¹

Russell maintained that there were two groups of landlords in Ulster; those who refused to sell at any price and those who were only willing to sell at extortionate prices. He felt that while land purchase went ahead in the south and west, the Ulster tenant, who had never been involved in agrarian agitation, was prevented from becoming a purchaser by his landlord and his only option was to pay an exorbitant price for his holding.²²

¹⁹ *I. T.*, 26 Jan. 1904.

²⁰ *Ibid.*

²¹ *Hansard 4*, cxxix, 257-8 (3 Feb. 1904).

²² *Ibid.*, col. 256-61.

Ulster landlords, such as Colonel Saunderson, asserted that landlords were not requesting unreasonable prices but that the initial reluctance was due to the unwillingness of limited owners to sell because of the uncertainty over the 'bonus'. He believed that the amending act would solve this problem though. However, Saunderson claimed that there was a section within the I.P.P. which, in alliance with the *Freeman's Journal*, was determined not to give the Wyndham Act a fair trial. Saunderson asserted that William O'Brien had resigned because of this animosity within the I.P.P. towards the land act.²³ Landlords, like Saunderson, were confident that there would be plenty of sales under the act and he based this on the fact that the rent revaluation, held every fifteen years, was due again in 1911. This would motivate landlords to sell.²⁴

Landlords held that they had offered terms in keeping with those laid out at the Land Conference but that the tenants were offering prices which were simply unviable. Landlords believed reasonable terms had been offered and that they were entitled to expect a decent price. Their interpretation of a fair price was a sum which, if invested at 3 or 3 ¼ %, would produce a landlord's gross income equivalent to that he had received from rents.²⁵

At the nineteenth annual meeting of the Irish Landowners Convention on 15 April 1904, W. H. Boyd articulated those sentiments:

It would be premature to express any definite opinion at the present time as to the probable effect of the land act of 1903 as a means of settling the Irish land question within a reasonable period, we feel that its ultimate success will largely depend upon the landlords being offered 'an equitable price'...and on the act being administered in a spirit calculated to encourage and facilitate land purchase negotiations.²⁶

Many landlords felt that their sentimental attachment to their lands in addition to the fishing, sporting and turbary rights on them ought to be considered when the question of price arose. Colonel O'Callaghan Westropp was keen to stress that the majority of landlords did not want to sell their lands and would only do so if it proved advantageous. The colonel declared that there was 'a very wide, a very influential, and a very highly

²³ *Ibid.*, cxxxii, 687-9 (24 Mar. 1904).

²⁴ *Ibid.*, cxxix, 282-4 (3 Feb. 1904).

²⁵ *I.T.*, 16 Apr. 1904.

²⁶ *Ibid.*

organised effort, even though it was an insidious effort, being made to poison the minds of the tenants against giving anything like fair terms on which the landlord could deal. Indeed, he would call it a conspiracy almost'.²⁷

The I.P.P. hoped to use the debates on the 1904 amending bill to make other changes to the previous year's legislation. They wished to alter those areas relating to the price 'zones', the congested districts and the evicted tenants. The second reading of the amending bill did not take place until 8 July 1904 and it sparked a very revealing debate in the House of Commons. Proceedings opened with John Redmond proposing the following motion:

No measure dealing with the amendment of the Irish Land Act of 1903 can be accepted as satisfactory which deals only with facilitating Irish landlords in obtaining the 'bonus', and which provides no remedy for the grave defects of that act affecting Irish tenants, particularly the creation of a system of 'zones' leading to the unjust inflation of prices, and the absence of provisions for the compulsory acquisition of untenanted land essential for the enlargement of holdings, the restoration of evicted tenants, and the final settlement of the Irish land question.²⁸

Redmond emphasised that the motion was not an attack on the 1903 act but a manifestation of his party's frustration at the government's unwillingness to tackle the act's other flaws aside from the 'bonus' dilemma. The I.P.P. felt that the uncertainty over the allocation of the 'bonus' was only one of the reasons for the C.D.B.'s lack of progress in acquiring untenanted land. They wished to alter the make up of the board and to grant it compulsory powers so as to reinvigorate the act in the west. Such compulsory powers were necessary in order to purchase sufficient untenanted land and to enlarge the uneconomic holdings which existed in the congested districts.

Captain A. J. C. Donelan, M.P. for East Cork, seconded Redmond's motion arguing that landlord demands for exorbitant prices could spell the downfall of the act. Donelan believed that the 'bonus' had only 'whetted the appetites of the Irish landlords' and that if the tenants were shouldered with annuities they could not pay, there would be trouble in the future. Donelan also remarked that the previous year had been a very bad one in agricultural terms:

²⁷ Ibid.

²⁸ *Hansard* 4, cxxxvii, 1115 (8 July 1904).

Consequently the tenants very naturally took refuge in purchase at almost any price. The tenants were tempted to do this because under the land act of last year they were able to add the current year's rent to the purchase money and that no doubt gave them some temporary relief. He was afraid that in many cases the Irish tenants had clutched at this privilege as a drowning man clutched at a straw.²⁹

In the case of a sale agreed within the 'zones' there was no inspection by the estates commissioners who were obliged to sanction the agreement despite any misgivings they might have as regards price or security. The I.P.P. were afraid that tenants were being exploited under the 'zone' system and would subsequently find their annuities a burden that they would be unable to bear.

The I.U.P.P. agreed that there were defects in the 1903 act that ought to have been addressed earlier, defects such as the expense involved in proving the title of superior interests. This process was a burden to the landlord and was beginning to affect the rate of purchase. They were optimistic about the future of the 1903 act and held that it should be given time to work. They opposed Redmond's motion as they felt it would radically alter the act. T. W. Russell, however, found that the act had temporarily broken down in three hugely significant areas, namely the reinstatement of the evicted tenants, the purchase of untenanted land and the enlargement of uneconomic holdings. The principal reason for this was Judge Ross' decision on the 'bonus' which he believed the new bill would resolve.³⁰

George Wyndham pleaded that the 1903 act would become a dead letter if the amending bill was not passed. He felt that the call for compulsory purchase to be included in the amending bill was unnecessary and would do little to accelerate the purchase of untenanted land. Redmond's motion was defeated after a division by 203 votes to 90. The amending bill passed its second reading by 199 votes to 88, despite the I.P.P. voting against it.³¹

The bill passed quickly through parliament without further incident. The Irish Land Act, 1904 now clarified beyond doubt that an 'estate' could consist of any land partially tenanted or completely untenanted which was sold to the Land Commission or

²⁹ *Ibid.*, col. 1114.

³⁰ *Ibid.*, col. 1126-30.

³¹ *Ibid.*, col. 1138-42.

C.D.B. Crucially the 'bonus' was to be paid to the vendor in the sale of such estates. The ambiguity regarding the 'bonus' was clarified with the entitlement of the tenant-for-life to the 'bonus' recognised.³²

The national directory of the U.I.L. met in Dublin on 10 August 1904. It was displeased with the government's failure to provide any opportunity to amend other areas of the 1903 act, aside from the 'bonus'. A resolution was passed asserting that the act had not solved the land question for a number of reasons. Firstly, it was felt that the 'zones' had created an artificial price for land. Secondly, it was believed that the landlords had attempted to intimidate the tenants into paying inflated prices. Thirdly, it was seen that the provisions dealing with congestion had utterly failed and lastly, the act had not brought about the restoration of the evicted tenants. The position that would be adopted by the U.I.L. in the following months is understandable on reading Joseph Devlin's resolution:

That pending the amendment of the land act and the securing of a more vigorous and sympathetic administration, it becomes the duty of the people to meet the aggressive action of the landlords, and to supplement the deficiencies of the act itself and its administration by a strong organisation and a vigorous agitation. We therefore strongly appeal to all nationalists to aid us in strengthening and spreading this league and we advise that all local executives should meet regularly and frequently and act as advisory committees to all the bodies of tenants negotiating with their landlords.³³

IV). Agricultural labourers.

Although this chapter focuses primarily on the financing of the act, this sub-section on agricultural labourers fits in comfortably. The unwillingness to provide the same financial terms for labourers was a contentious feature of the Wyndham Act. When a labourers act was passed in 1906, it utilised the Irish Land Purchase Fund and the Land Purchase Aid Fund at a time when the finance for land purchase was in short supply.

On 1 January 1904 at Aghadowney, Co. Derry, John Gordon, M.P. for South Londonderry, addressed his constituents on the subject of the 1903 Land Act which had been in operation for just over two months. In particular, Gordon hoped for legislation to

³² Irish Land Act, 1904. [4 Ed. VII, c. 34]

³³ *I.T.*, 11 Aug. 1904.

improve the position of the agricultural labourers: 'The land act barely touched the question of the labourer...The chief secretary had promised to deal with the labourers' question in an independent bill...[and] the necessity for such legislation was admitted in every part of the country.'³⁴ There were those who felt that the Wyndham Act would have an adverse effect on the fortunes of agricultural labourers. A prime example was Lord Muskerry:

The operation of the land act must inevitably diminish the demand for labour, must diminish the demand for the products of trade and industry, must diminish every kind of employment which is given in a country by the higher classes of the community. As you place Ireland in the hands of men of low culture, of uncultivated tastes, with little desire for improvement, with no call upon their exertions but the demand for fresh extensions of ecclesiastical edifices and endowments, you strip all the higher classes of town trades, as well as the mass of agricultural labourers, of the whole of those employers and customers, who, belonging to the gentry and the learned professions connected with the gentry, have been condemned to impoverishment and banishment by such legislation as is embodied in the recent land act.³⁵

During the debates on the land act of 1903, George Wyndham had promised to introduce a separate comprehensive labourers' bill to overcome the disappointment of the meagre provisions dealing with the labourers. The first reading of that separate bill had taken place on 9 March 1904 in the House of Commons. Wyndham had declared that his principal aim was to lower the cost of obtaining a cottage for a labourer and to simplify the procedure. However, John Redmond held that few would be satisfied with it and that it would require serious amendment.³⁶

On 24 June 1904 the labourers' bill was read for a second time but no explanation of the bill's terms was forthcoming from the chief secretary or any other government member. John Murphy, M.P. for Kerry East (I.P.P.) expressed his disappointment that the house had received so little explanation. He described the new bill as a 'half hearted [and] careless effort', which had been introduced simply to fulfill the chief secretary's promise

³⁴ *Ibid.*, 2 Jan. 1904.

³⁵ *Hansard 4*, cxxx, 523 (22 Feb. 1904).

³⁶ *Ibid.*, cxxxi, 593-9 (9 Mar. 1904).

of the previous parliamentary session but that it would do little to resolve the labourers question.³⁷ D. D. Sheehan, M.P. for Mid Cork, went even further declaring:

Rather than lose his land bill of last year, the chief secretary solemnly pledged himself to deal with the labourers' question this year. Yielding to the pressure of circumstances, although many of them on the Irish benches felt in doing so they were to some extent sacrificing the labourers, they accepted...the pledge given by the chief secretary that he would give his personal attention to the matter during the autumn. This distinctly implied that he intended to bring forward a great comprehensive measure...He did not know whether the right hon. gentleman regarded the bill before the house as a fulfilment of his pledge...but this he did know, that the Irish people and Irish labourers did not regard it as such.³⁸

Many in the I.P.P. questioned why huge sums of money could be raised for land purchase but not for the housing of labourers.

The I.U.P.P. were also disappointed with the measure. William Moore, M.P. for North Antrim, thought that it was a 'useless bill' and far removed from the comprehensive and generous measure that he had hoped for.³⁹ J. B. Lonsdale, M.P. for Mid Armagh, contended that there was too much red tape surrounding the acquisition of land for the labourers' cottages. He was also staunchly opposed, as were the other Ulster unionist members, to clause thirteen, which altered the way in which the government grant for the creation of labourers' cottages was distributed.⁴⁰ The money would now be allocated in proportion to the number of cottages built in each county. Ulster district councils had a poor record of utilising its grant funds to build labourers' cottages, compared with the other provinces and now the province stood to receive a considerably reduced grant due to its lack of activity.

Colonel Saunderson avowed that the bill was 'a cruel disappointment', which fell well short of his expectations. He expressed his opposition to clause thirteen and he questioned why when it came to the labourers, unlike the tenant farmers, there was such a shortage of finance combined with an unwillingness to provide it. In addition, Saunderson complained that the matter of establishing title remained complex and

³⁷ *Ibid.*, cxxxvi, 1121-24 (24 June 1904).

³⁸ *Ibid.*, col. 1133.

³⁹ *Ibid.*, col. 1124-33.

⁴⁰ *Ibid.*, col. 1140-44.

expensive.⁴¹ Charles Craig, M.P. for South Antrim, also expressed his disgust at the measure and held that 'it was almost in the nature of an insult to produce [such] a bill...as a settlement of the question'.⁴²

George Wyndham attempted to allay unionist fears by promising that any money held by Ulster district councils, which had not been utilised, would not be confiscated.⁴³ Although they were deeply disappointed with the bill, the I.P.P. voted for it in the hope that it could be amended satisfactorily in committee. However, the Ulster unionist members pledged not to support the bill. They were opposed principally to the presence of clause thirteen. Upon the defeat of a motion by Charles Craig, by 316 votes to 27, to reject the measure, the house passed the second reading of the bill.⁴⁴

Despite passing its second reading, the chief secretary's bill was destined to have only a short lifespan. On 21 July 1904, it came before a House of Commons committee known as the Grand Committee on Trade but little progress was made. The committee convened again on 26 and 27 July before George Wyndham dropped the bill because he was unable to meet the demands for increased finance which Irish M.P.s from all sides felt was desperately needed. Essentially, he was unsuccessful in persuading the treasury to raise money along similar lines to that which had financed the 1903 land act. Another factor in the failure of the bill was that it had been introduced very late in the parliamentary session and there had been very little time to properly discuss it. In an attempt to further the progress of the bill and reduce the workload of the House of Commons, the measure appeared before the Grand Committee on Trade as opposed to a committee of the whole house. Not all the Irish M.P.s were part of this committee either which lead to further discontent.

The frustration at the meager provisions of the Wyndham Act for agricultural labourers manifested itself when John Redmond spoke at Drogheda, Co. Louth, on 13 November 1904. He was addressed by the agricultural tenants of Drogheda Corporation who declared that the act had been inoperative as far as they were concerned. They

⁴¹ Ibid., col. 1149-51.

⁴² Ibid., col. 1167.

⁴³ Ibid., col. 1151-1157.

⁴⁴ Ibid., col. 68.

pointed out the paucity of sales in the Drogheda area, and the lack of reform with regards to the labourers. They called for the I.P.P. to work for a compulsory purchase bill.⁴⁵

The agricultural labourers question was brought to the fore once again on 1 March 1905 upon the reopening of parliament. Captain Donelan, M.P. for East Cork, proposed the following:

But we humbly represent to your majesty that this house expresses regret that no promise has been made to deal during the present session with the pressing need for the improvement of the conditions of the labourers in Ireland, notwithstanding the complete unanimity which exists upon the question amongst all sections of the Irish representation.⁴⁶

All shades of Irish opinion in the House of Commons condemned the failed bill of 1904 as an inadequate measure and held that the chief secretary's pledge to introduce a comprehensive labourers' bill, made during the passage of the 1903 land act, had been shamefully broken. Charles Craig, M.P. for South Antrim, deftly summarised the thoughts of the I.U.P.P. on what needed to be done for labourers:

In the first place, there must be cheaper money; then the simplification of procedure; next the provision of guarantees that the acts should be properly administered; and lastly, on which he laid particular stress, that provision should be made by which deserving labourers would be able to become owners of their houses and their plots of land. The labourers' question was part and parcel of the land question, and until that had been fully settled it would be impossible to say that the Irish land question had been definitely set to rest.⁴⁷

All Irish M.P.s were agreed that bureaucracy posed a significant challenge and that urgent action was needed to relieve the plight of labourers. The Irish representatives felt aggrieved that money could not be raised for the labourers as had been done for the tenant farmers under the 1903 land act.

The belief was widely held that the treasury would not provide sufficient finance despite the efforts of George Wyndham to convince them otherwise. The chief secretary's failure to adequately honour his pledge of 1903 had left many feeling disappointed and betrayed. The attorney-general for Ireland, John Atkinson, shed light on the Conservative government's position, however, pointing out that the chief secretary

⁴⁵ *I.T.*, 14 Nov. 1904.

⁴⁶ *Hansard* 4, cxlii, 106 (1 Mar. 1905).

⁴⁷ *Ibid.*, col. 112.

had never promised that money could be raised on the same terms as under the 1903 land act. He confirmed the treasury's unwillingness to provide finance on such terms:

He [John Atkinson] could give the assurance that the government would be willing to bring in their last bill amended in such a way as to expedite still further the carrying out of the scheme; but he could not give an assurance that the money would be provided at a cheaper rate. To that project the treasury were opposed.⁴⁸

While in agreement with Captain Donelan's proposal, the I.U.P.P. members abstained from the vote because they held that by voting for it they would put the government out of office. The proposal was rejected by 228 votes to 184.⁴⁹

The section of the 1903 Land Act which had dealt with Irish labourers had been acknowledged as completely inadequate from the outset. Wyndham had overcome this obstacle by promising to introduce a separate comprehensive labourers' bill. His 1904 measure had been a failure, however, upon winning the 1906 election, the Liberal government accepted that they were obliged to fulfil the promise of the previous administration. Previous labourers' acts including the relevant section in the 1903 Land Act, had not been effective for a number of reasons as the *Annual Register* outlined: 'The existing legislation intended to promote the erection of labourers' cottages by rural district councils had been a failure, owing to the cost of the procedure, the slackness of the councils, and the insufficiency of the funds available.'⁵⁰

In a letter to Canon Quin, parish priest Camlough, Co. Armagh, which appeared in the press on 17 January 1905, William O'Brien expressed his wish that the Land Conference, in cooperation with the Irish Reform Association, should reconvene to discuss the labourers question and other problematic areas of the land act. The association was formed in 1904 out of the Land Purchase Committee which had supported the Land Conference. Its members included Colonel Hutcheson Poe, Colonel Nugent-Everard, Linsay Talbot-Crosbie and Sir Josslyn Gore-Booth. It was in favour of promoting co-operation between all political and religious groups on the island in order to solve Ireland's social and economic problems. The Irish Land and Labour Association, at a

⁴⁸ *Ibid.*, col. 123.

⁴⁹ *Ibid.*, col. 128.

⁵⁰ *The annual register; a review of public events at home and abroad for the year 1906* (London, 1907) p. 151.

meeting on 23 January 1905, gave their support to such a conference.⁵¹ The association hoped that it would advance the labourers' question. Although O'Brien acknowledged that there was a body of nationalists hostile to any gesture of conciliation or good will towards landlords, he advised Canon Quin to put forward a resolution at the meeting of the U.I.L. directory which was to be held on 24 January.⁵² Unfortunately the proposal was unsuccessful. Despite this, William O'Brien was intent on publicising the labourers question and he worked closely with the Irish Land and Labourer Association. He spoke at Croom, Co. Limerick on 18 March 1906, where he declared that it was now the turn of the labourers to have their claims addressed.⁵³ On 15 April at Tralee, Co. Kerry, O'Brien advocated that all nationalists support the claims of the labourers.⁵⁴

According to the report of the estates commissioners for the period up to 31 March 1906, very little had been done to improve the predicament of agricultural labourers. The sections of the Wyndham Act dealing with the question had proved inept. The estates commissioners had forwarded only fifty-one representations to the Local Government Board and the rural district councils recommending the erection of ninety-four cottages to cater for the needs of sixty-eight holdings.⁵⁵ Virtually no progress had been made on these recommendations, with the estates commissioners commenting that they were 'not aware whether any action has been taken on these representations'.⁵⁶ The estates commissioners relied on the inspectors and surveyors who visited the estates for their information. Where the holdings on an estate were in the 'zones', it was usually only visited by a boundary surveyor. The information they provided was neither sufficiently reliable nor extensive for the local authorities to adopt the representations.⁵⁷

James Bryce, the new Liberal chief secretary (1905 to 1907), introduced his labourers' bill on 28 May 1906 hoping to finally resolve the issue. The measure was greeted with enthusiasm by all shades of Irish opinion and quickly passed its first and

⁵¹ The Irish Land and Labour Association was formed in the 1890s to organise and advance the rights of small farmers and labourers. It was mainly confined to the province of Munster.

⁵² *F.J.*, 17 Jan. 1905.

⁵³ *I.T.*, 19 Mar. 1906.

⁵⁴ *I.I.*, 16 Apr. 1906.

⁵⁵ *Report of the estates commissioners for the year ending 31st March, 1906 and for the period from 1st November, 1903, to 31 March, 1906*, xxviii, [Cd. 3148], H.C. 1906, xxv, 237.

⁵⁶ *Ibid.*

⁵⁷ *Ibid.*

second readings in the House of Commons. Although he did not believe the bill would completely solve the labourers' question, John Redmond warmly welcomed it as 'a comprehensive and honest measure'.⁵⁸ Colonel Saunderson heartily approved the measure and congratulated the government 'on bringing in a bill which had on the whole the united support of the members for Ireland'.⁵⁹

James Bryce aimed to make it easier and less expensive for a labourer to obtain a cottage and the new act would shorten and simplify the procedure. Bryce succeeded, where Wyndham had failed, in obtaining money for labourers on land purchase terms. The labourer would pay an annuity of 3 ¼ % which would be repaid over approximately sixty-eight and a half years. £4,250,000 was to be made available for loans to district councils who would provide the labourer with a house and a small plot of land. This sum was to come from the Irish Land Purchase Fund. It was estimated that over 25,000 cottages would be built under the operation of the act with the money. Bryce calculated that it would cost £130 to build a house and £40 to acquire a plot of land which could be up to one acre.⁶⁰

Section four of the Wyndham Act was also amended by Bryce's 1906 Labourers Act to enable district councils to hold land as trustees for the benefit of labourers. Previously it had only allowed trustees to hold land for such purposes as turbary. Henceforth councils could be made trustees of a parcel of land which formed part of an estate that was being sold. The land could be used to provide cottages for labourers. Similarly, section two of the Wyndham Act was amended to make a labourer eligible for a parcel of untenanted land. This effectively allowed him to make the transition to a small farmer. To qualify, the labourer had to have been resident on the estate or in the neighbourhood for at least five years prior to the advance. Furthermore, the new measure authorised the compulsory acquisition of land, in a limited form, to facilitate the provision of cottages for labourers under certain conditions.⁶¹

⁵⁸ *Hansard* 4, clviii, 116 (28 May 1906).

⁵⁹ *Ibid.*, col. 984 (13 June 1906).

⁶⁰ *Ibid.*, col. 107-16 (28 May 1906).

⁶¹ See *Labourers (Ireland) Act, 1906* [6 Ed. VIII, c. 7.] (4 Aug. 1906).

With the amount of untenanted land that could be purchased in the congested districts restricted by the C.D.B.'s lack of finance, it was little wonder that there were clashes with rural district councils who were trying to find land for labourers under the Labourers Act, 1906. These councils had applied for land on estates purchased by the C.D.B. in order to build labourers' cottages. The C.D.B. refused such requests as they needed the land for their own purposes:

Our view was that, while we were prepared to give sites for the erection of cottages for *bona fide* labourers in lieu of unsuitable dwellings at present occupied by them upon or immediately adjacent to our estates, the land we had acquired was urgently needed by smallholders for whom it was bought. We felt bound to object to the proposals made to place large numbers of cottages on lands required by us for the purpose of placing thereon working farmers who would employ little or no paid labour outside their own families.⁶²

In May 1907 the C.D.B. issued a circular stating their intention to object to requests for labourers' cottages on congested estates that they had purchased. They held that there was a separate code of acts for labourers and that the Labourers Act of 1906 should not impede on the board's work. The circular was intended to save rural district councils the expense of drawing up schemes which would be opposed by the C.D.B.

The introduction of the 1906 Labourers' Act saw an acceleration in the provision of cottages and plots for agricultural labourers. By 31 March 1909, £1,042,595 had been advanced to rural district councils under the act but despite the injection of finance a new labourers act was introduced in 1911. Indeed this aspect of the Irish land question would survive into the era of the Irish Free State.

V). Delays in the distribution of the purchase money and the 'bonus'.

By 31 December 1904, tenant-purchasers had applied for advances totaling £19,115,830 under the Wyndham Act. The bulk of that sum, £16,279,630, had consisted of direct sales between landlord and tenants. However, only £4,233,928 had actually been advanced. Similarly, in sales to the Land Commission, advances amounting to £1,752,340 had been applied for but only £139,943 had actually been advanced. In the

⁶² *Seventeenth report of the Congested Districts Board for Ireland for the year ending 31st March, 1908*, 16, [Cd.4340] H.C. 1908, xxiii, 443.

Land Judge's Court, £955,744 had being applied for but only £132,253 had been advanced. Lastly, £128,116 had been applied for to purchase untenanted land under section eight of the Wyndham Act but no advances had actually been made.⁶³ Therefore, it was blatantly obvious at the time that a five-fold increase in finance was required if the backlog in sales was to be tackled.

The ad interim report of the estates commissioners clearly demonstrated that in its initial stages the act was operating far more rapidly, in terms of transferring land, in Leinster and Ulster than in Munster and, particularly, in Connaught. In the case of direct sales, which constituted the majority of sales under the act, the number of sales agreements lodged in Ulster was 10,422, in Leinster it was 10,057, in Munster it was 6,846 and in Connaught it was 3,808.⁶⁴

Wyndham's arrangement with the treasury was that no more than five million was to be allocated to land purchase annually for the first three years. The ad interim report of the estates commissioners had shown that this was wholly inadequate. Concerns about the delay in the allocation of purchase money quickly began to surface. The president of the Incorporated Law Society, Edward MacLoughlin, identified the problems which were already arising:

If that limitation [five million annually] of the money available was adhered to, estates under the act could not be sold with the same rapidity as during the past twelve months. This condition of things must mean that the landlords would have to wait for years until there was money available to meet their case. In the meantime they would have to heavy rates of interest upon the charges on the estates. The rates of interest probably varied from 4 to 6 per cent, and they would only receive during that time such a rate of interest as the tenants might agree to pay, and hitherto he thought those rates had been from 3 ¼ to 3 ½ per cent. Now, unless the treasury could be induced to provide free money to meet sales according as they came in, or unless the tenants could be induced to pay a rate of interest commensurate with the interest on the charges on the estates...there must be a cessation of land sales...accompanied by a very great agitation in the country.⁶⁵

⁶³ *Ad interim report of the estates commissioners for the period from 1st November, 1903, to 31st December, 1904*, 50, [Cd. 2471], H.C. 1905, xxii, 177.

⁶⁴ *Ibid.*, p. 5.

⁶⁵ *F.J.*, 29 Nov. 1904.

As already mentioned, landlords were afraid that they would have to wait for years before they received their money from the sale of their lands. This would adversely affect those who had charges on their estates. More often than not, the rate of interest paid by the tenants, in lieu of rent until the purchase money was advanced, was lower than the charges that many landlords had on their estates. For some, such delays would be catastrophic as they had little room to manoeuvre financially. For tenants the delay was equally unsatisfactory. Instead of repaying their loans they might end up paying interest in lieu of rent for a number of years. At the opening session of the Bankers' Institute on 30 November 1904, the earl of Dunraven warned of the dangers that would arise as a result of delays in allocating purchase money:

Long delay in obtaining the purchase money will be vexatious to both parties. The application of purchase money to the liquidation of encumbrances is of the essence of the transaction in most cases. Occupiers cannot pay more than 3 ½ per cent on the purchase money pending completion. Owners cannot make a loss of the difference between 3 ½ and 4 ½ or 5 per cent payable on mortgages. It is not to be expected that mortgagees will reduce interest to 3 ½ per cent. If means are not found to finance agreements with reasonable rapidity a situation may be created which will seriously imperil the results of an act so potential for good.⁶⁶

The estates commissioners also appeared to be faltering. Their workload had proven far greater than anyone had anticipated. The ad interim report of the estates commissioners revealed that their staff consisted of fifty-two indoor officials, twenty-three purchase inspectors, three assistant inspectors and nine surveyors and draughtsmen.⁶⁷ The offices of the commission were situated on Upper Merrion Street in Dublin and both the accommodation and the insufficient number of staff had proved a hindrance:

The estates commissioners' staff and the office accommodation were arranged on the supposition that the applications for the advances and the amount to be advanced by the department would not at first exceed the proceeds of an issue of five millions land stock per annum. Both the staff and the accommodation have already become insufficient for the purpose of enabling the commissioners to

⁶⁶ Ibid., 1 Dec. 1904.

⁶⁷ *Ad interim report of the Estates commissioners for the period from 1st November, 1903, to 31st December, 1904*, 1, [Cd. 2471], H.C. 1905, xxii, 177.

deal rapidly and methodically with the applications for advances that have come before them.⁶⁸

The processing of the examination of title was also causing delays. The volume of sales had ensured that the investigation of titles would take a considerable length of time. According to William Fry, a former president of the Incorporated Law Society, an initial grant from the treasury to employ extra barristers to speed up the process had quickly run out.⁶⁹ Titles had steadily begun to pile up.

The first issue of guaranteed 2 ¾ % land stock under the Wyndham Act occurred on 19 March 1904. Five million pounds worth of stock was issued which raised £4,337,121 in cash (for every £100 stock issued £87 was raised in cash). The flotation of the stock so far from par resulted in a deficit of £662,878. This deficit for issuing stock at a discount would form an annual charge on the Irish Development Grant which would be repaid at 3 ¼ % similar to the tenant's annuity. Matters did not improve in January 1905 when the second flotation occurred. Six million pounds worth of stock was floated at just over 89 which raised £5,354,332 in cash (for every £100 stock issued just over £89 was raised in cash). There was still a deficit of £645,667 which would fall as a charge on the Irish Development Grant.⁷⁰

While the issue of Irish land stock remained considerably below par, the losses involved upon its flotation would be problematic. The calls for the government to provide the finance required to prevent a delay in sales were ever increasing. Charles Hemphill, Liberal M.P. for North Tyrone, believed it was a 'monstrous thing that any financial reasons should now stand in the way of the act being fully carried out'.⁷¹ All sides were becoming increasingly vexed over the delays and the absence of finance. The crux of the matter was that unless stock could be floated near par, the losses involved would be considerable and they would be charged on Irish funds.

In early June 1905, the report of the commission appointed to inquire into the Trinity College estates was published. The commission consisted of T. M. Healy, Lord

⁶⁸ *Ibid.*, p. 2.

⁶⁹ *F.J.*, 29 Nov. 1904.

⁷⁰ *Return of guaranteed 2 ¾ per cent stock issues under the Irish Land Act of 1903*, (279) H.C. 1909, 1, 343. See appendix VII.

⁷¹ *Hansard* 4, cxlii, 967 (9 Mar. 1905).

Justice Gerald Fitzgibbon and George F. Trench. The report shed light on the execution of the Wyndham Act and revealed some of the problems that were hindering its operation. The report confirmed that there was insufficient finance to realise the number of sales where advances had been sanctioned. It predicted that further sales would be prevented unless more than £5,000,000 worth of stock was issued annually. Tenants paid interest on the purchase money, which was collected by the Land Commission and paid to the vendor, until the money was allocated. The report found that the rate of interest was usually 3 ½ % or 3 ¼ %. The charges on many encumbered estates would be greater than the interest paid which could have ruinous implications:

Though the vendor only receives the reduced interest in lieu of his former rent, all the outgoings of the estate-including head rents and other payments to the owners of superior interests, and also the interest on incumbrances charged on the estate, must be paid in full up to the date of the payment of the redemption price of the same, and this payment cannot be made until the purchase money has been paid by the treasury into the bank of Ireland. The longer the interval between the date of the purchase agreement and the date of the redemption, and the heavier the outgoings, and the more heavily encumbered the estate, the more serious are the consequences to the selling landlords.⁷²

The T.C.D. estates inquiry believed that the delay in the completion of sales would lead to landlords looking for higher rates of interest so that they would be able to pay their estate charges. They would be unable to add arrears of rent to the purchase money, as they would need all of their income to meet their charges. Thus a considerable inducement for tenants to purchase would be lost. If the treasury continued to release the same amount of money annually, sales would be delayed by many years. Sales would be adversely affected if tenants had to wait for years before they began paying their annuities. The commissioners proposed a solution to these problems. They advocated that the advances be made promptly, but when they could not be, the Land Commission should issue 'an amount of land stock equal in value at the price of the day to the sum of money'.⁷³

⁷² *Report of the commissioners appointed to inquire into Trinity College, Dublin, estates*, 64, [Cd.2526] H.C. 1905, xxvii, 81.

⁷³ *Ibid.*, p. 65.

On 20 July 1905 the Conservative government suffered an unexpected defeat in the Commons on the vote for the civil services and revenue depts. estimates. Arrears of sales totaling approximately £18,000,000 had accumulated because the treasury had released just £5,000,000 annually for advances. Walter Long, the Conservative chief secretary from March 1905 to December 1905, who had replaced George Wyndham, proposed to introduce a short amending bill which would give landlords the option of taking some of the purchase money in stock if they desired. By allowing landlords to take cash and stock, Long hoped to alleviate the block. However, the 'bonus' was to remain exclusively in cash.

Long's proposal received scant support from the I.P.P. who were angered that such a measure had been proposed so late in the parliamentary session thereby not allowing adequate time for debate. They were outraged that the Conservative government was content to ignore their concerns on such issues as evicted tenants, congestion, the 'zones' and the redistribution of untenanted land, but were ready to address what was perceived as a landlord grievance. Long's admission that he had consulted certain Irish landlords about the proposal while no such consultation had been held with the tenants' representatives only fuelled their anger. In protest John Redmond moved a motion that the salary and expenses of the Land Commission office be reduced (the amount to be reduced was negligible) which was passed by only three votes, 199 to 196, signaling the defeat of the Conservative government.⁷⁴ The defeat proved to be a timely omen that the government's days in office were numbered. On 27 July 1905 the prime minister, A. J. Balfour, announced that the government would not proceed with the proposed bill due to the lateness of the session and the hostility of the I.P.P. to it.⁷⁵

Aside from the defeat of the Conservative government, the debate was highly significant as it revealed the fundamental differences between the perceptions of the Wyndham Act held by the I.P.P. and the I.U.P.P. John Redmond rather strikingly spelt out what his party expected of the Wyndham Act:

The truth was that the working of the land act of 1903 had in its essential portion broken down...[the chief secretary, Walter Long] was quite correct when he

⁷⁴ *Hansard* 4, cxlix, 1409-90 (20 July 1905).

⁷⁵ *Ibid.*, cl, 620 (27 July 1905).

spoke of the rapidity with which the act was working as judged by the amount of money that had been applied for. But that did not convey an accurate idea as to whether this act was working successfully or not. What was the primary object of the bill? It was not merely to facilitate the transfer of land, for that was only the means. The object was to settle the Irish land question and put an end to the Irish land war. The Irish land question was, to a very large extent, centred in the poorer parts of the country where there was congestion on the one side and large depopulated tracts of grazing on the other. If every estate of the well-to-do were sold tomorrow on fair terms the land question would remain so long as the question of congestion and cattle ranches remained untouched. The working of the act showed a complete and absolute breakdown in dealing with congestion and the breaking up of grass lands. With regard to the evicted tenants the act had been equally a failure.⁷⁶

The I.P.P. viewed land purchase as the catalyst for tackling areas such as the reinstatement of evicted tenants, the redistribution of untenanted land and the relief of congestion. Land purchase was a means to an end rather than an end itself. The I.U.P.P. considered the principal objective to be the facilitation of land purchase. Issues such as congestion and the evicted tenants were only of secondary importance as far as the unionists were concerned. Following the resignation of George Wyndham in March 1905, the disparity in thinking between the two sides widened into a chasm. This fundamental difference was articulated by the marquess of Londonderry: 'I would like, however, to point out that the main object of the act of 1903 was to promote the sale of land between landlords and tenant. The reinstatement of evicted tenants and the enlargement of small holdings were minor objects.'⁷⁷

The Irish administration, led by Walter Long who would become leader of the I.U.P.P. in 1906, considered the 1903 act a success because sales were outstripping the available finance. His limited view was confirmed in a letter to the Conservative M.P. and landlord spokesman, Sir John Colomb, where he confided that 'the successful working of the act of 1903 has been met, so far, by only one impediment - the insufficiency of funds'.⁷⁸ As far as unionists such as Colonel Saunderson were concerned, the 'great success of the act was shown by the enormous number of applications under it to sell estates and purchase farms'.⁷⁹ Similarly J. B. Lonsdale felt

⁷⁶ *Ibid.*, cxlix, 1417 (20 July 1905).

⁷⁷ *Ibid.*, clxxvii, 308 (1 July 1907).

⁷⁸ *I.T.*, 11 Sept. 1905.

⁷⁹ *Hansard* 4, cxlix, 1429 (20 July 1905).

that the 'great and pressing need at present was for more money'.⁸⁰ The only area in which the Conservative government and the unionists admitted that the act was defective was in the lack of finance available for sales. Thus, while the I.U.P.P. viewed the success of the act in terms of land purchase, the I.P.P. viewed it in terms of land redistribution. Unless untenanted land and grasslands were redistributed to provide economic holdings, to assist the restoration of the evicted tenants and to alleviate congestion, the act would be considered a failure by the I.P.P. For unionists the shortage of finance was the only problem but for the I.P.P. this was only one of the act's many defects and not the most important one.

Landlords blamed the delays on the lack of finance and the poor utilisation of staff. They held that the Estates Commission was not concentrating enough on land purchase. Lord Ashbourne spelt out the problem as landlords saw it:

My noble friend Lord Clonbrock thinks – and with some reasonableness, so far as I know – that one of the great causes of the delay is that more power and earnestness appear to be given to the aspects of the administration that are not connected with direct sales; in other words, to making provision for evicted tenants, and for the discovery and purchase of untenanted land. These two matters have been so much present to their minds that the commissioners are believed to have given undue weight and attention to them, important as they are, as contrasted with the infinitely larger question of direct sales.⁸¹

VI. The Shelbourne Hotel Conference, 1906.

On 25 August 1905, the Irish Landowners' Convention held its annual meeting in Dublin. The principal topic of discussion was the lack of finance to provide the purchase money to those landlords who had agreed to sell their estates. The chairman of the convention, the duke of Abercorn, was anxious that landlords should not incur expense due to the delays. He was willing to accept 'a temporary alternative proposed under which vendors might be enabled to accept either part or full payment in stock instead of cash, provided always that the stock was of such a character that it would command its par value in the market'.⁸² Abercorn stressed that this did not signify any willingness to

⁸⁰ *I.T.*, 10 Oct. 1905.

⁸¹ *Hansard* 4, clxxvii, 296 (1 July 1907).

⁸² *F.J.*, 26 Aug. 1905.

abandon the principle of payment in cash which landlords regarded as essential. Another resolution was put forth by Lord Clonbrock, to request that the treasury issue landlords with temporary advances or certificates to enable them to pay off their charges and to clear the title to the estate, was passed. The convention called upon the government to formulate an acceptable scheme to relieve the deadlock as soon as possible.

The Irish Landowners' Convention took a narrow view of the difficulties of the 1903 act and one which, not surprisingly, was concerned primarily with the interests of landowners. The annual meeting was dominated by the financial problems of the act. On the other hand, the Irish Reform Association, chaired by the earl of Dunraven, took a much broader view of the act's difficulties. In early July 1905, the association issued a report outlining the problems that had arisen which held that the administration of the act had broken down due to a shortage of staff and inadequate finance. The association called on the government to provide sufficient cash and to address three areas in which they felt the act was failing: evicted tenants, agricultural labourers and in the congested districts.⁸³

Thus, while the Irish Landowners' Convention was chiefly concerned with class interests, the Irish Reform Association was more inclined to view the difficulties from a wider perspective. Indeed, the divergent ways in which the organisations approached the land act's difficulties, accentuated the different opinions prevalent within the landlord class. On 29 September 1905 the association met in Dublin, under its chairman, the earl of Dunraven. It issued a statement proposing a conference to consider the amendment of the 1903 land act.⁸⁴

Of course the delays in the distribution of the purchase money not only affected landlords and tenants but also had consequences for groups such as land agents and solicitors. At the annual general meeting of the Irish Surveyors' Institution, its president, Thomas Courtney Townshend, gave voice to land agents' fears. He stated that he viewed:

with apprehension the serious position brought about by the probable delay of several years before the purchase money of such estates can be distributed,

⁸³ *Ibid.*, 1 July 1905.

⁸⁴ *I.T.*, 2 Oct. 1905.

owning to the treasury regulation limiting the advances to five millions a year. This partial block in the working of the act is also detrimental to every other interest involved in the transfer of land in Ireland, and the institution desires to press upon the government the absolute necessity for increasing the funds available for the purposes of the land purchase acts.⁸⁵

The solicitors' representative body, the Incorporated Law Society of Ireland, held a special general meeting to debate the matter on 7 July 1905. In its view, the land act was on the verge of collapse due to inadequate finance and staffing. The solicitors called on the government to provide enough money so that the deadlock could be overcome.⁸⁶

The growing fears over the act's financing motivated the chief secretary, Walter Long, to approach the treasury in the hope that it could remedy the situation. The treasury agreed to provide an extra £2,000,000 in advances for 1905 and promised to issue two loans in 1906 which would provide £10,000,000 for land purchase. Long also persuaded the treasury to finance extra staff in the Estates Commission which would hopefully, along with the increase in finance, bring the backlog of payments to an end.⁸⁷

In early October 1905, the report of the estates commissioners for 1 November 1903 to 31 March 1905 was issued. The ad interim report had concluded at 31 December 1903. While the report contained a lot of statistical information, it revealed little about the underlying causes of the act's lack of success in certain areas. The report revealed that the amount of advances applied for had reached £20,145,370 but that the actual amount in advances that had been paid out only added up to £4,653,054.⁸⁸ This figure fell far short of what was required for expensive delays to be avoided. Direct sales between landlords and tenants still constituted the bulk of the money applied for.

The lack of funds to finance the Wyndham Act had become a most serious matter for Irish landlords whether they had already sold their estates or they intended to sell. In a letter to the *Irish Times* on 1 February 1906, Robert Sandars, bemoaned the lack of funds and he made the suggestion that a conference of all interested parties

⁸⁵ *Ibid.*, 1 May 1905.

⁸⁶ *F.J.*, 8 July 1905.

⁸⁷ *I.T.*, 11 Sept. 1905.

⁸⁸ *Report of the estates commissioners for the year ending 31st March, 1905 and for the period from 1st November, 1903, to 31 March, 1905*, 6-7, [Cd.2742] H.C. 1906, xxv, 183.

should meet to discuss the issue.⁸⁹ A conference of landowners and other individuals closely associated with landlords did take place at the Shelbourne Hotel on 6 February 1906. Members of the Irish Landowners' Convention including the organisation's secretary, G. de L. Willis, attended. Other prominent attendees were the earls of Mayo, Meath and Westmeath, Lords Clonbrock and Castletown, and there were a number of solicitors and land agents present. George Browne chaired the meeting and his opening address revealed landlords' frustrations. Browne called attention to:

The serious position in which many landowners who have sold their estates under the land act find themselves placed, owing to the want of funds for administrating the act. Not only does this state of things affect the vendors under the act, but it seriously interferes with all commercial and agricultural credit in the country. We cannot help finding fault with the government for the delay in providing money. We have disposed of our properties, and are getting only 3 ½ per cent in most cases on the purchase money, while we have to pay 4, 5 and 6 per cent on our charges. If I had known how this were going to turn out I should not have sold to my tenants, as I expected to be paid within a reasonable time.⁹⁰

The conference members were of the general opinion that the government ought to provide adequate finance to ensure that landowners did not suffer financially because of their decision to sell their land. A number of interesting suggestions were put forward to help alleviate the difficulties. Robert Sandars, for example, proposed that the government provide loans to landlords, to enable them to pay off their charges, while they waited for the distribution of the purchase money. Alternatively, it was proposed that landlords could group together to acquire finance at a lower rate to pay back their charges. The idea of a government certificate, which would enable landlords to borrow money to pay their charges on the strength of the purchase money, was also floated by Colonel O'Callaghan Westropp. The conference concluded with resolutions to call to the government's attention the plight of landlords and the need to remedy the financial deadlock.⁹¹

⁸⁹ *I.T.*, 1 Feb. 1906. Sandars was an English man whose mother, Isabella Synge, hailed from Co. Wicklow. He became Conservative M.P. for Bridgwater in 1910 and in 1929 was raised to the peerage as Baron Bayford.

⁹⁰ *Ibid.*, 8 Feb. 1906.

⁹¹ *Ibid.*

The executive of the Irish Landowners' Convention met on 21 February 1906 to address the same issues. They decided to send a deputation to the chief secretary to highlight their predicament. The deputation would present a draft bill, for his consideration, which would enable landlords to obtain a certificate from the government. This certificate would enable them to borrow at a low rate of interest, pending the allocation of the purchase money, in order to pay their charges. This proposal was almost identical to the suggestion put forward at the Shelbourne Hotel conference a few weeks earlier.⁹²

VII). Incidental charges and the liability for the issue of land stock at a discount: the case of Kildare County Council.

The money required for advances to tenants was raised by the creation of 2 ¾ % guaranteed land stock which the public were free to invest in. The finance for the act worked on the assumption that stock would be issued at par which meant that it would require £100 land stock to raise £100 in cash. The tenant's annuity only covered the interest and sinking fund so long as the stock was not issued below par. Likewise it made no allowance for incidental charges which arose from the operation of the Irish Land Purchase Fund.

When stock was issued below par the difference was to be made up out of the Irish Development Grant portion of the Guarantee Fund. Therefore, if it cost £110 stock, to raise £100 in cash, for example, the tenant's annuity would only cover £100 and the interest and sinking fund on the difference of £10 would have to be recouped out of this grant.

The first issue of guaranteed 2 ¾ % land stock, in March 1904, was issued at an average price of 87 (£100 stock raised £87 in cash). Stock worth £5,000,000 was issued but the amount in cash raised was only £4,337,121.⁹³ As more stock was issued below par, the difference between the cost of issuing the stock and the finance raised increased. Stock was never issued at anywhere near par under the operation of the Wyndham Act

⁹² Ibid., 24 Feb. 1906.

⁹³ See appendix VII.

and as a consequence there was a heavy charge on the Irish Development Grant. By 6 July 1909 this annual charge was £146,247.⁹⁴ This money was recouped from the Guarantee Fund which consisted of a number of grants. The first grant that would be accessed was the Irish Development Grant, followed by the Death Duty Grant and then the Agricultural Grant. The last two grants were created to assist taxation and to reduce the amount paid by the ratepayer. If land stock continued to be issued at a discount, the Irish Development Grant would quickly become exhausted and the other grants in the Guarantee Fund would have to be accessed to recover the loss. In 1914 Augustine Birrell, Liberal chief secretary from 1907 to 1916, summarised the problems with the 1903 act's finance:

The whole finance of the Wyndham Act was based on the assumption that land stock would be at par or thereabouts, which it never was... The real fact of the case is that the then chancellor of the exchequer (Mr. Ritchie) gambled upon the price of stock, and, in order to secure himself against loss for five years, stole the Ireland Development Grant of 160,000*l.* a-year and deflected it from its proper purpose to make good the deficiency under this and other probable or possible heads of loss.⁹⁵

The losses on the flotation of land stock had not exhausted the Irish Development Grant by 1907, but at the rate that land purchase was continuing the grant would be consumed in a couple of years. There was, however, a more immediate danger from a number of incidental charges which would fall on Irish county councils. These were charges which arose from the operation of the act. They included unearned or 'bonus' dividend, advance dividend, unproductive balances, interest accrued but not received and arrears of annuities. In 1908 the report of the Runciman committee, called after the financial secretary to the treasury Walter Runciman, and appointed to investigate into land purchase finance, estimated that these incidental charges would amount to 'twenty to forty thousand pounds for every five million of stock issued', all of which would fall on the Guarantee Fund as stipulated by section twenty-nine sub-section two of the

⁹⁴ *Ibid.*

⁹⁵ Augustine Birrell, 'Irish land purchase' 14 July 1913 (T.N.A., CAB 37/120/86), pp 1-2.

Wyndham Act.⁹⁶ In the case of land stock issued at a discount the Irish Development Grant was accessed first. However, in the case of incidental charges, the Death Duty Grant and the Agricultural Grant were to be accessed to make up the losses before the Irish Development Grant. The crux of the matter was that the tenant's annuity only met the interest and sinking fund when the stock was issued at par. It did not allow for the issue of land stock at a loss or incidental expenses.

In March 1907, Kildare C.C. was informed by the Local Government Board that a sum amounting to £8,454 would be withheld from the Death Duty Grant and the Agricultural Grant that the county normally received in order to cover incidental charges that had accrued in the county as a result of land purchase.⁹⁷ The sum withheld generally corresponded with the amount of land purchase which had occurred in the county. The greater the sum advanced in a particular county, the higher the incidental charges were likely to be. The sale of the Leinster estate for £766,647, which included the cash 'bonus', was undoubtedly one of the main reasons why the charge on Kildare C.C. was so high.⁹⁸ In 1905 Dennis Kilbride, M.P. for South Kildare, had anticipated that in the light of the Leinster estate, the Irish Development Grant would eventually have to bear the brunt of the high prices in the country: 'The duke of Leinster's estate afforded the best illustration of how the Irish ratepayers were being robbed under the Land Act of 1903.'⁹⁹ Without the Death Duty and Agricultural grants, the taxpayers of the county would have to bear a significant increase in their rates.

The total sum which was to fall on Irish ratepayers for 1907 was £70,996. County Kildare would foot the largest bill at £8,454 while counties Cork, Roscommon, Kilkenny and Limerick would all pay over £4,000. At the other end of the scale County Cavan would pay just £198 while the counties of Leitrim, Louth, Monaghan and Clare contributed no more than £600 each.¹⁰⁰ Those who had purchased their holdings under

⁹⁶ *Report of the departmental committee appointed to enquire into Irish land purchase finance in connection with the provision of funds required for the purposes of the Irish Land Act, 1903*, 8, [Cd. 4005] H.C. 1908, xxiii, 267.

⁹⁷ *I.T.*, 9 Apr. 1907.

⁹⁸ 'Statement of applications of sums received on the sale of the Leinster estates in Ireland' (P.R.O.N.I., *Leinster Papers*, D 3078/2/15/5).

⁹⁹ *Hansard* 4, cxliii, 754 (21 Mar. 1905).

¹⁰⁰ See appendix VIII.

the act were also liable to pay rates. The prospect arose whereby tenant-purchasers would not only have to pay their annuities but would have to pay extra rates to facilitate land purchase.

On 14 June 1907, the general council of the Irish County Councils met in Dublin to discuss the report of a committee appointed by the council to examine the financial difficulties associated with the Wyndham Act. It emerged from the report that although the payment of the incidental charges was a burden the real danger was that the Irish Development Grant would be exhausted within a couple of years. This would lead to the Irish ratepayer having to bear the losses resulting from land stock being issued below par. The report estimated that the average loss on land stock up to that date had been 12 % and that the Irish Development Grant would be consumed once £40,000,000 worth of land stock was advanced. It was calculated that up to £160,000,000 would be required to complete land purchase in Ireland: 'At present market prices, land stock cannot be floated at a lesser discount than 15 per cent. At this discount the loss on the flotation of £120,000,000 land stock would amount to £18,000,000.'¹⁰¹ If such a situation developed, the ratepayers would simply be unable to bear the burden. Furthermore, land purchase and local government in the country would grind to a standstill. Eventually the general council decided to send a deputation to the prime minister, Sir Henry Campbell-Bannerman, who had led the Liberals to victory in the 1906 election.¹⁰²

All shades of Irish opinion agreed that it would be disastrous if the burden fell on Irish ratepayers. The earl of Dunraven, chairman of the Irish Reform Association, suggested that the loss should be charged to the state, and if that was not acceptable, the operations of the Wyndham Act would have to be severely restricted.¹⁰³

Due to the unease surrounding the incidental charges and the flotation of land stock, John Redmond proposed the following resolution in the House of Commons on 5 July 1907:

That in the opinion of this house, the method at present in force for providing money for land purchase in Ireland has broken down in practice, and, if persisted

¹⁰¹ *I.T.*, 15 June 1907.

¹⁰² *I.I.*, 15 June 1907.

¹⁰³ *Hansard 4*, clxxvii, 280-90 (1 July 1907).

in, will throw such a ruinous charge on the already overburdened ratepayers of Ireland as to endanger the entire scheme of land purchase.¹⁰⁴

The Liberal government acknowledged the gravity of the situation and agreed that the ratepayers of Ireland ought not to be forced to bear the loss on stock issued at a discount. No less than the whole future of land purchase and the operation of the Wyndham Act was at stake.

So long as land stock continued to be issued at a loss the financial impediments to the operation of the act would only escalate. The financial structure of the act came in for intense scrutiny and the general consensus in the House of Commons, on the Liberal government benches and among the Irish M.P.s, was that it required a radical overhaul. Indeed the chancellor of the exchequer, H. H. Asquith, made it clear that land purchase could not continue based on the financial guidelines of the Wyndham Act.¹⁰⁵ Walter Runciman, financial secretary to the treasury, blamed the inadequate discussion on the financial aspects which had taken place during the measure's passage through parliament as a lengthy debate on the bill's financing would have identified some of the pitfalls.¹⁰⁶ Asquith also felt that debate on the bill's finance in 1903 had not been adequate:

I do not want to recriminate, but I think if any of us had foreseen, or taken the trouble to exercise ordinary prevision in 1903, we should never have assented to what I do not hesitate to call the improvident system of finance embodied in the act...However we cannot go back upon that. We are all victims. We were all falling on each other's necks in the desire to solve the Irish question by kindness, and did not quite realise the difficulties, with the result that we passed these financial clauses without adequate supervision.¹⁰⁷

Some suggestions were put forward by government representatives as to how to tackle the incidental charges which arose from the operation of the act. However, on the major question of the losses resulting from the flotation of stock, they had no answer. Now that the gravity of the situation had been acknowledged, it was up to Irish landlords, tenants and ratepayers to find a solution.

¹⁰⁴ *Ibid.*, col. 978 (5 July 1907).

¹⁰⁵ *Ibid.*, col. 1028-9.

¹⁰⁶ *Ibid.*, col. 999-1003.

¹⁰⁷ *Ibid.*, col. 1026-7.

The chancellor of the exchequer, H. H. Asquith, maintained that neither the Irish ratepayer nor the British taxpayer ought to be forced to bear the financial loss. He had no solution to the problem but highlighted that there were two years before the Irish Development Grant would be exhausted, during which time he hoped that the government would introduce new legislation to overhaul the financing of the act and put it on a more secure footing.¹⁰⁸

It would be November 1907 by the time that the deputation from the general council of Irish County Councils met with the prime minister. The four-man deputation was accompanied by John Redmond.¹⁰⁹ The delegates outlined their concerns and anxieties regarding the immense financial burden that looked set to fall on the Irish ratepayers. They pressed for greater details as to how the dilemma was to be resolved. M. A. Ennis, deputy chairman of Wexford C.C., compared the position of Irish county councils to that of 'someone walking blindfold on the edge of a precipice' and pleaded that the government reveal their intentions.

H. H. Asquith was sympathetic but he admitted that the government had no plan to tackle the difficulty. An inquiry, the Runciman committee, had been instigated which he hoped would enable the government to formulate a plan before for the reopening of parliament in 1908. The prime minister, Sir Henry Campbell-Bannerman, confirmed Asquith's statement but stressed that the burden would not fall on Irish ratepayers.¹¹⁰

While land purchase could continue in the short term, the long-term outlook was grave. The Liberal government had insisted that the burden accruing from stock issued at a discount would not be borne by the Irish ratepayers but it was also adamant that the taxpayers of Britain would not be forced to shoulder the cost. As the year 1907 drew to a close, there was still no solution in sight despite the precarious nature of the situation. The Liberal government faced a stark choice as the Irish Development Grant money dwindled: they either discovered a way to allow land purchase to continue by revising

¹⁰⁸ *Ibid.*, col. 1025-29.

¹⁰⁹ The four delegates were P.J O'Neill, chairman of the general council, M.A. Ennis, deputy chairman of Wexford County Council, Mr. Long, high sheriff of Limerick and Dr. J.F. Ryan of Tipperary County Council.

¹¹⁰ *I.T.*, 7 Nov. 1907.

the financial provisions of the Wyndham Act or they restricted the act's operation, maybe even halting the transfer of land in Ireland.

In mid August 1907 the estates commissioners' report for the year ending 31 March 1907, was issued. It detailed that the amount applied for in advances for the year, under all methods of sale, was approximately £9,000,000. When added to the sum applied for since the commencement of the act, the amount of advances applied for was approximately £45,000,000. In terms of advances actually allocated for the year 1906/7, only £5,747,644 was distributed. Overall only £15,602,701 had actually been advanced since 1 November 1903. Of this sum, the estates commissioners calculated that 80.2% had gone to direct sales between landlords and tenants, 14.4% to sales to the estates commissioners by landlords and 5.4% to sales by landlords to the C.D.B. Four-fifths of all sales up to 31 March 1907, where advances had been made were direct sales between landlord and tenant.¹¹¹

As mentioned earlier Co. Kildare was to suffer the largest deduction in the Death Duty Grant and the Agricultural Grant that it would receive from the government. If deducted, the loss would fall on the ratepayers of the county. The losses in grants, which virtually every county faced, to varying degrees, were due to incidental charges arising from the operation of the act. Kildare C.C. took the matter to the court of the King's Bench Division, claiming that the deductions were unlawful and also that they should not bear the brunt of the losses arising from stock being issued below par. However, the court ruled in favour of the crown and conveyed beyond doubt that incidental charges arising from the operation of the Wyndham Act would be taken from county council grants and that such grants were also liable for losses accrued on the issuing of stock.¹¹²

The judgement in the case of Kildare C.C. had heightened the suspicions of county councils as to the Liberal government's intentions. At the meeting between representatives of the general council of the Irish County Councils and the government late in 1907, assurances had been given that losses upon the flotation of stock would not fall to the ratepayers. In late July 1908, the executive committee of the Irish County

¹¹¹ *Report of the estates commissioners for the year ending 31st March, 1907 and for the period 1st November, 1903 to 31 March, 1907*, xvi-xvii [Cd. 3692] H.C. 1907, xix, 187.

¹¹² *I.I.*, 19 May 1908.

Councils' general council called upon John Redmond to pressurise the government to honour its promises and to clarify its intentions.¹¹³

In late August 1908 the report of the estates commissioners for the year ending 31 March 1908 was issued. The report revealed that from 1 April 1907 to 31 March 1908, the number of applications for the sales of 'estates' was 1,102 at a price of £9,809,552. Overall, the number of applications stood at 6,080 at a price of £56,133,758 compared to the 1907 report which contained 4,698 applications for £45,199,716. Despite the financial impediments and the delays in obtaining the cash 'bonus' and purchase money, applications for sales continued to pour in, albeit at a slower pace than the previous year.¹¹⁴ A possible reason for this was that landlords feared that a Liberal government would change the terms of the Wyndham Act and alter areas such as the 12 % 'bonus'.

During the year 1907/8, £5,802,182 worth of advances was actually allocated, bringing the total advances to tenant-purchasers since the commencement of the act to £20,769,368. When the applications for advances to tenant-purchasers were compared with the amount actually advanced, there was approximately £36,000,000 worth of land waiting to be dealt with.¹¹⁵ The slow progress in processing sales and the inability to advance more than £5,000,000 per year would have a detrimental effect on landlords and tenants.

VIII). The Runciman report on land purchase finance.

In early April 1908, the report of the departmental committee on land purchase finance was issued. The committee was chaired by the financial secretary to the treasury, Walter Runciman.¹¹⁶ The objective of the committee had been to investigate the reasons for the

¹¹³ *I.T.*, 29 July 1908.

¹¹⁴ See *Report of the estates commissioners for the year ending 31st March, 1907 and for the period 1st November, 1903 to 31 March, 1907*, xv-xvi, [Cd. 3692] H.C. 1907, xix, 187 and *Report of the estates commissioners for the year ending 31st March, 1908 and for the period 1st November, 1903 to 31st March, 1908*, xiii-xiv, [Cd.4242] H.C. 1908, xxiii, 1.

¹¹⁵ *Ibid.*, pp ii-xiv.

¹¹⁶ The other members of the committee were Sir Felix Schuster, T.L. Heath, W. Blain, Patrick Duncan and W. R. Davies.

financial deadlock and to recommend solutions which would not put the exchequer to further cost.

Incidental charges paled in comparison to the possible liability for issuing stock at a discount. The 2 ¾ % land stock required to raise the money for advances had been issued below par since the commencement of the 1903 act. The cost of issuing stock at a discount was borne by the Irish Development Grant, an annual grant of £160,000 (once £20,000 was taken for the C.D.B. and £5,000 to indemnify T.C.D.) which was intended for educational and economic purposes. By the time of the Runciman report in 1908 the losses on land stock totalled £2,837,388. The figure was arrived at by subtracting the cost of raising the stock from the actual cash sum raised. The Irish Development Grant would have to bear an annual sum of £92,215 which represented an annuity of 3 ¼ per cent over sixty-eight and a half years. The report estimated that land purchase would cost £160,000 to complete and not £100,000,000 as George Wyndham had forecast in 1903. The amount of cash raised for advances to tenant-purchasers thus far was £20,912,612. The nightmare scenario that looked set to emerge was outlined by the committee:

If, therefore, the balance of the cash required, viz £139,000,000, were to be raised on precisely the same terms as the existing £20,912,612, the charge on the Guarantee Fund in respect of excess stock would ultimately amount to about £705,000 a year, and this annual sum, less £160,000 from the development grant, would fall upon Irish rates.¹¹⁷

The Runciman committee considered that the financial basis of the Wyndham Act was highly unstable and that the poor performance of securities and stock on the market had increased its problems. The general consensus was that land purchase had to continue but that it would be unfair to saddle the exchequer with the cost of the excess stock required to raise the cash for advances to tenant-purchasers. The exchequer already covered the Land Purchase Aid Fund ('bonus' fund) of £12,000,000 and the cost of stock being issued below par to raise the finance for that fund. Unlike the advances to the tenants, the costs arising from the Land Purchase Aid Fund were borne by the

¹¹⁷ *Report of the departmental committee appointed to enquire into Irish land purchase finance in connection with the provision of funds required for the purposes of the Irish Land Act, 1903*, 7, [Cd. 4005] H.C. 1908, xxiii, 267.

exchequer through the Land Commission vote (money set aside by parliament for the running of the Land Commission). Interestingly, the reductions in the costs of the Irish administration in areas such as policing to offset the 'bonus', which George Wyndham predicted the act would signal, had not occurred.¹¹⁸ If land purchase was to involve advances of £160,000,000, it was obvious that the amount contained in the 'bonus' fund, if given out at a rate of 12 % would soon prove inadequate. The Runciman report estimated that only £4,946,898 remained in the Land Purchase Aid Fund for sales in the future and that if this sum was divided equally, vendors would only receive a 5 % 'bonus'. Under section forty-eight of the 1903 act, the percentage at which the 'bonus' was to be allocated could be re-examined after 1 November 1908. Thus the principal incentive for landlords to sell was in danger.¹¹⁹

The most important recommendations advocated by the Runciman committee were as follows: a deadline was to be set after which no more sales would be allowed under the terms of the 1903 act as it stood. Pending sales would not be affected but the landlord was to be given the option of accepting stock instead of cash for the purchase price. This guaranteed 2 $\frac{3}{4}$ % land stock could only be given to the landlord so long as £100 stock raised at least £92 in cash. The 'bonus' would still be distributed in cash and, if necessary, a larger sum than £12,000,000 was to be made available by the treasury. No further issues of stock were to be sanctioned so long as it remained below par. As long as that remained the case, finance for land purchase was to be 'limited to the amount of cash which the N.D.C. may be able to provide in exchange for stock'.¹²⁰

While the treasury would retain the ability to raise land stock at 2 $\frac{3}{4}$ %, it was envisaged that 3 % land stock would be raised in the future. This would hopefully provide a greater inducement for people to invest in land stock. To prevent similar problems with stock reoccurring, 3 % stock could not be issued at a discount. If no issues of stock were sanctioned because such stock remained below par the landlord was to have the option of taking the stock at the market value of the day. Thus, if cash issues were halted land purchase could still proceed. It was recommended that the tenants'

¹¹⁸ Ibid., p. 8.

¹¹⁹ Ibid., p. 10.

¹²⁰ Ibid., p. 18.

annuity should be no lower than 3 $\frac{5}{8}$ % which represented an increase in the amount to be repaid. On top of providing for the sinking fund and interest the annuity would also cover the cost of a number of incidental charges.¹²¹

The recommendations of the Runciman committee to solve the deadlock were not very encouraging. In fact if implemented, they would have essentially put a break on land purchase. According to the Runciman committee the financing of the Wyndham Act had proved to be 'radically unsound' and its deficiencies had been significantly 'accentuated by the subsequent depreciation of all securities, and of guaranteed 2 $\frac{3}{4}$ per cent stock in particular'.¹²² It was estimated that the N.D.C. could provide £4,000,000 for advances and £1,000,000 for the cash 'bonus' annually if issues of guaranteed 2 $\frac{3}{4}$ % land stock were prohibited.¹²³ This might put the act on a sounder financial footing but it would do nothing to remove the long delays in receiving purchase money. If such a system were adopted, the report estimated that the money in the Irish Development Grant would suffice for three years before the ratepayers would be liable for covering excess stock.¹²⁴ The committee hoped that in that time period the price of stock would return to par but there was no guarantee that this would happen. In reality, the implementation of that particular recommendation would only buy the government time before new legislation would have to be drawn up.

The Runciman committee acknowledged that it was of the utmost importance to speed up land purchase but admitted that their recommendations would have the opposite effect. Nevertheless they believed that the 'delay which is involved in the suggestion as the least evil of any that we have had to face, and as inevitable in the circumstances'.¹²⁵ Noticeably, the committee judged that, in view of the prices obtained by landlords under the Wyndham Act in comparison to previous acts, they had no grounds to complain about the delay in the distribution of the purchase money and 'bonus'. The delay prevented the costs arising from stock issued at a discount falling on the ratepayers, and in view of the advantageous terms received, landlords had no case

¹²¹ Ibid., pp 18-19.

¹²² Ibid., p. 13.

¹²³ Ibid.

¹²⁴ Ibid., pp 13-14.

¹²⁵ Ibid., p. 14.

for complaint. The Runciman report accepted that some encumbered landlords had charges on their estates which were higher than the interest paid by their tenants prior to the advancement of the purchase money. It was held that this was offset by the fact that the landlords' 'rental was less secure than the interest on his purchase money which is collected for him by the Land Commission'.¹²⁶ It was also held that tenant-purchasers had little grounds to grumble at the delay. In the interval between the sale and the allocation of the purchase money to the vendor, they paid less in interest than they would have previously done in rent. Furthermore, they could look forward to another reduction once they had commenced paying the annuity.¹²⁷

The negotiations in late 1907 and early 1908 to heal the divisions within the I.P.P. eventually bore fruit. William O'Brien and T. M. Healy returned to the party early in the new year. The party's reaction to the Runciman report on the act's finance was far from approving. John Redmond acknowledged the dangers which threatened the land purchase scheme but he emphasised that the Runciman report's recommendations were not binding. He rejected the committee's proposals as they would not accelerate land purchase but instead would see it delayed for decades.¹²⁸ The Irish County Councils' general council met on 24 April 1908 and its reaction to the report was equally negative. M. A. Ennis, deputy chairman of Wexford C.C., described the report as 'reactionary and practically proposed to stop land purchase in Ireland'.¹²⁹

A few days later, on 28 April 1908, a meeting of the I.P.P. was held. The Runciman report on land purchase finance was condemned. The party stressed that any alteration of the act's finance would have to ensure that ratepayers were not liable for any charges except unpaid annuities. They hoped that the 'bonus' would be increased which would hopefully lead to a reduction in the number of years purchase paid by tenants. Furthermore, they hoped that the allocation of the 'bonus' would be altered to increase sales in the congested districts and the sale of grasslands. The possibility of holding another land conference had resurfaced a number of times since the act had begun to encounter problems. A resolution, proposed by William O'Brien, for a meeting

¹²⁶ *Ibid.*

¹²⁷ *Ibid.*, pp 14-16.

¹²⁸ *I.L.*, 16 Apr. 1908.

¹²⁹ *I.T.*, 25 Apr. 1908.

of landlord and tenant representatives to attempt to further land purchase was defeated by forty-two votes to fifteen. Despite the reunion of the I.P.P., the old differences lurked beneath the surface.¹³⁰

The delay in land purchase, coupled with the inability to raise the finance to fund pending and future sales, was a threat to all classes associated with Irish land. There was a genuine fear that land purchase might be stalled or even stopped for a period. Many landlord and tenant representatives had strong suspicions that the treasury was secretly attempting to repudiate its financial responsibilities.

There were other factors which heightened suspicions that the finance required for land purchase would not be forthcoming. A considerable amount of money would be required under the forthcoming Irish university bill (1908). The planned introduction of an old age pension scheme was another drain on British finance, not to mention the escalation of the naval arms race with Germany. The 1908 report of the royal commission on congestion, if implemented, would also incur substantial government expense.¹³¹ All of these were competing with land purchase for funds. According to the report of the Runciman committee, sales of approximately £40,000,000 were pending. Almost £100,000,000 in advances was needed to complete land purchase not to mention the funds required to pay a 12 % 'bonus' to each vendor.¹³² This was a massive sum to raise and it was little wonder that the treasury was accused of trying to evade its responsibilities.

The threat to Irish agricultural society from the perceived stoppage of land purchase was sufficient for the I.P.P. to seek the views of the Irish Landowners' Convention on the subject. The landlord body responded with a minute on the issue in early May 1908. This minute, produced by the organisation's executive, condemned the report of the Runciman committee, as had the Irish County Councils' general council and the I.P.P. They predicted that 'most of its recommendations, if adopted, would make further negotiations for the sale of estates under the act of 1903 practically impossible

¹³⁰ Ibid., 29 Apr. 1908.

¹³¹ See chapter six.

¹³² *Report of the departmental committee appointed to enquire into Irish land purchase finance in connection with the provision of funds required for the purposes of the Irish Land Act, 1903*, 9-10, [Cd. 4005] H.C. 1908, xxiii, 267.

and useless in the great majority of cases'.¹³³ The minute was adamant that land purchase ought to continue and, like the I.P.P., opined that the imperial exchequer should bear any losses arising from issuing stock below par. There were no grounds to halt purchase and it should continue until the Irish Development Grant fund was exhausted. The convention objected to any increase in the tenants' annuities or any decrease in the 'bonus'. They opined that the purchase money should continue to be paid in cash and that landlords could not afford to take lower prices than they were currently receiving.¹³⁴ There were three cardinal features of the Wyndham Act that landlords considered crucial - the cash 'bonus', the payment of the purchase money in cash, and the 'zones'. Any alternation to these key features would lead to ferocious landlord opposition.

IX). Attempts to ensure land purchase continued.

In an attempt to address the financial crisis, the Irish Land Purchase Association was formed with Lord Kenmare as chairman. The organisation declared itself to be non-political and open to anyone interested in the issue of land purchase. However, almost all on the committee were Irish landlords or people associated with that class and it included the earl of Mayo, Lord Castletown, the earl of Drogheda, Sir John Arnott, Sir George Brooke and Colonel O'Callaghan-Westropp, to mention a few. Their purpose was to find a solution to the financial crisis which threatened the operation of the Wyndham Act and to ensure that land purchase continued on terms stipulated by the act. Indeed, dissatisfaction with the Irish Landowners' Convention may well have played a part in the formation of the association.

As mentioned earlier, it was widely held that the Estates Commission was not adequately staffed. The commission's offices in Dublin were cramped and were scattered through various buildings as opposed to one centralised location. It was, therefore, little wonder that there were serious delays in completing sales. The lengthy process of proving title in many estates had led to protracted sales. Landlords such as the

¹³³ *I.T.*, 6 May 1908.

¹³⁴ *Ibid.*

earl of Donoughmore believed that the estates commissioners and its staff had spent too much time and effort on the evicted tenants question when those resources should have been directed towards land purchase.¹³⁵ The marquess of Londonderry believed that too much time was being spent attempting to provide landless men with farms under section 2.¹³⁶ The marquess also accused the I.P.P. of doing nothing to further the land purchase process:

The nationalist party have made no request for the acceleration of land purchase. Their desire has been, as Mr. Dillon put it, that Mr. Birrell would, as much as possible, speed up the commissioners on this particular question of the evicted tenants. Consequently we see that the desire of the nationalist party is not to promote purchase...Therefore we are justified in believing that the estates commissioners have considered that it was the desire of their chief that they should devote themselves to a very great extent to these subsidiary duties instead of to the main duties which the bill entrusted to them.¹³⁷

Irish landlords in the House of Lords maintained that the implementation of Runciman's report would halt land purchase and that the losses on stock being issued below par ought not to be borne by the ratepayers but by the imperial exchequer. They also believed that the landlords and tenants had upheld their end of the bargain while the treasury was attempting to evade its responsibilities. The response of the government representatives did little to appease the anxiety in Ireland.

Lord Denman, chief Liberal government whip in the House of Lords, on the question of stock being issued below par, ruled out putting the loss on the Irish ratepayer or the imperial exchequer. Denman believed that the onus was on landlords and tenants and that it 'was perfectly evident there will have to be a readjustment of the existing terms of the contract so far as these two parties are concerned'.¹³⁸ He advocated that the purchase money should be paid to landlords in stock and not cash in the future. The earl of Crewe, lord president of the council in the House of Lords, stressed that the government was unwilling to 'find any more of the taxpayers' money for the working of this act. I have to say, with equal explicitness, that equally they are not prepared to add

¹³⁵ *Hansard 4*, cxcii, 776 (15 July 1908).

¹³⁶ *Ibid.*, col. 805.

¹³⁷ *Ibid.*, col. 805-6.

¹³⁸ *Ibid.*, col. 794-5.

this charge to the national debt.¹³⁹ The government solution appeared to be that landlords would have to accept stock rather than cash in the future.¹⁴⁰

The notion that sections of the I.P.P. were not overly concerned by the deadlock gained credence on 5 August 1908. William O'Brien and T. M. Healy addressed a meeting in Cork where they accused members of the party of not encouraging land purchase as they believed it would have an adverse effect on the home rule cause. John Dillon and many of his supporters held such views. O'Brien opined that the lack of urgency on the part of the I.P.P. had led the Liberal government to believe there would not be significant opposition to their attempts to escape the financial expense of carrying out land purchase. The statements of Lord Denman and the earl of Crewe were condemned. He also made it known to the government that any scaling-down of land purchase would be resisted.¹⁴¹

On 1 September 1908 the national directory of the U.I.L. held its annual meeting. John Redmond, addressing the central branch of the organisation, repeated that the money for land purchase would have to be found by the government. He urged a reorganisation of the machinery of the Land Commission. In order to stiffen the Liberal government's resolve he stated that the country would become ungovernable if there was not new legislation which would address the failings of the Wyndham Act. In mid September the standing committee of the U.I.L. issued a circular to all its branches. The document outlined how the I.P.P. had worked fervently to overcome the financial difficulty and promote land purchase.¹⁴² It was to refute claims in the House of Lords and by William O'Brien and T. M. Healy that sections of the party did not support the continuation of land purchase.

On 1 October 1908, a remarkable meeting was held in Cork which was representative of both landlord and tenant interests. Some of the most noticeable attendees were the earl of Dunraven, chairman of the Irish Reform Association, Lord Castletown, Lord Barrymore, the earl of Kenmare, chairman of the Irish Land Purchase

¹³⁹ *Ibid.*, col. 820-21.

¹⁴⁰ *Ibid.*, col. 763-823

¹⁴¹ *J.I.*, 6 Aug. 1908.

¹⁴² *J.T.*, 19 Sept. 1908.

Association, Col. O'Callaghan Westropp, S.H. Butcher, M.P., William O'Brien, M.P., D.D. Sheehan, M.P., A. Roche, M.P., and the chairman of Cork C.C., A. McDonnell.

The sight of old enemies like William O'Brien and Lord Barrymore speaking on the same platform demonstrated the power of the land question to transcend politics as both men had fought on opposing sides during the Land War and the Plan of Campaign in the 1880s. The earl of Bandon presided over the meeting and the objective was to send a deputation to key government ministers to 'impress upon them the necessity of carrying out the obligation contracted by both English parties under the act of 1903, to complete the abolition of dual ownership by the help of imperial credit'.¹⁴³ The meeting represented a united attack on the treasury and the Liberal government because of their failure to resolve the financial deadlock. The unwillingness of the imperial exchequer to bear the losses on stock being issued below par or to procure the necessary finance was seen as a breach of faith by those present. William O'Brien summed up the sentiments of the gathering in his resolution:

That failure on the part of the imperial parliament to find money for continuing the beneficent process of land transfer with reasonable speed would constitute repudiation of a contract virtually entered into; would be deeply represented by all classes in Ireland; would cause cruel disappointment to occupying tenants; would engender fresh agrarian strife, and embitter the relations existing between the two counties.¹⁴⁴

The Liberal government denied any breach of contract or repudiation of a bargain. The Liberal chief secretary, Augustine Birrell, in a letter to S. H. Butcher, a Conservative M.P. who also owned land in Co. Kerry, stated that the government had upheld its responsibilities as stated in the Wyndham Act. He did, however, concede that the treasury had failed to appoint sufficient numbers staff. Birrell believed that the ratepayers had to be protected from loss and that any measures intended to raise the money, had to be done without burdening the ratepayers. In Birrell's opinion, no such scheme had yet been put forward but he believed that the new land bill, which he would soon introduce, would give all sides a chance to address the problem.¹⁴⁵

¹⁴³ *I.T.*, 2 Oct. 1908.

¹⁴⁴ *Ibid.*

¹⁴⁵ *Ibid.*, 8 Oct. 1908.

The Irish Landowners' Convention advocated that a select committee, comprising members from both houses of parliament, be appointed to inquire into the matter of land purchase finance. It was generally felt in Ireland that the Runciman committee, which had reported on land purchase finance, had been too restricted in its brief in addition to being biased towards the interests of the treasury.¹⁴⁶ On 9 October 1908 the convention's annual meeting was held where fears were expressed that land purchase might be suspended or the terms radically altered. There was support for the Cork meeting of 1 October. The fact that erstwhile bitter enemies such as Lord Barrymore and William O'Brien had shared a stage, in order to ensure the continuation of land purchase, was deemed indicative of the feeling in the country.¹⁴⁷

A similar meeting to that in Cork was held in Monaghan town on 19 October 1908 and was presided over by Lord Rossmore. The meeting had been called at the behest of the chairman of Monaghan C.C., Thomas Toal and it saw landlords and tenants share the same platform. Some of the most prominent attendees were Col. John Leslie, Major J.C. Madden and the earl of Dartrey as well as numerous J.P.s and clergy. The local newspaper, the *Northern Standard*, summed up the extraordinary nature of the gathering:

The hall was crowded, even standing room being difficult to obtain, and not only was the audience representative of both landlords and tenants, but it was also unique in that politics of every shade, religious creeds of every kind, and social standing of every degree had their representatives in the throng which assembled. Such a meeting has not been held in the town in living memory.¹⁴⁸

Resolutions were passed seeking that adequate funds be provided for pending and future sales, more staff given to the estates commissioners to accelerate the processing of sales and that any losses incurred be borne by the imperial treasury, not Irish ratepayers.¹⁴⁹

On 1 November 1908 the Wyndham Act had been in operation for five years and on that date the treasury had the option of re-examining the percentage at which the 'bonus' was to be allocated to vendors. In the period leading up to the date there had been a rush by landlords to sell their lands as all the indications were that the terms of

¹⁴⁶ *I.I.*, 6 Oct. 1908

¹⁴⁷ *Ibid.*, 10 Oct. 1908.

¹⁴⁸ *Northern Standard*, 24 Oct. 1908.

¹⁴⁹ *Ibid.*, 24 Oct. 1908.

sale would be radically changed in any future legislation to the detriment of the landlords. This only added to the estates commissioners' workload and also increased the delays in the allocation of purchase money. The Liberal government was content to provide only £5,000,000 annually, maintaining that this fulfilled its obligations under the act. However, George Wyndham had intended that that limit would only apply for the first three years of the act's operation after which time he believed that an acceleration in pace would be necessary.¹⁵⁰

X). The Birrell Land Act, 1909 and land purchase.

The 1909 act could certainly be classified as a ratepayers' act. By the end of 1908, land purchase was grinding to a halt and a further flotation of land stock would have exhausted the Irish Development Grant. This would have meant that the Irish ratepayers would have to cover the losses accruing from issuing stock below power. The Birrell Act relieved the Irish ratepayer from the large debt that had arising relating to stock being issued below par in addition to the cost of incidental charges. These charges, although small by comparison to that relating to land stock, had already begun to fall on ratepayers.

Opponents of the 1909 Land Act labelled it a treasury relief measure. Landlords were to be paid in stock instead of cash, the 12 % 'bonus' was changed and the tenants' annuities were raised. However, matters were not so clear cut. The 1903 act had confined the 'bonus' fund to £12,000,000. In 1909, it was placed on a graduated scale which meant that several millions would be added to the fund by the treasury if land purchase cost as much as Birrell predicted it would. The treasury agreed to cover the costs of stock for all completed and pending sales which otherwise would have fallen on the Irish ratepayer. The majority of the incidental charges would also be paid by the treasury.

The financial basis of the 1903 act had turned out to be very unstable. Although concern had been voiced by non-Irish M.P.s during the bill's passage through

¹⁵⁰ *Hansard* 4, cxx, 201 (25 Mar. 1903).

parliament, the British taxpayer had realistically never been in any danger. The act specified that any losses arising from issuing excess stock or from incidental charges were to be paid out of Irish funds or by the Irish ratepayers. Wyndham had openly admitted that it had not been the intention of the authors of the act to burden the Irish ratepayer with the loss for the issue of stock at a discount. Equally he had hoped that any expenses accruing from the operation of the act would be covered by a grant of £50,000 for the first four years a sum to be taken out of the Irish Development Grant.¹⁵¹ However, the act was so drafted that the £50,000 could not be used as a working balance and instead it went towards the losses accruing from issuing stock below par.

One of the reasons Wyndham had secured £100,000,000 for advances and £12,000,000 for the 'bonus' fund was that any losses incurred were to be covered by Irish sources, principally the Irish Development Grant. Owing to the depression in the stock market from 1903-9 Irish land stock never reached anywhere near par during the period which meant there was a significant loss to be recouped from each flotation. Wyndham seemed to have underestimated the extent of the losses that would result from issuing stock below par. He had believed that the Irish Development Grant was sufficient and he might have been proved correct but for the slump in the stock market and volume of sales.

By late 1908, it was obvious that land purchase could not continue to operate under the terms of the 1903 act. The reality was that the terms of the act specifically stated that the Irish ratepayers had to pay the losses on issuing stock below par once the Irish Development Grant ran out and if more stock was to be raised for advances to tenant-purchasers, the losses on flotation would have to be borne by the Irish ratepayer. The question of the 'bonus' was equally problematic. The terms of the act had only provided a sum of £12,000,000 for the 12 % 'bonus' to landlords. According to the chief secretary, Augustine Birrell, sales totalling £25,000,000 had been completed during the period up to 31 October 1908 and there were pending agreements of approximately £52,000,000. Birrell discarded Wyndham's estimation of 1903 that £100,000,000 would

¹⁵¹ *Ibid.*, cxcvi, (23 Nov. 1908).

suffice to cover advances to tenant-purchasers under the act, for in his estimation the cost would be somewhere in the region of £180,000,000.¹⁵²

With the amount of money available limited to £12,000,000, it was impossible to continue to distribute the 'bonus' at 12 %. Once advances to tenant-purchasers reached £100,000,000, that fund would be exhausted. However, the Wyndham Act stipulated that the 'bonus' fund could not be increased except by new legislation. On 24 November 1908, it was cut to 3 % on all future transactions. The cost of abolishing dual ownership had certainly been underestimated in 1903 and a bargain was made with the treasury to raise just £5,000,000 annually for land purchase for the first three years. However, sales quickly outstripped the finances available and the depreciation in guaranteed land stock meant the treasury was wary of increasing the amount of money advanced annually. The pace of land purchase could not be increased because the losses would have to be repaid by the Irish ratepayer. At that pace some landlords would have to wait many years before they received the purchase money and 'bonus'. Similarly, tenants paid interest on the purchase money during this period when they should have been repaying their annuities. Land purchase, as it had occurred under the Wyndham Act, could not continue without new legislation.

Although it was supposed to be an amending act, the 1909 measure fundamentally altered the terms of the Wyndham Act. The recommendations of the Runciman report were obviously quite influential. The tenant's annuity was increased from 3 ¼ % to 3 ½ %. The treasury could issue 3 % stock in addition to 2 ¾ % issued under the 1903 act. As regards pending agreements under the Wyndham Act, the landlord had the option of accepting payment in 2 ¾ % land stock at the market price so long as it was not below 92. This limited the loss to the state. In the case of all agreements after 15 September 1909, the vendor had to accept stock at its nominal value as payment in cash had been abolished. By 31 March 1921 vendors whose sales were pending under the Wyndham Act had availed of the half-cash half-stock payment option to the tune of £12,004,113 while advances in stock only amounted to £3,251,281.¹⁵³

¹⁵² Ibid., col. 1811-13.

¹⁵³ Irish Land Commission, *Report of the estates commissioners for the year ended 31 March, 1921 and for the period 1 Nov. 1903 to 31 March, 1921* (Dublin, 1922), p. vi.

Under the 1909 act the 'bonus' was no longer allocated at 12 %, instead, it was distributed on a graduated scale. For agreements entered into before 24 November 1908 the vendor received the 'bonus' of 12 % but after that date the new system came into force. The treasury took on the cost of issuing stock at a discount to clear pending agreements.

Under the terms of the Birrell Act of 1909 the operations of the Estates Commission and the C.D.B. were to be kept completely separate. In the congested districts, the board was to be the sole authority that could purchase land. Similarly, the Estates Commission was the sole authority in the rest of Ireland. Although the price 'zones' were not abolished, changes were introduced and the estates commissioners were given the power to investigate the circumstances of sales if they so wished. If there were any misgivings as regards security, equity, intimidation, duress or arrears of rent they were entitled to examine the sale in more detail. A limited form of compulsory powers in order to deal with congestion was granted to the estates commissioners and the C.B.D. The judicial commissioner decided the matter of price and there was the option of an appeal to the Court of Appeal. Land compulsorily acquired was to be paid for in cash. On 3 December 1909 the new land act became law.

XI. The increase in prices under the Wyndham Act.

The report of the estates commissioners for the year ending 31 March 1921, contained the final sales statistics for the whole of Ireland prior to the formation of the Irish Free State and Northern Ireland. At that stage there were still a sizable number of advances which had not been made. Almost all were direct sales, where advances were pending to the tune of £8,192,141 for an area of approximately 887,000,000 acres.¹⁵⁴ Pending sales to the Land Commission, to the C.D.B. and in the land judge's court had virtually all been dealt with by 1921. All of the advances that had been pending under the Wyndham Act, had been distributed by the late 1920s.

¹⁵⁴ Ibid., p. vii.

Unlike a benevolent landlord, the Irish Land Commission as a government body, expected the tenants' annuities to be paid on time and in full. Whereas a landlord might be persuaded to make allowances in the event of a bad harvest or adverse weather conditions, the state tolerated no excuses. As early as November 1904, the commentator Arnold White had warned of the consequences of Irish tenants paying inflated prices: 'There are already so many cases of an inordinate price being paid for the land that, although the process of transfer has only begun, inevitable trouble awaits the next generation, for the farmers, both Protestants and Catholics, are paying higher prices for the land than it is worth.'¹⁵⁵

Although the tenant's annuity had to be lower than the rent he had previously paid, it was fixed for a period of sixty-eight and a half years. The annuity might be manageable in periods of economic stability but in the event of a depression or a period of uncertainty in the agricultural markets, the tenant-purchaser was liable to find themselves under pressure. Such an economic depression occurred in the 1920s following the end of World War I and the Wall Street economic crash of 1929. Terence Dooley has highlighted how the Irish Free State Government found that well over half of the land purchase annuities of £4.6 million that were due in the year 1932 were in arrears.¹⁵⁶

Dan Breen, the leader of the Third Tipperary Brigade of the Irish Republican Army (I.R.A.) during the War of Independence, recalled how the Wyndham Act had 'brought great joy to the farmers...who seemed to have entered an utopia where the threat of famine no longer existed. In a short time, however, they began to complain of the high rent [annuities]'.¹⁵⁷ Breen had been born into a farming family in Grange, Donohill, Co. Tipperary. Conditions during his youth in the early part of the twentieth century were harsh and, as he recalled, his 'family barely existed above the hair-line of poverty. Most of the neighbours were in a similar plight. Potatoes and milk were our staple diet. On special occasions we had a meal of salted pork but the luxury of fresh

¹⁵⁵ Arnold White, 'What Ireland really wants' in *Fortnightly Review*, lxxvi, no. 455 (Nov. 1904), p. 838.

¹⁵⁶ Dooley, *The land for the people*, pp 30-1.

¹⁵⁷ Dan Breen, *My fight for Irish freedom* (Dublin, 1981 ed.), p. 8.

meat was altogether beyond our reach'.¹⁵⁸ If such families purchased their holdings at exorbitant prices or purchased uneconomic holdings, the chances of being unable to repay their annuities were increased.

Christopher Blanchfield who had been a tenant on the Leinster estate in Co. Kildare had rented a holding of four acres, two roods and thirty-two perches. His judicial rent had been £2 5s. 2d. and the tenement valuation was put at £8 10s. Upon the sale of the estate by the trustees in 1903, Blanchfield became a tenant-purchaser. The purchase money for Blanchfield's holding was £51 and this sum was advanced to the trustees on 11 May 1904. From then on the holding was subject to a purchase annuity. By 1920 Blanchfield had begun to default on his payments and had failed to pay the previous three purchase instalments. He was in arrears for £2 2s. 9d. The report of the Irish Land Commission stated that sale proceedings had been taken for the recovery of the money due.¹⁵⁹

On 2 July 1918, Viscount Gough received the purchase money for the sale of his Galway 'estate' under the Wyndham Act. Included in that sum was the purchase money for Thomas Connolly's holding in the townland of Kileen which amounted to £88. Connolly had rented ten acres, one rood and twenty-eight perches from the viscount at an annual rent of £4 9s. 6d. and his tenement valuation was £5 5s. Connolly had quickly run into trouble with the payment of his annuities. By 1 July 1920, he had failed to pay two instalments and was in default to the sum of £4 8s. 2d. Sale proceedings were initiated here also to recover the money due.¹⁶⁰ The cases of Christopher Blanchfield and Thomas Connolly are clear examples of the difficulties many tenants ran into with their annuities in the years after they commenced their repayments.

Both the estates commissioners and the C.D.B. noted that the prices received by landlords for their 'estates' under the Wyndham Act had increased significantly when compared with previous land acts. The estates commissioners, in their report for the year up to 31 March 1906, highlighted the rise in the price of land under the act:

¹⁵⁸ *Ibid.*, p. 8.

¹⁵⁹ *Report of the Irish land commissioners for the period from 1 April 1919 to 31 March, 1920*, 74-5, [Cmd. 1064] H.C. 1920, xix, 1149.

¹⁶⁰ *Ibid.*, pp 76-7.

Whether looked at from the point of view of the number of years' purchase [of rent] or the rate per acre, it is manifest that the prices now being paid by the tenants for purchase of holdings show a very large increase on the prices which were paid before the passing of the act, while, when the 'bonus' of 12 per cent in addition is taken into consideration, the increase of price obtained by the landlords is still greater.¹⁶¹

Under the act of 1885, the average rate per acre had been £10.5 (cash) while the acts of 1891-6 produced an average per acre of £9.2 (stock). Up to 31 March 1906, the average per acre under the Wyndham Act was £13.4 (cash), which was a significant increase. When the 12 % 'bonus' was added on, the increase was even more substantial with an average price of £15 per acre being received by landlords.¹⁶² Estates commissioner Wrench, regarded as being pro-landlord, was reluctant to accept these figures, however, as he felt that the sale of certain estates in the early days of the act had unduly influenced the figures.¹⁶³ Undoubtedly he was referring to the high prices obtained on large properties such as the Leinster estate but even when this is taken into account there is little doubt that landlords made very significant gains on the sale of their lands when compared to previous acts. Wrench acknowledged that the price of land was higher under the Wyndham Act than under earlier land acts. In his evidence to the royal commission on congestion in November 1906, he qualified this with the contention that the tenant's annuity was smaller than under previous acts and that those landlords who had sold could not have afforded to do so but for the increased prices being offered by the Wyndham Act.¹⁶⁴

By 1905 the increase in prices under the Wyndham Act, compared to previous land acts, had begun to impact on the C.D.B. Prior to the act, when they purchased an estate from a landlord and then sold it on to the tenants, it involved an average loss of 5 ½ % to the C.D.B. However, under the 1903 act the average loss up to 31 March 1905, after rearranging and improving holdings, would be at least 8 %. The board's report for the year up to 31 March 1905 summed up the position: 'In short, we cannot, with our present funds deal advantageously with the volume of estates work which the act of

¹⁶¹ *Report of the estates commissioners for the year ending 31st March, 1906 and for the period from 1st November, 1903, to 31 March, 1906*, xiv, [Cd. 3148], H.C. 1906, xxv, 237.

¹⁶² *Ibid.*, pp xiv-xv.

¹⁶³ *Ibid.*, p. xiv.

¹⁶⁴ *Third report of the Royal Commission appointed to inquire into and report upon the operation of the Acts dealing with Congestion in Ireland*, 92-3 [Cd.3414] H.C. 1907, xxxv, 337.

1903 devolves upon us.¹⁶⁵ The C.D.B. desperately sought an increase in its financing to deal with the costs of migration and of improving congested estates. The C.D.B. found land to be considerably more expensive to purchase than had been the case prior to 1903:

The finance of our estates operations since 1903 has been affected by an element which was not taken into account when the land act was before parliament. We refer to the increase in the price we have had to pay for both tenanted and untenanted land, exclusive of the 'bonus' of 12 per cent paid to the vendors from the land purchase aid fund.¹⁶⁶

In terms of poor law valuation, the C.D.B. paid on average 12 $\frac{3}{4}$ years' purchase for tenanted land and 21 years' purchase for untenanted land prior to the passing of the Wyndham Act. Between 1 November 1903 and 31 March 1908, however, the averages had risen significantly to 18 years' purchase for tenanted land and 27 $\frac{2}{3}$ years' purchase for untenanted. When measured in years' purchase of rent the C.D.B. had paid an average of 15 $\frac{1}{3}$ years' purchase for tenanted land prior to 1903 but prices had increased to an average of 20 years' purchase under the Wyndham Act.¹⁶⁷ These higher prices resulted in the C.D.B. sustaining increased losses upon the resale of land they had purchased. Furthermore, they were unable to pass on the increased prices to the tenants as they would simply have been unable to repay the annuities.

The rise in prices had not gone unnoticed and the commentator, L. Paul-Dubois, highlighted how land hunger among Irish tenants had raised the price of land and threatened their future prosperity:

The purchase prices agreed to by the tenant-buyers are, as a general rule, extremely high, and the resulting charge upon Irish agriculture will prove not only very heavy but even dangerous. Hardly had the act of 1903 been passed when the farmers, so far from imitating the reserve of the landlords, began to press onward and push forward their applications with such haste as to cause a considerable proportionate rise in the price of land.¹⁶⁸

¹⁶⁵ *Fourteenth report of the Congested Districts Board for Ireland for the year ending 31st March, 1905*, 17 [Cd.2757] H.C. 1906, xcvi, 355.

¹⁶⁶ *Seventeenth report of the Congested Districts Board for Ireland for the year ending 31st March 1908*, 11, [Cd. 4340] H.C. 1908, xxiii, 443.

¹⁶⁷ *Ibid.*, p. 11.

¹⁶⁸ L. Paul-Dubois, *Contemporary Ireland* (Dublin, 1908) p. 291.

As already mentioned, the annuities would have to be repaid over the course of a number of generations. Unlike a benevolent landlord who might give a reduction in bad seasons, the annuities would have to be repaid in full and on time to the government. Laurence Ginnell, M.P. for North Westmeath, was gravely concerned by the price land was being sold for. He believed that the poorest tenants were often paying the highest prices and predicted that many would not be able to repay their annuities in the future.¹⁶⁹

For hard-pressed tenants, an immediate reduction in the form of their annuity was so tempting that they often agreed to purchase at inflated prices. The tendency was to avail of the immediate relief that purchasing offered. In the long term these could prove ruinous as the condition of their holding simply could not justify the price. The implications of a fixed annuity over a period of sixty-eight and a half years were not always thought through properly.

The chief land inspector of the C.D.B., Henry Doran, had also found that small landholders tended to 'measure their bargain by the immediate relief they obtain in annuity as compared with the rent'.¹⁷⁰ The Wyndham Act reduced the rate at which the tenant would repay his annuity to 3 ¼ % but extended the period of his repayment to approximately sixty-eight and a half years. By enabling the tenant to borrow money at a lower rate and to repay it over a longer period than previous acts (4 % over 49 years under the 1885 Ashbourne Act, for example,) he could pay a higher purchase price, but his annuity still represented a reduction compared to his current rent. According to Doran, the price of land had increased because 'the tenant is being financed in a way that enables him to pay a higher price without making his annual payments higher than he would have had to pay under the previous land acts'.¹⁷¹

XII). Conclusion.

The sale terms of the Wyndham Act proved enticing to many landlords and applications for sales reached an unprecedented level compared to those made under previous land

¹⁶⁹ Laurence Ginnell, *Land and liberty* (Dublin, 1908) p 108-12.

¹⁷⁰ *First report of the Royal Commission appointed to inquire into and report upon the operation of the Acts dealing with Congestion in Ireland*, 80 [Cd.3267] H.C. 1906, xxxii, 621.

¹⁷¹ *Ibid.*, p. 80.

acts. However, the volume of sales led to problems. The staff of the Estates Commission was only intended to process sales of approximately £5,000,000 for the first three years of the operation of the act. The staff and the office accommodation at the disposal of the estates commissioners were not adequate to cope with the volume of sales. Proving title to the estates being sold also proved a protracted affair owing to insufficient staff and the number of applications.

The financing for the operation of the act had proved decidedly unsound. A lack of any in-depth discussion when the bill passed through parliament was to prove regrettable. Incidental charges, as a result of the act's operation, had not been taken into consideration and as a result, the burden fell on the county councils and ratepayers of the country to pay them. During the duration of the Wyndham Act there was a depression in the stock market which ensured that guaranteed land stock was never issued at anywhere near par. The cost of issuing stock at a discount had a snowballing effect so that by 1908 the deficit had reached a couple of million. If land purchase had continued under the terms of the Wyndham Act the ratepayers of Ireland would have been forced to cover the costs of stock being issued below par, as had been the case with the incidental charges. In reality, the act had been structured in such a way that incidental charges and the cost of issuing land stock at a discount was taken out of Irish monies and not from the imperial exchequer.

The delays in the distribution of the purchase money and the 'bonus' caused great hardship for both landlords and tenants, not to mention other groups associated with sales such as land agents or solicitors. A heavily encumbered landlord, who had sold his 'estate' but who had no other sources of income apart from land, faced financial ruin due to the delays. The interest paid on the purchase money prior to allocation was rarely sufficient to pay off the charges on many estates. Tenants also faced the prospect of paying interest on the purchase money for years when they could have begun the repayment of their purchase annuities.

The last report made by the estates commissioners was for the year ending 31 March 1921. This is the last source for land purchase statistics covering the whole of Ireland. By March 1921, £74,434,402 had been advanced while £904,876 had been

lodged by purchasers. The two figures combined gave a total price of £75,339,278. By this stage virtually all the pending sales under the Wyndham Act, except for direct sales between landlord and tenants, had been dealt with. Advances pending amounted to £8,192,141 while £47,563 was awaiting lodgement by the tenant-purchasers. The two figures combined gave a price of £8,239,704 for approximately 887,969 acres.¹⁷² Those landlords who were still waiting for their purchase money must have been extremely anxious about the delay especially if their only source of income was the interest on the purchase money. If a landlord had sold in 1908, he would have already been waiting thirteen years for the proceeds of the sale. Likewise, the tenant-purchasers on those estates would have spent the same period paying interest on the purchase money when they should have been repaying their purchase annuities.

By adding the figures from the pending direct sales to the sales which had already been concluded by March 1921, the achievement of the Wyndham Act, in terms of land purchase, can be analysed. The total number of 'estates' sold was 9,410, for which, £82,626,543 was advanced to tenant-purchasers and they lodged £952,439 in cash. The amount advanced and the cash lodged gave an overall total of £83,578,982.¹⁷³

Under the Wyndham Act, an 'estate' consisted of whatever the estates commissioners sanctioned. It could consist of a single holding, a townland or a much larger area of land. Where an 'estate' sold contained land in different counties, it appeared in the statistics of each county. Therefore, the number of 'estates' sold was not an accurate reflection of the actual number of landlords who had sold their property. In terms of advances to tenant-purchasers, Leinster and Munster led the way far outstripping Connaught and Ulster. Leinster and Munster accounted for over £50,000,000 of the advances to tenant-purchasers between them. In Leinster, the counties Meath, Kilkenny, Kildare, Dublin, Wexford and Westmeath led the way. The lodgement of cash was usually associated with the stronger tenant-purchasers. It normally indicated where large holdings were purchased such as those which surpassed the £5,000 or £7,000 limits imposed by the Wyndham Act. To bypass these limits, some opted to receive an advance up to the limit and pay the surplus in cash. Just over half a

¹⁷² See appendices IX and X.

¹⁷³ *Ibid.*

million was lodged in cash by tenant-purchasers in Leinster alone. Tenant-purchasers in Co. Meath lodged the enormous sum of £137,699 in cash while those in Dublin and Kildare lodged £77,251 and £60,275 in cash respectively.¹⁷⁴

In terms of advances received, Co. Cork was considerably ahead of the rest of the country with £8,860,220. Counties Tipperary and Limerick followed in the Munster region with £60,918 and £38,882 respectively. These three counties also led the way in the province as regards cash lodgements. Although it was well behind Leinster there was still over £200,000 lodged in Munster by tenant-purchasers. In Ulster, the majority of the advances went to counties Down, Armagh, Antrim and Tyrone while just over £153,000 was lodged in cash by purchasers in the province. In terms of land purchase, Connaught benefited far less than the other three provinces with advances totaling just £10,949,066, although counties Galway and Roscommon saw considerable sales. As regards the lodgement of cash, Connaught was the lowest with only £88,990.¹⁷⁵

¹⁷⁴ Ibid.

¹⁷⁵ Ibid.

CHAPTER SIX: 'THE LANDLESS MEN FOR THE MANLESS LAND': THE RANCH WAR, THE WESTERN PROBLEM AND THE EVICTED TENANTS.¹

D). Introduction.

The C.D.B. was founded in 1891 by Arthur J. Balfour who was chief secretary of Ireland at the time. Its principal objective was to alleviate congestion through the enlargement of holdings and migration. The development of the fishing industry and other small scale enterprises in addition to the improvement of agriculture and livestock were other key aims. The method by which areas were assigned to the congested districts was based upon the electoral divisions. A division was deemed congested where the average valuation per person was below thirty shillings and where one-fifth of the population of that county lived in the division. However, this method of defining a congested district was far from satisfactory as the presence of a number of substantial grazing farms might have been enough to push the valuation per head above thirty shillings. In reality, there might have been numerous small uneconomic holdings in the region. The stipulation that one-fifth of the population of the county had to be resident in the division was undoubtedly intended to concentrate the C.B.D. on the worst areas of the west coast of Ireland.

The congested districts comprised just over 3.6 million acres and accounted for over one-sixth of the total area of Ireland which included parts of the counties of Galway, Leitrim, Mayo, Roscommon, Sligo, Donegal, Clare, Kerry and Cork. According to the census of 1901, over half a million people lived in these designated districts.² In 1908 the royal commission on congestion in Ireland estimated that a £10 valuation per holding was the minimum required for a farmer to support his family and live in reasonable comfort. However, of the 84,954 holdings in the congested districts, 74,414 were below the ten pounds valuation and 45,138 of those were under four pounds valuation.³ Land in such districts was generally very poor and, as such, holdings had to be larger than elsewhere in the country to make them economically viable. The report of the royal commission on congestion commented that:

¹ *Report of the royal commission on congestion in Ireland. Final report*, 47, [Cd.4097] H.C. 1908, xlii, 729.

² *Ibid.*, p. 4.

³ *Ibid.*

The outstanding feature of the congested districts, and indeed, of the greater part of the nine counties which contain such districts is not an excessive population, but, first, a fairly dense population in certain areas, mostly along the sea coast, where the land is hardly capable of supporting any population at all, and secondly, excessive population in districts mainly consisting of poor land but adjacent to extremely thinly populated districts of better land.⁴

In many cases the plot of land farmed was insufficient for the family to survive on and remittances from family members in America and elsewhere often helped pay the rent. Seasonal migration to Britain was also common as it offered a means of raising much needed finance. The predominance of grazing farms in much of the congested districts ensured the demand for agricultural labourers remained low.

According to the agricultural statistics for Ireland in 1903, there were 590,648 holdings in the country. A significant portion of these (291,813) were less than fifteen acres in size.⁵ Even taking into account the disparity in the quality of the land depending on its location, it was evident that the vast majority of these holdings would have to be enlarged to make them economically viable.

In the congested districts, untenanted land was desperately required for the enlargement of holdings and to cater for the migration of tenants. However, there was simply not enough untenanted land for those who needed it. The Wyndham Act had increased competition for untenanted land by allowing the sons of tenants and the landless to acquire a parcel of such land where it was sold along with an estate. The Ranch War agitation would prove popular in counties such as Westmeath because these landless men realised that if landlords were forced to sell their untenanted land along with the rest of their estate, there was a chance that they might secure a farm of land. In July 1906 the Liberal chief secretary, James Bryce, informed Laurence Ginnell, M.P. for North Westmeath, that there were 80,000 acres of untenanted land in the county.⁶ With such a considerable amount of land available in midlands counties like Westmeath, it was little wonder that the anti-grazing agitation which had sprung up in Connaught also spread to areas of Leinster and north Munster.

⁴ *Ibid.*, p. 7.

⁵ *Agricultural statistics for Ireland with detailed report for the year 1903* [Cd.2196] cv, 333, 1904, p. xv.

⁶ *Hansard* 4, clx, 1035 (12 July 1906).

The question of untenanted land also directly affected evicted tenants as they were eligible for a parcel of such land if they could not be reinstated in their former holdings. The Wyndham Act provided the Estates Commission and the C.D.B with the means to reinstate evicted tenants to their original holdings or to provide them with new holdings. However, the clause only applied to those tenants who had been evicted from their holdings in the twenty-five years prior to the introduction of the act.

II) Nationalist discontent.

Despite the Wyndham Act being in operation for only a few months, discontent was brewing within the I.P.P. by early 1904. The lack of progress in areas such as the purchase of untenanted land, the relief of congestion and the reinstatement of evicted tenants were sources of grievance. On 18 February 1904, in the House of Commons, P. A. McHugh, M.P. for North Sligo, proposed the following:

We humbly represent your majesty that serious amendments including the abolition of the 'zones' system are required in the Irish land act of last year to prevent the unjust inflation of land in Ireland; and that the powers possessed under that act by the estates commissioners and the Congested Districts Board for the acquisition of untenanted lands are not sufficient to provide a remedy for the evils of congestion by the redistribution of the land...without which the Irish land question can never be settled; and that the power of compulsory purchase of untenanted lands should be conferred upon that body [C.D.B.] and upon the estates commissioners...and that provision should be made that sales in cases of congested estates under the act should be made only to the board or to the estate commissioners.⁷

McHugh argued that the act, as it stood, would not solve the land question. The act had been passed to create tenant-purchasers, to solve the evicted tenants question and to resolve congestion. McHugh maintained that in the west where the problem of congestion was most acute, the act had made few inroads. The M.P. for North Sligo was damning in his criticism of the price 'zones' which he asserted had inflated the price of land. Estates sold within the price 'zones' were not subject to inspection and this had led to tenants paying excessive prices which, in turn, put the taxpayer at risk. McHugh called for the return of inspection and the abolition of the 'zone' system.⁸

⁷ Ibid., cxxx, 284-5 (18 Feb. 1904).

⁸ Ibid., col. 263-79.

McHugh's proposed resolution was seconded by J. P. Farrell, M.P. for North Longford, who held that the crux of the difficulty was the question of price:

The breakdown of the act as far as it had gone was not due to any act covert or overt, on the part of the tenants, their leaders, or the representatives of the tenants. The breakdown of the act should be left at the door of the landlords...It appeared to him that when land was sold they were not dealing with an unfortunate rain-sodden country but with a diamond mine at Kimberley or a goldfield at Coolgardie. The landlords regarded their interest as almost as valuable as if it were situated in such places.⁹

As already mentioned in earlier chapters there was a fear that if the tenants paid exorbitant prices that they would fail in the repayment of their annuities. This was especially relevant in the congested districts of the west where holdings were small and generally uneconomic. With a 'bonus' fund of £12,000,000 set aside to encourage landlords to sell there were many nationalists who felt that this money, or at least a portion of it, would be better invested in the relief of congestion. P. A. McHugh expressed such feelings: '£1,000,000 spent...in the west of Ireland would do more to settle the land question than the £12,000,000 they were wasting in the futile effort to satisfy the landlords.'¹⁰

As already noted, an amending act was promised by the Conservative government to clarify any ambiguity regarding the allocation of the 'bonus' to the tenant-for-life. The I.P.P. viewed this essentially as a landlord difficulty and hoped to use the amending act to strengthen areas of the Wyndham Act, such as those dealing with the relief of congestion, which they believed were being neglected. The refusal of the Conservative government to even consider addressing any area of the act except that relating to the 'bonus' greatly antagonised the I.P.P. They had hoped to introduce an element of compulsion or at least pre-emption in the congested districts so that the C.D.B. could acquire land with greater ease. They also sought to secure some form of popular elected representation on the C.D.B. In essence the I.P.P. viewed the relief of congestion as one of the principal aims of the Wyndham Act. They felt that it was not receiving the resources or time that it required. James Flynn, M.P. for North Cork, summed up the I.P.P.'s understanding of the act:

⁹ Ibid., col. 281.

¹⁰ Ibid., col. 276.

The act was passed for the alleviation of poverty and misery, and one of its main features was the division of the large grazing tracts in the west of Ireland. The result now appeared to be that those grazing tracts were to be retained in the hands of the landlords and graziers, and that the destitution of the poor people for whom the act was passed was to be perennial. What was the use of advancing money to purchase a wretched holding on a bog or mountain valued at only £6 or £7? The tenant would only exchange one condition of misery for another; and instead of being a wretched tenant he would become an occupier who would not be able to work out a position of comfort for himself or his family.¹¹

Flynn understood that there was little point in making tenants the owners of uneconomic holdings unless they received parcels of untenanted land to enlarge their farms. If congestion was to be tackled in the congested districts, and elsewhere in Ireland, untenanted land had to be acquired along with tenanted estates.

The I.P.P. was not alone in its calls for a re-examination of the issue of congestion. The Liberal M.P. for North Tyrone, Charles Hemphill, believed that the problem could only be solved by the introduction of compulsion:

Unless the act were amended in the manner foreshadowed by the motion before the house it would be a mockery, a delusion, and a snare, both to the people of Ireland and to the taxpayers of this country. The experience of the year had confirmed him in the opinion that finality was remote and that they were only in the process of evolution in the settlement of the land question, and compulsion was the ultimate resort to which the house must at no very distant date have recourse...he appealed to the... [chief secretary] to carry out the resolution of the Congested Districts Board of 1895, for unless compulsory powers were granted to the board the act would be a failure.¹²

Despite Hemphill's support, P. A. McHugh's resolution was defeated by 219 votes to 124.¹³ As far as the Conservative government was concerned, compulsory powers were unnecessary. They argued that the act should be given a fair trial.

Time passed and little progress was made in the acquisition of untenanted land. On 13 November 1904 at Boyle, Co. Roscommon, the North Roscommon U.I.L. organised a demonstration advocating the break up of the grasslands and condemning the eleven-months system where calls for the redistribution of the grazing ranches were voiced.¹⁴ At Westport, Co. Mayo on 20 November, William O'Brien outlined how the

¹¹ *Ibid.*, col. 313-4.

¹² *Ibid.*, col. 300.

¹³ *Ibid.*, col. 342.

¹⁴ *F.J.*, 14 Nov. 1904.

purchase of small uneconomic holdings was of little use unless untenanted land was also acquired to enlarge them:

Therefore, it is clear that what concerns you here is not so much the purchase of your present patches of tenanted land, but the purchase of those splendid expanses of untenanted lands, and it is equally clear that the purchase of these untenanted lands cannot be carried on by the poor tenants themselves, but must be carried on either by the Congested Districts Board or by the estates commissioners, who are provided with ample funds for the purpose.¹⁵

While the sale of estates was progressing adequately in the east of Ireland, there were few sales in western counties such as Mayo. William O'Brien admitted that the Wyndham Act was a 'dead letter' in the west of Ireland and that its people, whose predicament was most dire, had benefited least.

III). The failure of the Wyndham Act to tackle the western problem and the evicted tenants.

Up to 31 December 1904, no untenanted land had actually been purchased by the estates commissioners under clause eight. This clause had been specifically inserted to enable the purchase of such land as a separate 'estate'. Offers to purchase had been made for 7,663 acres and negotiations were pending.¹⁶ The estates commissioners had encountered considerable obstacles:

On the general subject of untenanted land the commissioners would point out that when the land does not form part of a tenanted estate under sale, it can only be acquired by them under section 8 of the act. That section limits the action of the commissioners to the purchase of such untenanted land as they consider necessary to facilitate the sale or re-distribution of estates purchased or proposed to be purchased by them under sections 6 [sales to the commissioners] or 7 [sales in the Land Judge's Court]. The number of estates so purchased is small, and consequently the power of the commissioners to purchase untenanted land under section 8 of the act is limited.¹⁷

As the vast majority of sales were direct between landlords and tenants the estates commissioners had little opportunity to buy untenanted land.

¹⁵ Ibid., 21 Nov. 1904.

¹⁶ *Ad interim report of the estates commissioners for the period from 1st November, 1903, to 31st December, 1904*, 49 [Cd. 2471], H.C. 1905, xxii, 177.

¹⁷ Ibid., p. 12.

Untenanted land was predominantly held by the landlord himself or by graziers by means of the eleven-month system. Sales would involve considerable delay. Livestock would have to be moved, graziers would have to give up their farms, the land would have to be surveyed, divided up and fenced and roads may have to be constructed. All of this had to be completed before the estates commissioners even decided on the recipients of parcels of land. Up to 31 December 1904 the estates commissioners had held no estates for the purpose of improving them, even though they could hold up to £5,000,000 worth of property for this purpose under the act. Improvements to untenanted land and estates had been severely curtailed by a lack of finance. The Reserve Fund which totalled just £250,000 was the only source of funding in most cases. Just £4,276 had been advanced out of the fund for the purpose of improvements by the end of 1904.¹⁸

Aside from the financial restraints, the estates commissioners had been impeded in another way. They had planned to 'employ a special establishment for the management and improvement of estates brought by them, for the purchase of untenanted land, and for the reinstatement of evicted tenants'.¹⁹ However, after consultation with the treasury, the plan had had to be dropped. The estates commissioners were ordered to 'confine their inquiries to estates actually before them for sale, and to Plan of Campaign estates, or to other estates similarly situated where evictions were not due to ordinary causes but to the Land War'.²⁰ A significant proportion of applicants from those claiming to be evicted tenants came from estates which were not actually in the process of being sold. In such circumstances, the estates commissioners' hands were tied as they had been instructed not to attend to such cases. By confining their investigations to estates involved in the Plan of Campaign and others involved in the Land War, their ability to deal with the evicted tenants question was similarly restricted.

Owing to these restrictions, the estates commissioners had been unable to establish the scope of the evicted tenants problem or even identify the numbers involved.

¹⁸ Ibid.

¹⁹ Ibid., p. 17.

²⁰ Ibid.

In fairness to landlords who had or were in the process of selling, the Estates Commission had found that they had 'shown no unwillingness to reinstate the tenants evicted from them where their former holdings were in the landlord's hands, but where the former holdings were occupied by tenants the landlords cannot disturb the existing tenants'.²¹ The directions received by the estates commissioners hampered their work in that they could not assist in the reinstatement of evicted tenants except where an 'estate' was being sold under the act. Even where a 'planter' tenant signalled his willingness to give up the holding they could do nothing unless the 'estate' was being sold.

Many landlords were willing to restore the evicted tenants to their former holdings. However, where the evicted tenant's former holding was occupied, the only option was to create a new holding out of untenanted land and landlords, in general, were unwilling to sell such land because they could let it under the profitable eleven-month system. Furthermore, the evicted tenants had competition for the limited amount of untenanted land because such land was required under the act to relieve congestion, assist migration and enlarge uneconomic holdings. The sons of tenants and the landless were also eligible for holdings created out of untenanted land. The attorney-general for Ireland, John Atkinson revealed in March 1905 that untenanted land accompanying an estate was to go towards enlarging uneconomic holdings first and evicted tenants second.²²

The I.P.P. became increasingly frustrated by the lack of progress as regards the purchase of untenanted land and the relief of congestion. John Dillon began the year 1905 with a speech at Swinford, Co. Mayo, where he reiterated that the Wyndham Act was a 'dismal failure' in the congested districts due to the failure to procure grazing lands and to create economic holdings and the high purchase prices. He declared that the policy of conciliation towards the landlords had proved futile as they had refused to reciprocate the good will of the tenants.²³ The M.P. for East Mayo spoke again at Tuam, Co. Galway on 7 January where he called for compulsory purchase to be introduced in the west and for the abolition of the 'zones' which had inflated the price of land.

²¹ *Ibid.*

²² *Hansard 4*, cxlii, 676 (7 Mar. 1905).

²³ *F.J.*, 4 Jan. 1905.

Although the price 'zones' did not apply in the congested districts, Dillon argued that they had still raised prices in the west because landlords were determined to get the same prices for their lands as landlords in Munster and Leinster.²⁴

John Redmond opened 1905 with a speech in Roscommon town on 5 January. The I.P.P. leader avowed that the land question in the west would never be resolved until the grazing ranches were divided among the tenantry to create economic holdings. As Dillon had stated at Swinford the previous day, Redmond stressed that compulsory powers would be necessary to break up the grasslands.²⁵ At Portumna, Co. Galway on 8 January Redmond repeated his view on compulsory purchase. He announced that the grasslands would have to be compulsorily acquired 'either within or without the law—"upon my word"..."I don't care which"'.²⁶ The tone of the speech was more inflammatory and aggressive than any he had made since the act was passed. Redmond declared that there was a landlord conspiracy in the west which sought to force tenants to purchase at dangerously high prices. He claimed that landlords were taking advantage of the plight of tenants in the west enticing them to purchase by writing off a half year or a year's rent, which in their miserable condition, was often enough to make them agree to exorbitant terms. Some landlords also threatened legal proceedings for arrears of rent in order to force tenants to purchase. Lastly, the leader of the I.P.P. made a rather salient point concerning the 'bonus'. He warned landlords that the 'bonus' would be reviewed five years after the passing of the act and that if they refused to sell or persisted in holding out for extravagant prices, the generous terms on offer might be rescinded by future legislation.²⁷

T. W. Russell asserted that the failure of the land act in the west was as a result of the deliberate attempts of landlords to thwart the good intentions of the act by refusing to sell to the C.D.B. or the estates commissioners. Instead, landlords attempted to sell directly to the tenants at inflated prices and they refused to part with the grasslands which were needed to relieve congestion. In Russell's opinion, that was the crux of the problem and he recommended that the act be amended and compulsory

²⁴ *Ibid.*, 7 Jan. 1905.

²⁵ *Ibid.*, 6 Jan. 1905.

²⁶ *I.T.*, 9 Jan. 1905.

²⁷ *Ibid.*

purchase applied. Despite the fact that his main concern was Ulster, the M.P. for South Tyrone recognised that the western question was of primary importance and that it had to be resolved before the land question could be settled. He admitted that 'there... [were] other questions and other issues that ...[could] wait. The western problem demands instant settlement'.²⁸

The members of the I.P.P. were also keen to emphasise to the government that the 1903 land act had failed in the province of Connaught. Its failure in the west was akin to an outright failure as far as they were concerned. As John Redmond outlined: 'If the Irish Land Act of 1903 failed in Connaught it failed in Ireland. No number of sales of land to comparatively prosperous tenants in other parts of Ireland could by any possibility settle the Irish land question as long as the real seat of the disease remained untouched.'²⁹ The I.P.P. firmly believed that the redistribution of untenanted land to enlarge uneconomic holdings should be at the forefront of the Wyndham Act. However, by 1905 little progress had been made and they sought additional powers for the C.D.B. and the estates commissioners to tackle congestion and the evicted tenants question. Even some landlords, such as the earl of Dunraven, were ready to concede that the Wyndham Act was not tackling congestion:

Parliament intended that the effect of the act should be that the estates commissioners would obtain possession of a sufficient quantity of good land to add to these uneconomic holdings, and apparently that has not taken place... There is no question at all that the act is to a very large extent a failure as regards the uneconomic portions of the west, mainly in Connaught.³⁰

On 4 July 1905, John Redmond moved for the adjournment of the House of Commons due to the reactivation of sections of the Coercion Act in Co. Galway. The arrest of many members of the U.I.L. in the county on charges such as unlawful assembly was a source of grievance for the nationalists, who held that the meetings had simply been called to highlight the failure of the land act and the failure to break up the grasslands. Throughout July 1905 trials were heard at the Galway assizes and a number

²⁸ *F.J.*, 18 Jan. 1905.

²⁹ *Hansard 4*, cxlii, 1470 (14 Mar. 1905).

³⁰ *Ibid.*, cxlix, 689-90 (11 July 1905).

of men were accused of sending threatening letters, boycotting, unlawful assembly and various other forms of intimidation against graziers. Their object was to force graziers to give up their grasslands and the majority of the men tried were linked to the U.I.L.³¹ The government was accused by the I.P.P. of attempting to curry favour with unionists and the landlord class through the use of coercion. However, the I.U.P.P. emphasised that there was an ongoing illegal campaign to drive graziers off their lands and that the motion had only been raised because the government was cracking down on the U.I.L. so as to loosen its control in the western districts. George Wyndham's successor as chief secretary, Walter Long, dismissed allegations that the government was responsible for the sluggish operation of the act in the west and asserted that the act was making steady progress. In fact, he placed the blame for any breakdown of the measure on the I.P.P.:

The responsibility lay with hon. gentlemen opposite for retarding the operations of the act if they made speeches supporting a policy which sought to bring grass land into the market by illegitimate and coercive measures rather than by supporting the policy of maintaining the law and carrying out the development of the land act of 1903 by legitimate and peaceful methods.³²

Upon going to a division, the motion for the adjournment of the House of Commons was defeated by 176 votes to 136.³³

IV). Regulations.

The I.P.P. was angered and frustrated by Conservative government regulations which were hampering the efforts of the estates commissioners to solve the land question. The Conservative government claimed that the directions received by the estates commissioners were in the form of written correspondence which could not be published. The attorney-general for Ireland, John Atkinson, told the house that no formal regulations had been compiled but that confidential instructions had passed between George Wyndham and the commissioners. Wyndham had resigned as chief secretary at the beginning of March 1905 on health grounds. However, his resignation probably had more to do with the controversy which had erupted in 1904 over the nature of Sir

³¹ See *I.T.*, 19, 21, 22, 24 and 25 July 1905.

³² *Hansard* 4, cxlviii, 1097 (4 July 1905).

³³ *Ibid.*, col. 1071-1104.

Anthony MacDonnell's appointment as under secretary. Atkinson refuted the claims of the I.P.P. and T.W. Russell that such instructions were supposed to be printed.³⁴ The confusion and lack of transparency surrounding the regulations under which the estates commissioners operated worried the I.P.P. There was a lack of information about the act's operation and apart from the ad interim report of 1904, the estates commissioners had not issued another report. Both parliament and the public were in the dark as regards the act's operation and it was only in September 1905 that the first annual report of the estates commissioners was issued.

The Conservative government issued printed instructions to purchase inspectors in February 1905 and regulations in July. The regulations of July 1905 proved a major source of friction.³⁵ These only compounded the difficulties facing the estates commissioners in solving the issue of evicted tenants. In their report for the period up to 31 March 1906, commissioners Bailey and Finucane condemned these instructions and regulations as they 'contained provisions which, in the commissioners' opinion, seriously impeded the expeditious and efficient working of the act, especially in the matters of the acquisition of untenanted land...[and] the restoration of evicted tenants'.³⁶ However, commissioner Wrench differed in his views. He held that they should not comment on such issues and should follow the directions of the government of the day without comment.³⁷

The first regulation prevented the estates commissioners from favouring one class of sale over another. All sales of 'estates' or untenanted land whether in the Land Judge's Court, to the Estates Commission or direct to the tenants were to be treated equally. Effectively, the advances were to be allocated according to the date on which the agreement to sell was made. However, the commissioners had the power, in special circumstances, to accelerate or even defer the sale.³⁸ Sales to the estates commissioners

³⁴ *Ibid.*, col. 678-80.

³⁵ *Regulations made by the lord lieutenant under section (23) (8) of the Irish Land Act, 1903*, [Cd. 2604] H.C. 1905, lxxv. 559.

³⁶ *Report of the estates commissioners for the year ending 31st March, 1906 and for the period from 1st November, 1903, to 31 March, 1906*, iv, [Cd. 3148], H.C. 1906, xxv, 237.

³⁷ *Ibid.*, p. iv.

³⁸ *Regulations made by the lord lieutenant under section (23) (8) of the Irish Land Act, 1903*, [Cd. 2604] H.C. 1905, lxxv. 559

had been minimal. This prevented the execution of those sections of the act dealing with the improvement of estates and evicted tenants. Landlords, such as the earl of Dunraven, believed that the regulations would stifle any hope of implementing those sections because the current huge volume of direct sales between landlords and tenants would have to be dealt with first. Even if landlords could be persuaded to sell to the estates commissioners, they would have a lengthy wait before the large number of direct sales ahead of them was cleared. Sales in the Land Judge's Court would be in the same position. Dunraven argued then that the finance for land purchase should be divided between the three methods of sale which would alleviate the block in the land court and encourage more sales to the commissioners.³⁹

John Redmond denounced the new regulations as they had 'completely knocked the bottom out of the land act so far as the evicted tenants and the congested districts were concerned'.⁴⁰ He agreed with Dunraven's proposal that the £5,000,000 for advances should be divided up between the three methods of sale. The first regulation, by enforcing a first-come first-served policy, ensured that the huge volume of sales already agreed, which were nearly all direct sales, would have to take precedence. Redmond claimed that in the case of direct sales, landlords were auctioning off the bulk of their grasslands before the sale for a tidy profit. The only real chance of obtaining untenanted land for evicted tenants and to alleviate congestion was through sales to the estates commissioners. The first regulation would thus have a detrimental effect on such sales.⁴¹

Regulation two dealt with the issue of intimidation. However, it addressed tenant intimidation of landlords and ignored landlord intimidation of tenants. In all sales, the estates commissioners were to inquire as to whether or not any intimidation, direct or indirect, had occurred. Where they found evidence of such activity, the application for sale was to be put to the end of the queue.⁴² Lord Clonbrock welcomed the regulation

³⁹ *Hansard 4*, cxlix, 691-3 (14 July 1905).

⁴⁰ *Ibid.*, col. 1418 (20 July 1905).

⁴¹ *Ibid.*, col. 1418-20.

⁴² *Regulations made by the lord lieutenant under section (23) (8) of the Irish Land Act, 1903*, [Cd. 2604] H.C. 1905, lxxv. 559

and declared that the act was not thriving in the west because of U.I.L. intimidation.⁴³ The earl of Arran thought that the regulation would prove valuable and declared that 'the knowledge that intimidation is discouraged is of the greatest use, because this is not meant so much as punishment for the offender but as a warning to others, and if people in Ireland know that intimidation will be severely punished they will hesitate before they repeat it'.⁴⁴

The I.P.P. protested vigorously against the second regulation. Redmond saw the regulation itself as a form of intimidation against tenants as it would silence any criticism or discussion of a sale.⁴⁵ T.W. Russell was also unimpressed by the new regulations and claimed that they were proof that 'there was a conspiracy to undo the philanthropic part of the act'.⁴⁶ He questioned why intimidation by landlords had not been guarded against. He believed that some landlords were threatening to withhold bogs and using that threat to acquire an inflated price for their land. Yet the regulations did not provide any protection to tenants in such cases.⁴⁷ The earl of Dunraven was one of the few Irish landlords in the House of Lords who did not wholeheartedly approve of the intimidation regulation. He failed to see how the estates commissioners could identify intimidation and foresaw a single threatening letter preventing the sale of an estate.⁴⁸

It appeared that regulation three curtailed the Estates Commission's power to acquire untenanted land and to reinstate evicted tenants. Evicted tenants could only be given a farm on their original estate and the estate had to be up for sale. Evicted tenants who had lost their holdings 'in consequence of some general rent dispute' were to take preference.⁴⁹ This effectively confined the commissioners to dealing with tenants from 'Plan of Campaign' estates. The estates commissioners, in their reports, had outlined how the majority of those estates were already settled or were in the process of settlement. Despite that, there had been 4,275 applications to the commissioners from

⁴³ *Hansard 4*, cxlix, 702-4 (14 July 1905).

⁴⁴ *Ibid.*, col. 708-10.

⁴⁵ *Ibid.*, col. 1420-2 (20 July 1905).

⁴⁶ *Ibid.*, col. 1437.

⁴⁷ *Ibid.*, col. 1433.

⁴⁸ *Ibid.*, col. 693-4 (14 July 1905).

⁴⁹ *Ibid.*

persons claiming to be evicted tenants. The vast majority of these cases were now relegated in terms of importance.

The third regulation confined the commissioners to using any untenanted land acquired to reinstate a former evicted tenant, to enlarge the holding of a tenant on the estate or to provide a holding for his son and any tenant in the neighbourhood whose valuation was below £5. 'Neighbourhood of the estate' essentially meant right beside the estate so tenants from other areas could not be moved. Even if there was land available, the commissioners could not use it except for those specific purposes. Any other class of tenant could not be given a parcel of land. The migration of tenants from other congested areas was also ruled out. As the earl of Dunraven pointed out, the commissioners were 'not allowed to use it [land] in the way the act intended they should. The regulation restricts them to using the land in a particular manner. The effect of which is to absolutely stop migration'.⁵⁰ Indeed there was truth in Dunraven's assertion that the regulations effectively repealed sections of the 1903 land act.

Amazingly, the estates commissioners' report for the period up to 31 March 1905 stated that no advances for untenanted land under section eight of the 1903 act had been made although negotiations were pending for 5,277 acres.⁵¹ Under sections six, seven and eight, offers to purchase untenanted land had been made and there were ongoing negotiations for 56,858 acres.⁵² The report clearly demonstrated that there were severe difficulties in acquiring untenanted land and that little was being done to provide or improve holdings for those groups under section two of the 1903 act.

The fact that the vast majority of sales were direct sales between landlords and tenants curtailed the estates commissioners' ability to acquire untenanted land. As already mentioned, when such land was not part of a tenanted estate it could only be purchased under section eight. This confined the estates commissioners to the purchase of untenanted land that they considered to be essential to the resale or redistribution of estates sold to them or purchased from the land judge. As the bulk of the sales were

⁵⁰ *Ibid.*, col. 696.

⁵¹ *Report of the estates commissioners for the year ending 31 March 1905 and for the period from 1st November 1903 to 31st March 1905*, 6, [Cd.2742] H.C. 1906, xxv, 183.

⁵² *Ibid.*, p.51.

direct, the estates commissioners had little opportunity to purchase untenanted land. Under the regulations of 1905, they could only allocate parcels of untenanted land to those classes of tenants specified in section two. This regulation effectively ruled out the migration of tenants from other areas even if there was land available. Funds for improvements were to come out of the Reserve Fund which was wholly inadequate. The lack of finance and the difficulties in the acquisition of untenanted land meant that the act had made modest progress as regards congestion. Therefore the social, philanthropic and humanitarian objectives of the act, upon which George Wyndham had placed such emphasis, had not been realised.

A two-day National Convention of the U.I.L. was held on 6 and 7 December 1905 at the Mansion House, Dublin.⁵³ The land question and the 1903 land act featured prominently in the proceedings and the convention revealed the depth of dissatisfaction with the act. The delegates unanimously acknowledged that the act was a failure in the congested districts and in the west. This was attributed, in no small part, to the regulations restricting the commissioners. While land purchase was progressing rapidly in the rich lands of the north and the east, little progress was being made in the west where not land purchase but land redistribution was the measure urgently required. The failure of the estates commissioners to acquire untenanted land had retarded the execution of the philanthropic clauses of the land act such as the redistribution of land to create economic holdings and the migration of tenants from congested areas to new holdings.

In the general election of early 1906 the Liberal party swept to power with a sizable majority. The instructions and regulations issued by the Conservatives were replaced. The estates commissioners were allowed to approach the owner of an estate, even he was not selling under the act, and offer to purchase land in order to reinstate an evicted tenant. Lists of evicted tenants were to be drawn up to aid the process of acquiring land for them. As regards untenanted land, the estates commissioners could now investigate the possibility of purchasing such land as an 'estate' on its own or alongside an 'estate' being sold under the act. When parcels of untenanted land were

⁵³ *I.T.*, 7 and 8 Dec. 1905

allocated, under section two of the Wyndham Act, to evicted tenants or the other classes stipulated, the commissioners had to ensure that the tenant-purchaser had enough land to make an economic holding and that he would be able to repay his annuity. Lastly, the commissioners could act as arbitrators in disputes between landlord and tenants in the course of a sale.⁵⁴ The new regulations appeared to have been concentrated on those areas of the act which the I.P.P. felt were not being executed satisfactorily, namely evicted tenants and untenanted land. The regulation dealing with intimidation and the sale of estates was repealed and this undoubtedly influenced those nationalists who would become involved in the Ranch War. However, only time would tell whether or not the new regulations would make a difference

V). Report of the estates commissioners for the period ending 31 March 1906

In early September 1906, albeit six months late, the estates commissioners issued their annual report for the year up to 31 March 1906. Unlike the reports produced under the Conservative administration, which had been short and uninformative, the new report was comprehensive and almost twice as long. For the first time too the extraordinary differences of opinion between the three estates commissioners were revealed with W. F. Bailey and Michael Finucane making a series of recommendations to which Frederick Wrench refused to give his approval. Despite an increase in staff, the Estates Commission was still undermanned and its accommodation remained inadequate. Furthermore, the commissioners had to deal with over 600 parliamentary questions during the year 1905/6 alone.⁵⁵ Responding to the inquiries had interfered with their regular work and had delayed the issue of their annual report. As already mentioned, the regulations of July 1905 and the instructions to purchase inspectors of February 1905, supplied under the Conservative government, came in for severe criticism from Bailey and Finucane. The introduction of new regulations and instructions by the Liberals had resolved much of the difficulties.

⁵⁴ *Regulations made by the lord lieutenant in pursuance of the provisions of section 23 (8) of the Irish Land Act, 1903*, [Cd. 2834] H.C. 1906. c.577.

⁵⁵ *Report of the estates commissioners for the year ending 31st March, 1906 and for the period from 1st November, 1903, to 31 March, 1906*, ix, [Cd. 3148], H.C. 1906, xxv, 237.

Legal difficulties had impeded the working of the act. There had been uncertainty as to the powers of the estates commissioners, under sections six (sales to the commissioners) and seven (sales in the Land Judge's Court), to buy untenanted land as part of an 'estate'. If they were unable to do so then the question arose as to whether untenanted land sold on its own could be declared an 'estate' under section eight. It was uncertain if the commissioners could acquire untenanted land under section eight, except 'for the purpose of facilitating the resale or redistribution of particular estates actually purchased or proposed to be purchased'.⁵⁶ The treasury had refused to sanction money when an 'estate' consisted solely of untenanted land. However, in November 1905 the matter was settled in the Land Commission Court. The court sided with the commissioners and ruled that land entirely untenanted could be sold to the commissioners as an 'estate' under sections six and seven. The ruling undoubtedly furthered the estates commissioners' efforts to acquire untenanted land.

The treasury had created significant problems by refusing to authorise advances to tenancies created from untenanted land. The commissioners had been left in a situation whereby 'unless...[they] had persons coming within section two and four [advances to trustees for purposes such as turbarry] ready to take up such land, although they could let it to tenants, they would not have been able to sell to them, and would be compelled to remain in the position of landlords collecting rent from them'.⁵⁷ The treasury had maintained the same stance for over two years but not long into the Liberal government's tenure it had agreed to sanction advances.

Commissioners Bailey and Finucane had expressed anxiety about the financial security for the government in the sale of 'estates' which were congested or primarily consisted of uneconomic holdings. They feared that the tenant-purchasers would be unable to repay their annuities over such a long period. In such holdings, it was not the land that paid the majority of the rent but remittances from America.⁵⁸ Circumstances could change dramatically over the course of the repayment period of sixty-eight and a half years. Unlike rent, which could be reviewed every fifteen years, the annuities would

⁵⁶ *Ibid.*, iv.

⁵⁷ *Ibid.*, v.

⁵⁸ *Ibid.*, vii-viii.

have to be paid in full without any reduction for almost three-quarters of a century. The estates commissioners reported:

There is no certainty that the assistance obtained from outside sources will continue, and, if the holding comes into the hands of an occupier who does not or is not able to supplement the return from the holding by other means, there can be no security for an annuity which is not produced out of the land itself. The fact that large prices are often obtained for the right to occupy such holdings is not a proper or a safe basis for an estimate of security. These prices are due to local causes or the land hunger which the land legislation of recent years is intended to discount both in the fixing of fair rents and in estimating the security for purchase advances.⁵⁹

Commissioner Wrench, however, did not give any opinion on the subject but felt that matters such as money from America or changes in the market were unsuitable for inclusion in their report.⁶⁰

Cases had come before the estates commissioners where they had refused to declare a section of land an 'estate' due to the actions of the landlords. Some landlords had divided up their untenanted land and auctioned it off for rent to graziers or substantial farmers. Subsequently, the landlord proceeded to sell the land to the new occupier under the Wyndham Act. These methods, apart from inciting the anger of the other tenants in the area and those other groups who also hoped to obtain a parcel of untenanted land, allowed the landlord to make a significant financial profit. In such cases, commissioners Bailey and Finucane felt the actions of landlords were in breach of the ideals of the act and they held that such vendors had no entitlement to the 'bonus'. Wrench, however, declared that, upon inquiry, he had discovered only three such cases had officially come to their attention. He stressed that there was nothing in the act to make such transactions illegal so long as the tenancy was real and the transaction genuine.⁶¹

The estates commissioners had also come across instances whereby agreements to fix judicial rents had not been genuine but had been made 'for the purpose of bringing the cases within the 'zones', and thus withdrawing them from the jurisdiction of the

⁵⁹ Ibid., viii.

⁶⁰ Ibid., viii

⁶¹ Ibid., viii-ix.

commissioners as to equity of price and security'.⁶² They had refused to recognise these as judicial rents but held that they were agreements outside the 'zones'.

VI). The C.D.B. and the western problem.

The fifteenth annual report of the C.D.B., for the year ending 31 March 1906 was issued in early October 1906. Under the Wyndham Act the board had purchased 103 'estates' for £1,220,135 up to that date. These 'estates' consisted of 263,175 acres of which 68,306 was untenanted land.⁶³ The C.D.B had encountered a number of difficulties in its attempts to address congestion. The costs involved in migrating tenants and improving estates had been a considerable drain on its resources. The board hoped the treasury would sanction a loan from the Board of Works to assist it in its attempts to enlarge tenants' holdings. The C.D.B. also felt that new legislation was urgently needed in two areas. Firstly, there was considerable trouble clearing title in cases where tenants were being migrated or were exchanging holdings on estates purchased. Secondly, the board wished to amend section seventy-five of the Wyndham Act which dealt with purchases by the board of congested estates which were not located in the congested districts. The board appealed for greater powers to tackle congestion in the area of these congested estate as their powers outside their designated districts were limited under the 1903 act.⁶⁴

Dissatisfaction with the Wyndham Act was not confined to the I.P.P. The independent unionist T.W. Russell bemoaned the absence of compulsion and felt that this was the cause of the act's failure in the west:

The big well-to-do farmers of Kildare - the men whose ancestors were brought by the duke of Leinster from Scotland after the famine - have all bought their land under the act, and the Leinster estate has ceased to exist as such...But the wretched holders of small bog holdings in the west are still left in their misery...This is the most serious point of failure. With the west unsettled nothing is settled...In a word, both the estates commissioners and the Congested Districts

⁶² *Ibid.*, ix. See chapter three for discussion of the 'zones' and judicial rents.

⁶³ *Fifteenth report of the Congested Districts Board for Ireland for the year ending 31st March, 1906*, 8 [Cd.3161] H.C. 1906, xcvi, 493.

⁶⁴ *Ibid.*, p. 11.

Board must have compulsory powers against men who persist in a whole province being steeped in misery, with the means of relief at hand.⁶⁵

The Liberal chief secretary, James Bryce, was sympathetic to nationalist grievances. He pointed out that the replacement of the Conservatives' regulations ought to expedite reform in the areas of untenanted land and the evicted tenants. Furthermore, he indicated his support for the establishment of economic holdings through the redistribution of land.⁶⁶ Despite the chief secretary's benevolence, the questions of congestion, evicted tenants and untenanted land would continue to resurface in parliament.

'Connaught was responsible for the act of 1903, but Connaught, that deserved most, had derived least from it. As a remedy for congestion the act of 1903 was a failure'.⁶⁷ This statement by Conor O'Kelly, M.P. for North Mayo, on 28 June 1906 typified the attitude of the I.P.P. to the failure of the act in the province and in the west of Ireland. I.P.P. calls to introduce compulsory purchase or even pre-emption, rejected during the debates on the 1903 land act, were becoming increasingly vocal among its M.P.s in the House of Commons.

The fact that the vast majority of sales were made directly between landlords and tenants and not to the estate commissioners was of consequence. Neither the C.D.B. nor the commissioners could acquire sufficient untenanted land to relieve congestion and enlarge uneconomic holdings. According to T. W. Russell:

When the western sections of the act were being passed, Mr. Wyndham...provided for the sale of congested estates to the estates commissioners or to the Congested Districts Board. Special inducements were given to sales under these sections. The cost of sale was borne almost entirely by the state, and the commissioners were authorised in such cases to spend money upon the improvement of the holdings. The policy was excellent. But the landlords have ruined it. They quickly discovered that if they sold to the estates commissioners the land would be inspected by an expert valuer, and its price would depend on its value. This was not their idea of how things should be done. They preferred to sell to the tenant direct, against whom they could use the screw of arrears of rent, and from whom they could exact a higher price.⁶⁸

⁶⁵ Russell, 'The Irish land question: what remains to be done', p. 10.

⁶⁶ *Hansard* 4, clvi, 813-18 (3 May 1906).

⁶⁷ *Ibid.*, clix, 1162 (28 June 1906).

⁶⁸ Russell, 'The Irish land question: what remains to be done', p. 9.

A royal commission to inquire into congestion was proposed which the I.P.P. hoped would serve as a precursor to comprehensive legislation on untenanted land and the congested districts. The Liberal government proved receptive to the idea of a commission on congestion. The chief secretary, James Bryce, announced that 'His Majesty's government had come to the conclusion that an inquiry into the problem of congestion in Ireland would be a very proper and seasonable inquiry.'⁶⁹ The commission would be chaired by the earl of Dudley with Walter Callan, assistant secretary to the lord lieutenant, appointed as secretary. The other members of the commission included Sir Anthony MacDonnell, the bishop of Raphoe, Sir John Colomb, Sir Francis Mowatt, J. Annan Bryce, Conor O'Kelly, Angus Sutherland and W. McMurrough Kavanagh.

VII). The Land Conference reconvenes to consider the evicted tenants question.

In October 1906, all the members of the Land Conference reconvened in Dublin with the exception of John Redmond and the earl of Mayo, to consider the question of the evicted tenants. The proposal for the Land Conference to reassemble had been put forth by the Cork Evicted Tenants' Association as the Wyndham Act had failed to resolve the issue. Redmond declined to attend, arguing that the 'remedy...[was] not to be found in an attempt to reconstitute a body whose functions [had] been fulfilled.'⁷⁰ At Grange, Co. Limerick on 23 September, Redmond had confirmed that the I.P.P. intended to pursue the acquisition and break up of the grasslands in partnership with the reinstatement of evicted tenants.⁷¹ Despite his wish to resolve the evicted tenants question, Redmond could not afford to exacerbate the tensions within the I.P.P. With Dillon's contempt for the Land Conference common knowledge, Redmond chose to abstain from the reconvention of the Land Conference to avoid splitting the party.

On 22 October 1906 the report of the reconvened Land Conference was published in the press.⁷² A copy of the report was sent to the Liberal prime minister, the chief secretary and the lord lieutenant. The conference members recognised that unless

⁶⁹ *Hansard* 4, clix, 1208, (28 June 1906).

⁷⁰ *I.T.*, 20 Sept. 1906.

⁷¹ *I.I.*, 24 Sept. 1906.

⁷² See *F.J.*, 20 Oct. 1906.

the evicted tenants question was settled, the Irish land question would never be resolved. They admitted that the sections of the Wyndham Act dealing with the problem had failed. This was attributed, for the most part, to the constraints placed on the estates commissioners who were confined to estates being sold under the act. Secondly, the commissioners were restricted in that the tenant could only be put back on his original estate if it was up for sale and if there was surplus land on it or he could be given a holding on another estate being sold. The Land Conference members argued that the commissioners needed to be given wider and more defined powers to deal with the issue.

The conference members recommended a simplification of proving title, an increase in staff for the Estates Commission and that the Reserve Fund, from which money for improvements was obtained, be taken out of the control of the treasury and put in the commissioners' hands. It was proposed that the Reserve Fund be used exclusively for dealing with evicted tenants so long as sufficient finance was provided to cover the other sections of the act which relied upon the fund. With the bulk of the sales being direct sales between landlords and tenants and not to the estates commissioners, the commissioners were restricted in their ability to restore evicted tenants. The only section of the report where the Land Conference members failed to unanimously agree was the recommendation to introduce compulsory purchase to assist in the reinstatement of evicted tenants. The earl of Dunraven, Colonel Nugent Everard and Colonel Hutcheson-Poe did not support that recommendation citing that more tenants had been reinstated by landlords than by the Estates Commission. They held that it was the regulations introduced by the Conservative government which had restricted the resolution of the issue but now that they had been ousted from government and the regulations withdrawn, they hoped ensure greater progress would ensue under the Liberals.

The 1906 Land Conference report was savagely attacked by John Dillon. He viewed the conference as an attempt by Dunraven and other moderate landlords to replace the I.P.P. as the dominant force in Irish politics. As for the report, he declared that it did not 'contain one single practical suggestion of the smallest value...[and

showed] an incredible ignorance of the history of the question'.⁷³ The question of evicted tenants came in for further scrutiny when John Redmond moved a motion for the adjournment of the House of Commons, in order to have the matter discussed in October 1906. With the publicity that the Land Conference's report received, Redmond was probably trying to retake the initiative on the question and reaffirm the commitment of the I.P.P. to the evicted tenants.

According to James Bryce, who had been appointed chief secretary by the Liberals after their 1906 election success, there were four main reasons for the previous lack of progress in reinstating the evicted tenants. Firstly, many 'planter' tenants simply refused to give up the holdings they occupied. Secondly, there was a shortage of untenanted land which landlords would agree to sell. Thirdly, evicted tenants from outside a locality often encountered hostility from the locals who felt that their needs should be catered for before introducing outsiders. Finally, certain landlords were simply unwilling to give up the former holdings of evicted tenants that they held.⁷⁴

The I.P.P. held that the settlement of the question was vital if the land question was ever to be solved. The leader of the party, John Redmond, was not slow to remind the government in the House of Commons of the pledges which had been given in 1903:

He said without hesitation that the Land Act of 1903 would never have been carried were it not that that land bill held forth the promise, and that the promoters of the bill in the most explicit way held forth the promise in public and in private that it would mean the speedy settlement of the question of the evicted tenants.⁷⁵

Initially the I.P.P. had blamed the regulations imposed by the Conservative government for the delays in reinstatement. However, even after those regulations had been withdrawn by the Liberals, they found that very little progress had been made. While the Liberal government had cited a number of reasons for this, the I.P.P. put it down to two distinct causes, the unwillingness of landlords to sell untenanted land and the refusal of those tenants who held evicted holdings to relinquish them. Their solution to these

⁷³ *Ibid.*, 22 Oct. 1906.

⁷⁴ *Hansard* 4, clxiii, 716-7 (29 Oct. 1906).

⁷⁵ *Ibid.*, col. 779.

obstacles was to give the estates commissioners compulsory powers to reinstate the evicted tenants.

During the Wyndham Act's passage through parliament the unionist position had been reasonable and conciliatory but by 1906 this had all changed. The I.U.P.P. believed that the I.P.P. were using the evicted tenants question as a weapon to achieve political goals. They were concerned almost solely with the progress of land purchase and were anxious that time, staff and finance which ought to be utilised to further the transfer of land would be diverted towards others aspects such as evicted tenants. With land purchase floundering due to financial difficulties, the I.U.P.P. was keen that efforts would not be wasted on what they considered a minor objective of the act. They were opposed to 'estates' with evicted tenants being given preference over other 'estates' being sold and to the introduction of compulsion in order to move the 'planter' tenants. Upon Colonel Saunderson's death in October 1906, the former Conservative chief secretary, Walter Long, M.P. for Dublin County South, had become the leader of the I.U.P.P. in the House of Commons. He epitomised the unionist attitude: 'At present many landlords and tenants who had entered into arrangements were being kept waiting, and every step of this kind meant more delay for them.'⁷⁶

The frustration felt by the I.P.P. manifested itself in November 1906. A bill was introduced, by W. J. Duffy, M.P. for South Galway, to expropriate the estates of the marquess of Clanricarde. There was a large number of evicted tenants from the estate who the marquess refused to reinstate or even negotiate with. Duffy revealed that a 'state of unrest and disaffection, constantly bordering on rebellion and civil war' existed on the estate and in the adjoining areas.⁷⁷ The Liberal prime minister, Sir Henry Campbell-Bannerman, was sympathetic and declared that it was 'distressing beyond measure that a great landlord like... [Clanricarde] should use and abuse his powers'.⁷⁸ While the government empathised, the bill was not taken any further as the parliamentary session was almost over.

⁷⁶ Ibid., col. 811.

⁷⁷ Ibid., clxvi, 89 (28 Nov. 1906).

⁷⁸ Ibid., col. 92.

In early February 1907, John Redmond and John Dillon received a deputation representing the evicted tenants from the Clanricarde and Lewis estates in Co. Galway. These were the only estates, investigated under the evicted tenants commission of 1893, which remained unresolved. The deputation outlined how the estates commissioners had had no success and they hoped that the I.P.P. would highlight their plight. Redmond responded by predicting that compulsory purchase was inevitable if the evicted tenants question was to be confronted and he hoped that it would arrive in the coming parliamentary session.⁷⁹

Just over a week later the I.P.P. drew attention to the evicted tenants question in the House of Commons. J. P. Hayden, M.P. for South Roscommon, seconded by Hugh Law, M.P. for West Donegal, proposed that the Wyndham Act had not solved the evicted tenants question and that urgent action needed to be taken to restore the tenants to their old holdings as speedily as possible.⁸⁰ John Dillon reiterated that the 1903 act had only been passed because the I.P.P. had been promised that the evicted tenants question would be resolved. Yet after more than three years the situation remained unacceptable.⁸¹

The new Liberal chief secretary, Augustine Birrell, had replaced James Bryce in early 1907, after Bryce was appointed British ambassador to the United States. The Conservatives had pledged to find a solution to the evicted tenants question but they had failed to do so, and the onus was now on the Liberal government to honour that pledge. According to Birrell:

The bargain was made and the people for whose benefit it was made now come to us, pointing out that three and a half years have gone by, and those promises are only very partially fulfilled. That is the general spirit in which we approach the bargain, I recognise the obligation, I admit the length of time, and I agree as cordially as any man can do that this is a question that brooks no delay, not only in the interests of the evicted tenants themselves, but in the interests, for which I am particularly responsible, of peace and order in Ireland.⁸²

⁷⁹ *I.T.*, 7 Feb. 1907.

⁸⁰ *Hansard 4*, clxix, 340-1 (14 Feb. 1907).

⁸¹ *Ibid.*, col. 341-52.

⁸² *Ibid.*, col. 364-5.

Birrell's announcement was greeted with enthusiasm by the I.P.P.. There was the prospect of future legislation, with the possibility of compulsory purchase being introduced to resolve the evicted tenants question.

VIII). The Ranch War.

A new movement which sought to break-up the grazing ranches was launched in Co. Westmeath on 14 October 1906. Following the appointment of a royal commission to examine congestion in the west, nationalist M.P.s such as Laurence Ginnell (North Westmeath) anticipated that legislation would be introduced to permit the compulsory purchase of grasslands in the congested districts. However, there were also plenty of grazing ranches in the midlands, Leinster and north Munster. Ginnell and his supporters were determined to ensure that the rest of the country would not be left behind. The *Freeman's Journal* reported Ginnell:

For a long time past they had been hearing a demand for the distribution of the untenanted land in Connaught. He had always maintained that the people of Leinster and Munster had an equal right to have the grazing lands distributed...he (Mr. Ginnell) did not propose to allow any measure to pass which did not include the grazing lands of Meath, Westmeath, King's County and Kildare and Tipperary from which the people had been exterminated. He sympathised with any effort to split up the untenanted land of Connaught, but why, he asked, should not the untenanted land of Leinster and Munster be divided up amongst the people?⁸³

John Hayden, M.P. for South Roscommon, and Dennis Kilbride, M.P. for South Kildare, accompanied Ginnell at the movement's initiation in October 1906 at The Downs just outside Mullingar, Co. Westmeath. The M.P. for North Westmeath advocated a method of agitation known as cattle driving. The agitation was aimed at graziers and those who held land on the eleven-month system. The *Irish Times* reported his speech:

If the graziers found their ranches empty some fine morning, and after six or eight weeks found their cattle not all together, but some in Connaught, some in Munster and some among the Wicklow mountains...and some in the glens of

⁸³ *F.J.*, 16 Apr. 1906.

Antrim: and if they persisted in it from now until next Christmas, the ranchers would lose their taste for people's land...leave those ranches unfenced, unused, unusable, unstocked, uncut, to bleed and wither and whiten and rot before the world.⁸⁴

Ginnell intended to launch a vigorous campaign that would pressurise the government into breaking up the grazing ranches, not just in congested districts but throughout the country.

Following Laurence Ginnell's advocacy of a war on graziers and the eleven-month system, it was not long before a period of agrarian unrest, which would become known as the Ranch War, began. Historians have tended to date its commencement from the date of Ginnell's speech at The Downs in October 1906. However, agrarian discontent had been simmering away in Connaught and areas of the west since the introduction of the Wyndham Act in November 1903. Much of the agitation had been directed towards landlords in an attempt to force them to sell or to offer better terms for purchase. As time passed, pressure mounted on landlords to sell their grasslands so they could be redistributed, and on graziers to surrender the land that they held under the eleven-month system. As tenants on small holdings in the west and throughout Ireland began to purchase they quickly realised that the ownership of their holdings did not make them economically viable overnight. They saw that the grazing ranches and grasslands would have to be broken up and redistributed in order to consolidate their farms and to create new economic holdings.

Furthermore, there were several groups who had not benefited from the Wyndham Act. Disinherited farmers' sons, the landless and other sections of the agricultural community had seen the operation of the Wyndham Act as a chance to obtain holdings of their own but they had been disappointed. The evicted tenants and labourers, for whom the Wyndham Act had achieved little, realised that their only hope of acquiring land lay in the break up of the untenanted grasslands.

The agitation was encouraged by a number of junior I.P.P. members who had viewed the Wyndham Act with distrust and by late 1906 had become disillusioned with its provisions and its lack of progress in the acquisition of untenanted land. Laurence

⁸⁴ *I.T.*, 15 Oct. 1906.

Ginnell opined that 'it is the greatest landlord relief act ever passed, the most extensive and successful raid ever made upon the pockets of the Irish people, and its 'zones' relating to tenanted land the greatest instrument of extortion ever invented'.⁸⁵ Aside from Ginnell, the other principal I.P.P. figures were J. P. Hayden (South Roscommon), J. P. Farrell (North Longford), David Sheehy (South Meath), Dennis Kilbride (South Kildare) and John Fitzgibbon (chairman of Roscommon County Council). The chief weapon employed was the driving or scattering of cattle. The agitation also involved boycotting and other forms of social ostracisation against graziers, landlords and those associated with the grasslands. Grazing tenancies usually ended on 1 May each year and the approach of that date in 1907 saw an escalation in agitation.

On 26 April 1907, for example, approximately 1,000 people marched to the home of a grazier near Elphin, Co. Roscommon and sought to intimidate him into surrendering a farm he was renting under the eleven-month system.⁸⁶ A few days later in the same county, a large crowd which including a band succeeded, despite clashes with the R.I.C., in scattering the cattle of two graziers. The agitation was not confined to Connaught and soon spread to other areas of the country. In King's County, for example, Nathaniel Luttrell, a merchant who held land on an eleven-month tenancy, had his livestock on the Slieve Bloom Mountain driven through Roscrea town to his house door.⁸⁷ On 2 May 1907 a large crowd clashed with police in Athenry, Co, Galway when they were prevented from demonstrating in front of the home of a grazier.⁸⁸ Such incidents became increasingly common in many areas of the country throughout 1907. The anti-grazing movement deliberately appealed to the landless young men in rural society who had few other prospects except emigration as Laurence Ginnell recorded:

What the landless country people watch particularly is - how soon they are going to get the land. Less than that will not do; and they cannot afford to wait either, but must get it at once or move towards the emigrant ship. Why should they sacrifice themselves for the convenience of noble lords and gentlemen who are indifferent and to whom they are under no obligation.⁸⁹

⁸⁵ Laurence Ginnell, *Land and liberty* (Dublin, 1908) p. 96.

⁸⁶ *I.T.*, 27 Apr. 1907.

⁸⁷ *Ibid.*, 2 May 1907.

⁸⁸ *Ibid.*, 3 May 1907.

⁸⁹ Ginnell, *Land and liberty*, p. 218.

Judge Ross, who presided over the Land Judge's Court, condemned the agitation and outlined that there was a:

widespread and audacious conspiracy at present rampant in the west of Ireland...this was actually a conspiracy which on ordinary moral grounds amounted to highway robbery, to seize on these grasslands, to drive away the stock of the people who had been in the habit of taking it, and then, and then when the owner had been starved out, the estates commissioners were expected to buy up the property and to distribute it among the very people who had been urging on the business, and who had been engaged in these outrages and unlawful assemblies.⁹⁰

On 4 and 5 June 1907, the anti-grazing campaign was debated in the House of Lords and a heated discussion ensued. The Irish landowners in the house called on the government to stamp out the agitation which they believed was being orchestrated by the U.I.L. They maintained that the inflammatory public speeches of many nationalist members had incited the people. The marquess of Londonderry accused the government, through its failure to tackle the disturbances, of perpetuating the false belief that it supported this unlawful campaign. In his opinion, the retraction of the intimidation regulation had persuaded some that the government was secretly in favour of their crusade.⁹¹

Lord Clonbrock agreed with Londonderry's comments. He held that 'the people are firmly convinced that while the government would repress any overt act of violence, they look with no unfavourable eye on the agitation...as it may lead to the grass lands being sold by landlords at a low rate'.⁹² The government representatives in the Lords acknowledged that there was unrest and lawlessness in certain districts but claimed that it was being addressed and prosecutions were taking place. They contended that the country was not in such a state of anarchy as was claimed by some Irish landlords. However, Irish landlords and their supporters in the house were enraged by the statement of the Liberal peer, Lord Denman, that although cattle driving was a crime it could not be 'considered a crime of a very serious nature'.⁹³

The earl of Donoughmore accused the agitators of using their campaign to obtain the grasslands at extremely low prices. He declared that the eleven-month system was

⁹⁰ *I.T.*, 18 May 1907.

⁹¹ *Hansard 4*, clxxv, 434-43 (4 June 1907).

⁹² *Ibid.*, col. 447.

⁹³ *Ibid.*, col. 450.

not unlawful and should be protected by the government.⁹⁴ Lord Ashbourne lambasted the government for its handling of the agitation. He declared that the country was in the midst of a revolution, whose chief weapons were cattle driving, boycotting, intimidation, malicious injury and terror.⁹⁵

Many landlords believed that there were many more incidents that were not being reported because people had little faith in the R.I.C. taking firm action against the perpetrators. The letting of land under the eleven-month system was a hugely valuable source of income for the landowning class and the anti-grazing agitation was a direct threat to their interests. The Liberal government's retraction of the regulation relating to intimidation was viewed as one of the precipitants of the agitation. The belief that the government was sympathetic to the movement was widespread. This, in turn, only motivated the campaigners to redouble their efforts. From the agitators' viewpoint, if the grazing lands remained unlet, the landlords would be forced to sell to the estates commissioners or the C.D.B.

By the end of June 1907 conditions had deteriorated to such an extent that Lord Ashbourne declared the following in the House of Lords:

The west of Ireland is at the present moment so disturbed as to be in a state almost of civil war. It is not suggested that there is a wide state of general crime in the seven or eight counties where lawlessness exists, but it is asserted that there is what amounts to a conspiracy to make the lives of those who own these grass lands a burden, and either to compel them to surrender their lands, or to induce them, when their lands are reduced almost to the zero value, to sell at gross under-valuation.⁹⁶

There were calls in the House of Lords to proclaim the U.I.L. as an illegal organisation under the Coercion Act. Landlords felt that the organisation was fanning the flames of discontent in order to bring about the sale of the grasslands at low prices. Suggestions that the extent of the agitation was being grossly exaggerated by unionists for political means were refuted by the earl of Arran:

I know that the accusation has been made against Irish unionists that we try to make out that the condition of Ireland is worse than it is in order to prejudice the

⁹⁴ Ibid., col. 615-20 (5 June 1907).

⁹⁵ Ibid., col. 633-39.

⁹⁶ Ibid., clxxvi, 828 (24 June 1907).

English mind against granting home rule. I would be very sorry to think that anyone in a responsible position would stoop to believe a suggestion so baseless.⁹⁷

In the House of Commons the chief secretary, Augustine Birrell, was quick to emphasise that the government would not tolerate lawlessness and that it was tackling the agitation as best it could. The R.I.C. simply could not watch the stock of all graziers continuously. Cattle driving often occurred at night and the chances of the police intercepting the drivers in the dark of the countryside were slim. Likewise the drivers often numbered hundreds of people and would not be dissuaded by a handful of police.

While condemning cattle driving the chief secretary, Augustine Birrell, could see how the unrest had arisen. In his opinion, the furore surrounding the Wyndham Act had led people to believe that the land would be transferred rapidly and that the untenanted grazing ranches would be swiftly broken up and redistributed. With congested areas and small holdings usually bordering the grazing lands, it was easy to see how discontent could arise. Birrell also held that graziers had done little to assist the R.I.C. or to protect their stock:

But these graziers had grown so much into the habit of having police protection that they would do nothing to protect themselves. Often when the police gave them notice of a contemplated cattle drive from their lands, they neglected to turn up to assist the police even in the most important work of the identification of the offenders... These people had learned to rely on the Irish Constabulary, and had neglected their own powers of defence and their own instincts of preservation. He would not say that they should take firearms for their defence, but at least there should be there to assist the police against the ruffians of the neighbourhood and to identify their own property.⁹⁸

Birrell was loath to implement coercion as it would incite further agitation. However, he believed that the acquisition and division of grazing lands was vitally important in removing the causes of the unrest.⁹⁹

Throughout July and August 1907 numerous meetings were held in the west, the midlands and north Munster. Laurence Ginnell was particularly active, concentrating on

⁹⁷ *Ibid.*, col. 818.

⁹⁸ *Ibid.*, clxxix, 223 (25 July 1907).

⁹⁹ *Ibid.*, col. 220-27.

the counties of Westmeath and Meath. At Killelagh, Co. Westmeath, on 15 July he cautioned the crowd against violence but simultaneously maintained that the government did not consider cattle driving to be a serious crime, obviously taking his lead from Lord Denman's statement in the House of Lords.¹⁰⁰ Ginnell was keen to avail of section two of the Wyndham Act which enabled landless groups to obtain parcels untenanted land. In essence, not enough untenanted land was being sold and divided in his opinion:

The section of the agrarian agitation known as the anti-ranching movement has, in addition to its inherent moral strength, this legal justification - that its object is largely to make existing law operate. We are not concerned with the secret motives of statesmen in enacting provisions for distributing untenanted land among people in need of it, and then secretly preventing the operation of these provisions. Those provisions may have served the statesmen's purpose in helping the passage of the operative provisions favourable to the monopolists [landlords]. The people want to make their ostensible purpose their real one by making them operate.¹⁰¹

In August 1907 Ginnell spoke before the Navan Board of Guardians advocating the break-up of the grazing ranches and the redistribution of the land. He stressed that the campaign ought to be 'carried on in Meath without injury to man or beast, because in that method only their strength lay'.¹⁰² The M.P. for North Westmeath acknowledged that many graziers were nationalists, nonetheless he asserted that the eleven-month system had to be destroyed or young men would be forced to emigrate.

In late August 1907, the six counties of Clare, Galway, Longford, King's County, Leitrim and Roscommon were proclaimed under the Coercion Act. These counties were considered to be in a state of disturbance and extra police were to be immediately dispatched to restore peace to the areas. On 27 August news emerged that J. P. Farrell and fifteen other U.I.L. members had been arrested for 'riotous and unlawful assembly' at grazing ranches near Newtownforbes, Co. Longford. The men were all members of or linked to the South Longford branch of the league.¹⁰³

The government came in for fierce criticism for its lax attitude to the anti-grazing campaign. On 30 August the Irish Unionist Alliance met in Dublin to express its anger

¹⁰⁰ *I.T.*, 16 July 1907.

¹⁰¹ Ginnell, *Land and liberty*, pp 181-2.

¹⁰² *Meath Chronicle*, 17 Aug. 1907.

¹⁰³ *I.I.*, 28 Aug. 1907.

about the lawlessness that prevailed in many areas of the country. Lord Denman's statement that cattle driving was not a serious crime and Birrell's admonishments to graziers to defend their lands had angered many unionists. James Campbell, M.P. for T.C.D., was enraged by the lack of government action against those I.P.P. members, such as Ginnell, who incited crowds at public meetings to attack the grazing system. Indeed many at the meeting felt that there was support among certain sections of the government for the campaign.¹⁰⁴

With the end of the parliamentary session in late August 1907, those I.P.P. members in favour of the campaign began to appear regularly at public meetings in the disaffected areas. Ginnell spoke at Kill in South Meath on 1 September, where he urged his audience 'to make it known far and wide that the 11 months system would not be allowed to continue in this country (hear, hear). They should not give the rancher 24 hours more peace or grace'.¹⁰⁵ David Sheehy, M.P for South Meath, warned graziers at Dunbooyne on 22 September that if they took up an eleven-month lease, they would be in breach of the wishes of the populace and would have to bear the consequences.¹⁰⁶

Judge Curran, at the opening of the Longford quarter sessions in October 1907, condemned the cattle driving conspiracy which he viewed as an attack on private property. He protested that cattle driving, along with associated boycotting, was a serious crime and one which urgently needed to be addressed.¹⁰⁷ Aside from cattle driving, the weapons used against the graziers included boycotting, threatening letters, the knocking of walls and various other forms of intimidation. Many instances went unreported, and even if they were, the options of the R.I.C. to deal with them were limited. Moreover, where individuals were prosecuted for cattle driving, it was next to impossible to find a jury able or willing to convict the drivers.

In December 1907 Ginnell gave a most revealing interview to the *Midland Reporter* where he confided that compulsory purchase would have to be introduced throughout Ireland. He vented his frustration at those I.P.P. members who were willing

¹⁰⁴ Ibid., 31 Aug. 1907.

¹⁰⁵ *Meath Chronicle*, 7 Sept. 1907.

¹⁰⁶ Ibid., 28 Sept. 1907.

¹⁰⁷ *I.T.*, 22 Oct. 1907.

to settle for compulsory purchase in the west only. In order to force Augustine Birrell to introduce legislation to break up untenanted land in the midlands, he firmly believed that the grazing ranches would have to be kept clear of stock.¹⁰⁸ Soon after, Ginnell was arrested and sentenced to six months in prison. The charge against him, which was imposed by Judge Ross, was contempt of court for promoting cattle driving on an estate held by the Land Judge's Court.

IX). Unionist and landlord opposition to the Ranch War.

While the anti-grazing campaign had escalated following the end of the parliamentary session for 1907, an opposing campaign had been launched by Irish unionists and landlords with the support of many Conservative party members. The issues of law and order and the failure of the Liberal government to address the anti-grazing agitation were its principal grievances. Walter Long, leader of the I.U.P.P., declared at Coleraine, Co. Londonderry on 7 October that the U.I.L. was the only authority in some parts of the country where the government had completely failed to uphold law and order. Long condemned cattle driving and he railed at the government's failure to stamp out the inflammatory speeches of men such as Laurence Ginnell.¹⁰⁹

James Campbell, M.P. for T.C.D., addressed the cattle driving issue at a meeting of St. Mattias' Y.M.C.A. in Dublin, on 21 October 1907. He repeated the accusation made by many other unionists that there was sympathy for the anti-grazing movement within the Liberal government. He felt that its timid reaction to the agitators was proof of its partiality. In Campbell's opinion, the effect of the agitation 'if allowed to continue, would be to kill one of the greatest of Ireland's industries by which more money was brought into the country, more employment given, and more capital circulated than any other'.¹¹⁰

The unionist campaign was not confined to Ireland but had spread to the United Kingdom. At the conference of the National Union of Conservative Associations in

¹⁰⁸ *I.L.*, 20 Dec. 1907.

¹⁰⁹ *I.T.*, 8 Oct. 1907.

¹¹⁰ *Ibid.*, 22 Oct. 1907.

Birmingham on 14 November, S. H. Butcher, M.P. for Cambridge University and a Kerry landlord, lamented the state of unrest in Ireland as a result of the cattle driving campaign. He also underlined the detrimental effect it would have on one of Ireland's principal industries, namely the export of cattle to Britain. Indeed he compared the virulence of the agitation to the campaigns waged in Ireland during the 1880s. A. J. Balfour also joined in criticising the Liberal government at a Conservative meeting in Devonport, England on 9 December. He alleged that disorder was on the increase and, if unchecked, would have catastrophic results in Ireland.¹¹¹

Pressure was mounting on the government as a result of the anti-grazing movement and the disquiet among unionists and landlords. In addition, the rejection of the Irish Council bill by a National Convention of the U.I.L. in May 1907 had added to the tension between the Liberals and the I.P.P.¹¹² T. W. Russell, who had been appointed vice-president of the Board of Agriculture by the Liberals in May 1907, spoke at the Dublin and County Liberal Association on 22 October.¹¹³ He stressed that the land purchase acts had not solved the western question and that the anti-grazing agitation would only be brought to an end by the introduction of legislation. The *Irish Independent* reported that Russell announced that 'the grazing ranches and the untenanted land would have to be acquired in order that it should be distributed among the people now living in bogs and ditches. When this western problem was settled they would have got rid of agrarian trouble and cattle driving would cease to worry Mr. Walter Long and the *Irish Times*'.¹¹⁴

Landlord fears about the spread of lawlessness, were evident at the annual meeting of the Cork Defence Union on 19 January 1907. The chairman, Lord Barrymore, voiced their concerns in his statement that he did 'not think we can say that the state of affairs in the country is very satisfactory, nor that the outlook is a particularly

¹¹¹ *Ibid.*, 10 Dec. 1907.

¹¹² The Irish Council bill of 1907 intended to establish an Irish Council which would oversee a number of Irish departments. However, it would have no legislative powers.

¹¹³ Despite fielding a number of candidates in Ulster in the 1906 general election Russell's movement failed to make significant gains. Aside from Russell only Robert Glendinning in North Antrim was returned and the seats held by James Woods in East Down and by Edward Mitchell in North Fermanagh were lost. Following the election Russell increasingly drifted towards the Liberal party.

¹¹⁴ *I.I.*, 23 Oct. 1907.

bright one for us'.¹¹⁵ Similarly, on 30 January 1907 the Ulster Unionist Council condemned the U.I.L. and its agrarian agitation. At the meeting Walter Long, leader of the I.U.P.P., was elected chairman of the council.¹¹⁶

The executive of the Irish Landowners' Convention was fearful of the Ranch War which was flourishing in the west and areas of the midlands. At a meeting on 17 July 1907 the government's response to intimidation and cattle driving was condemned. The executive also stressed the damage that the agitation would cause to the cattle industry. If graziers were intimidated into relinquishing grazing farms, one of the most profitable sources of income for many Irish landlords would disappear.¹¹⁷ Many landlords who had sold under the Wyndham Act, owing to the shortage of funds were suffering long delays in obtaining their purchase money and 'bonus' and were increasingly reliant on the income they received from letting tracts of untenanted land on the eleven-month system.

A deputation from the Irish Landowners' Convention was sent to meet with the chief secretary, Augustine Birrell, and the attorney-general, R. R. Cherry, on 13 December 1907. Sir Thomas Butler summarised the landlords' anxieties in the following points:

(1) That a state of disorder, lawlessness, boycotting, and intimidation has been allowed to arise in many districts, which is a disgrace to a civilised country, that owing to it both life and property are subject to outrage; people cannot enjoy the civil liberties to which all British subjects are entitled; and they cannot exercise the ordinary rights of property or follow their legitimate business;

(2) That this state of things is paralysing credit and interfering with the staple trade of Ireland, and if not brought promptly to an end will entail great loss on the small farmer as well as other classes.

(3) That the government could have foreseen and prevented this state of things arising; that its longer continuance is intolerable, and that the government possess ample means in the existing law to bring it quickly to an end.¹¹⁸

Birrell assured the deputation that the government was determined to maintain law and order. Interestingly, Birrell revealed his hope that new legislation in 1908 would quell

¹¹⁵ *Ibid.*, 21 Jan. 1907.

¹¹⁶ *I.T.*, 31 Jan. 1907.

¹¹⁷ *Ibid.*, 19 July 1907.

¹¹⁸ *Ibid.*, 14 Dec. 1907.

the unrest. Therefore, it was looking increasingly likely that an attempt to amend the Wyndham Act would be made in the coming months.

X). Special report by the estates commissioners on the evicted tenants, 1907.

In late June 1907 a special report was presented to parliament by the estates commissioners outlining their progress on the reinstatement of evicted tenants up to 31 May 1907. Up to that date, 8,401 applications had been received under section two sub section one of the Wyndham Act, 6,143 of which had been investigated. The total number of evicted tenants reinstated or provided with new holdings was 1,033.¹¹⁹ The commissioners reiterated what they had stated in their ad interim report, that they had initially intended to establish a special branch to tackle the question. However, their appeals for more staff and resources had been rejected and they had been instructed to restrict their investigations to the Plan of Campaign estates. By 31 May 1907, only the Clanricarde and Lewis estates in Co. Galway remained unresolved.

The estates commissioners' powers had been curtailed by the Conservative government's regulations of 4 July 1905. They could only reinstate or provide a new holding for an evicted tenant where the estate was being sold under the Wyndham Act. The limited amount of untenanted land acquired under the act and the inability to approach landlords who were not selling had posed a significant challenge: 'The commissioners were unable to make any effective attempt to inquire into the numerous applications already lodged and continuously being lodged with them, and thus to form an idea of the real extent of the problem to be dealt with.'¹²⁰ Fortunately, the Liberal government's regulations of 13 February 1906 had allowed the commissioners greater scope. They could now approach a landlord from whose estate tenants had been evicted and offer to buy a portion of it for the purpose of reinstatement or provision of new holdings. The commissioners' capacity to purchase untenanted land had also been

¹¹⁹ *Special report by the estates commissioners of their proceedings up to the 31st May, 1907, in respect of persons applying as evicted tenants, or their representatives, for restoration to their former holdings or for parcels of land in lieu thereof, under the Irish Land Act, 1903, 5, [Cd. 3570] H.C. 1907, lxx. 1155.*

¹²⁰ *Ibid.*, p. 4.

increased. Furthermore, between May and November 1906, the Liberal government had provided eighteen extra inspectors to accelerate the progress of the work.

Up to 31 May 1907, the total number of applications rejected was 2,935. There were a variety of reasons for this: applicants were evicted more than twenty-five years prior to the Wyndham Act, they were persons to whom the land law acts did not apply such as herds, or they already had a farm which was adequate for their needs.¹²¹ Where evicted tenants were reinstated or given new holdings, they required support from the commissioners to establish themselves as farmers. Roads, walls, fences, buildings and outhouses had to be constructed, farms had to be stocked all of which cost money. Up to 31 May 1907, the amount provided by the Reserve Fund to enable the evicted tenants to begin their new lives was £65,184.¹²²

Out of the applications received thus far, it was estimated that 2,000 would be eligible for holdings. This would require the acquisition of approximately 80,000 acres, assuming that each holding would consist of approximately forty acres.¹²³ The estates commissioners revealed that even if that much untenanted land was purchased, it could not all go towards the reinstatement of evicted tenants, as there were a number of obstacles to be surmounted:

[untenanted land] is needed for the enlargement of small holdings in the localities in which the land is situate, and the people of these localities would strongly object to the whole, or even a considerable portion of the lands being set aside to meet the requirements of evicted tenants alone; nor is it probable that evicted tenants would be willing to take land at a distance from their former holdings, and in localities where their introduction would meet with local opposition. Moreover, the purchase of untenanted land under the powers given by the act of 1903 is necessarily slow, in as much as it depends on the consent of the owner and proof of title to the purchase money.¹²⁴

Local hostility to the introduction of evicted tenants from other areas would not be easy to overcome. There were other interested groups such as the landless, agricultural labourers, the younger sons of farmers and the holders of uneconomic

¹²¹ Ibid., p. 6.

¹²² Ibid., p. 7.

¹²³ Ibid., p. 9.

¹²⁴ Ibid.

holdings who felt they had an equal if not greater right to a parcel of untenanted land. Even if sufficient untenanted land was obtained, the cost of equipping the farms, purchasing stock and constructing roads and buildings would be immense. The average expenditure by the estates commissioners on each evicted tenant reinstated to his original holding up to 31 May 1907 had been £152. However, the expense arising from the creation of new holdings on untenanted land had been noticeably higher averaging at £218 per evicted tenant.¹²⁵ The commissioners faced the unenviable task of finding sufficient untenanted land for evicted tenants in addition to all of the other groups who had claims to such land. They also had to extract the finance to stock and equip the new farms from a dwindling Reserve Fund.

With all this in mind, the Liberal chief secretary, Augustine Birrell, set about creating his evicted tenants bill. One of the principal difficulties he faced was the availability of untenanted land. While the estates commissioners were in negotiation with landlords for up to 80,000 acres, the vast majority of this would be required for the enlargement of uneconomic holdings.¹²⁶ In addition, in counties where there was a significant number of evicted tenants, the amount of untenanted land available was small. As matters stood, the evicted tenants were in direct competition with the holders of uneconomic holdings and the other classes eligible for a portion of untenanted land under the Wyndham Act. Although the evicted tenants were very important politically, no community was going to welcome them if they felt the needs of its members had not been tended to first. Augustine Birrell was not oblivious to the problem:

It must not be forgotten that although evicted tenants occupy a great place politically they are by no means popular persons in rural Ireland, and any attempt to reinstate them on land which in the opinion of the neighbourhood ought properly to go to make the holdings of existing tenants economic will be bitterly opposed.¹²⁷

Birrell cited the difficulties in obtaining untenanted land as justification for the introduction of limited compulsion. Such untenanted land compulsorily purchased off

¹²⁵ *Ibid.*, p. 7.

¹²⁶ Augustine Birrell, 'Evicted Tenants (Ireland) Bill' (T.N.A., CAB 37/89/69), 15 June 1907, p. 4.

¹²⁷ *Ibid.*, p. 4.

the landlord would be used to provide a holding for the evicted tenant. The compulsory purchase of tenanted land would also be sanctioned albeit under special circumstances. Birrell considered that a significant portion of the 'planter' tenants or tenants in occupation were not genuine farmers: 'No inconsiderable number of these 'planters' are shams, they are not *bona fide* tenants at all, they are simply caretakers put in by the landlords.'¹²⁸

On the earl of Clanricarde's estate in Co. Galway a sizeable number of 'planter' tenants had been introduced who were neither genuine nor experienced farmers. A report based on an investigation into the circumstances on the estate, had concluded that the 'planters' had received every assistance from the landlord in the form of buildings and farm equipment. However, they had still failed to make a success of the farms:

With the exception of two or three cases, as farmers they have singularly failed, and, generally speaking, the land in their hands has been badly worked and incessantly cropped without proper cultivation, and is at the present moment in an excessively deteriorated condition. Much of it has been allowed to run to waste and is now covered by whins and blackthorns.¹²⁹

It was 'planter' tenants such as those on the earl of Clanricarde's estate that compulsion was designed to target. A Liberal peer, Lord Eversley, who had visited many of the Plan of Campaign estates, recognised that fresh legislation was required to tackle the question:

The act of 1903, however generous and successful so far as it went, failed to deal with the whole case. It was wanting in backbone - in coercive power as against a residuum of landowners. Two campaign estates - the Clanricarde and the Lewis estates - remained unresolved, and about 2,000 tenants evicted from other, not campaign, estates were left out in the cold. It was to supply coercive power for dealing with these remaining cases that the recent act [Evicted Tenants Act, 1907] was passed.¹³⁰

¹²⁸ *Ibid.*, p. 7.

¹²⁹ *Ibid.*, p. 7.

¹³⁰ Lord Eversley, 'The evicted tenants (Ireland) Act' in *Fortnightly Review*, lxxxii, no. 492 (Dec. 1907), p. 989.

XI). The Evicted Tenants' Act, 1907.

On 27 June 1907, the evicted tenants' bill was introduced by Augustine Birrell.¹³¹ The measure was influenced to a great degree by the special report of the estates commissioners up to 31 May 1907. Compulsory purchase was to be introduced to acquire land to reinstate, or to provide new holdings for, evicted tenants. Birrell took the figure of 2,000 tenants, estimated by the estates commissioners in their report, to be the maximum number for whom land had to be found. Once put on a holding, the evicted tenant would be in the position of a tenant-purchaser and would pay an annuity accordingly. The finance for his advance was to come out of the Irish Land Purchase Fund. Compulsion was not to be used in the case of tenanted land unless the estates commissioners, after due deliberation, considered it necessary. The 'planter' tenant was to be given an alternative holding which would be subject to a purchase annuity. If he refused to accept the alternative farm, he could opt to take financial compensation instead. The finance needed to establish the evicted tenants on their holdings was to come from the Reserve Fund. When that was exhausted the finance would come from the Land Commission vote. The estates commissioners would estimate the price of the land and purchase it. They could then resell it at a loss to the former evicted tenant if required. Ironically, the difference would come out of the Land Purchase Aid Fund from which the landlords received their 'bonus'.

The second reading was held on 8 July 1907. The I.U.P.P., through a motion proposed by William Moore, M.P. for North Antrim, and seconded by H. T. Barrie, M.P. for North Londonderry, moved to reject the bill. Their discontent centred on a number of the bill's features. They objected chiefly to the use of compulsion against landlords and to the estates commissioners setting the price for the land. Any appeal concerning the price would come before the commissioners who, after examination, could uphold or reject it. The I.P.U.P held that the inability to appeal to an independent body was a gross injustice. They felt that compulsion was unnecessary and that the Wyndham Act, if given adequate time, would eventually resolve the question. They believed that the figure, put forth in the estates commissioners' special report, of forty acres to each

¹³¹ *Hansard 4*, clxxvii, 124-135, (27 June 1907).

evicted tenant was far too generous and would lead to serious disturbances among other classes in agricultural society.

The I.U.P.P. were also angered that the Reserve Fund was to be accessed until it was exhausted and that money was to be taken from the Irish Land Purchase Fund for purposes other than land purchase. H. T. Barrie accused the government of 'secretly doing their best to prevent the tenant farmers from peacefully getting possession of their land' by siphoning money from the 'bonus' fund.¹³² The number of tenants remaining to be reinstated, put at approximately 2,000 by the estates commissioners' report, was viewed with suspicion by unionists. They argued that there was nothing to prevent further applications which would lead to a need for more land and finance. James Campbell, M.P. for T.C.D., predicted that if the bill was passed, those whose applications had been rejected would immediately embark on a campaign of agitation. Campbell condemned the measure as 'a farce and a sham'.¹³³ The use of compulsion against the 'planter' tenants was fiercely resisted as was the change in the tenure of estates commissioners Bailey and Finucane to make them more secure from political pressure.

The independent unionist M.P. for South Belfast, T. H. Sloan, differed from his official unionist party colleagues by coming out in favour of the measure. He felt that the unionist opposition to the bill was ridiculous and advised that the second reading ought to be passed as any areas of friction could be addressed in committee. Sloan believed that the bill would help quell the agrarian agitation which prevailed in areas of Ireland at that time.¹³⁴ The bill, however, received the unanimous support of the I.P.P. which was adamant that compulsion was necessary as the voluntary system had failed to resolve the issue. The chief secretary, Augustine Birrell, was of the belief that he was fulfilling the intentions of the Wyndham Act by introducing the bill. He justified compulsion by stating that the evicted tenants question deserved a swift solution. Upon

¹³² *Ibid.*, col. 1200-01 (8 July 1907).

¹³³ *Ibid.*, col. 1271.

¹³⁴ *Ibid.*, col. 1246-48.

going to a division, Moore's motion to reject the bill was defeated by 315 votes to 98 and the bill subsequently passed its second reading.¹³⁵

In essence, the I.P.U.P was opposed to the measure because of the introduction of compulsion. While the I.U.P.P. admitted that they were in favour of reinstating the evicted tenants, they failed to recognise the need for compulsion, especially since the majority of the Plan of Campaign estates had been resolved. They feared that the bill would make eviction a profitable enterprise with the tenant getting a farm of forty acres along with finance to stock and equip it. The opponents of the bill argued that the measure would make evicted tenants a priority at the expense of land purchase. The secretary of the Irish Landowners' Convention, G. de L. Willis, confided to Lord Clonbrock:

I suppose this mischievous evicted tenants question ought to be got rid of, but one cannot help thinking that the country would have benefited much more, and that landlords and honest tenants would have had to submit to much less delay, if the time spent over these... applications in the last three years had been devoted to pushing through sales generally.¹³⁶

It was feared that money and resources which were urgently needed to tackle the blockage of sales that had developed under the Wyndham Act would be diverted to the evicted tenants.

The fact that tenanted land held by 'planters' along with untenanted land could be acquired compulsorily under the bill, with no limit on the number of tenants to be reinstated or the acreage to be purchased, was simply abhorrent to the bill's opponents. However, even more unpalatable was the fact that the estates commissioners would be the judges of the prices offered and that any appeal was to come before them. The I.U.P.P. claimed that landlords had lost all confidence in the commissioners, especially Finucane and Bailey, and forcefully opposed the granting of such wide and discretionary powers to the three gentlemen. The diversion of finance from the 'bonus' fund towards the reinstatement of evicted tenants undoubtedly touched a nerve. The I.U.P.P. saw the measure as a concession to the I.P.P. following the fiasco of the Irish Council bill. However, one of their strongest objections was that the bill would establish a precedent

¹³⁵ *Ibid.*, col. 1279-92.

¹³⁶ G. de L. Willis to Clonbrock, 30 Oct. 1906 (N.L.I., Clonbrock Papers, MS 35,772 (10)).

for the use of compulsory purchase. Once it was made law, it was inevitable that it would soon be applied to other areas of the land question such as land purchase.

On the other hand, the I.P.P. was completely in favour of the bill and considered the legislation vital if the evicted tenants question was to be resolved. The government justified resorting to compulsion because the Wyndham Act had gone as far as it could to deal with the issue. Calls for limits on the number of tenants and the amount of acreage were deemed dangerous as they might exclude eligible tenants simply because a certain limitation had been imposed. The Liberal government was keen to stress that 'planter' tenants who were *bona fide* tenants would be protected under the bill. They argued that compulsion against tenanted land would not be widespread and would be confined to those 'planter' tenants who were essentially caretakers or who had little interest or qualification as agriculturalists. 'Planters', if forced to move from their lands to restore evicted tenants, would be offered alternative farms or financial compensation.

Augustine Birrell was emphatic that the most qualified and experienced men to accomplish the objectives of the bill were the estates commissioners. In his opinion, the landlord would receive a fair price for his land and the 'planters' would get ample compensation if they chose that option. The change in the tenures of Bailey and Finucane, which essentially made their tenure secure from political pressure, was heralded as a necessity and the government stressed that they were still subject to parliamentary criticism. Accusations that the measure was an attempt to appease the nationalists, after their rejection of the Irish Council bill in May 1907, were refuted and Birrell recalled how he had promised to bring in a bill in early February long before the nationalist decision. As virulent as the opposition to compulsion was among the unionists, the conviction that it was necessary among the Liberals and the I.P.P. was equally potent.

On 22 July 1907 the prime minister, Sir Henry Campbell-Bannerman, moved a motion in the House of Commons which introduced a timetable for the remainder of the bill's discussion.¹³⁷ The measure was to be confined to another three days in committee and one day was to be allocated to the report and third reading stages. Despite fierce

¹³⁷ *Hansard* 4, clxxix, 1192-1226 (22 July 1907).

protests from the I.U.P.P. and their Conservative allies against what they viewed as an attempt to strangle debate, the motion was passed.

During the committee stage in the House of Commons the I.U.P.P. made a number of attempts to remove the element of compulsion in the bill both against the landlord and against 'planter' tenants. Equally repugnant to the I.U.P.P. was the fact that the estates commissioners fixed the prices given for land compulsorily purchased and that there was no appeal to an independent body. Attempts to limit the number of applicants that could be reinstated and the amount of untenanted land that could be purchased under the measure were defeated. On the third reading, the opponents of the bill took an unusual course of action and moved the rejection of the entire bill. However, the motion went to a division and was comprehensively defeated by 228 votes to 49.¹³⁸ Even the combined numbers of the I.U.P.P. and the Conservatives were no match for the Liberal government and the I.P.P. in the House of Commons. In the House of Lords, however, the situation was different.

On the second reading of the bill in the House of Lords the Conservative peer, the marquess of Lansdowne, advised the opposition that they should not reject the bill but should seek to radically amend it. As regards compulsion, he reluctantly agreed not to try to remove it from the measure but he intended to ensure that it would not be open to abuses. The reasons put forward by the marquess for not rejecting the measure outright were that parliament had promised to reinstate the evicted tenants, the bill had passed with a huge majority in the House of Commons and that the rejection of the bill would only hand a weapon to agrarian agitators in Ireland to fuel their campaign.¹³⁹

Almost all of the objections to the bill put forth by the I.U.P.P. in the House of Commons were reiterated by Irish landlords and their supporters in the Lords. The earl of Donaghmore alleged that the aim of the bill was not 'to make it possible for the estates commissioners to get land, but in order to enable the government to force down the price'.¹⁴⁰

¹³⁸ Ibid., 1438 (2 Aug. 1907).

¹³⁹ Ibid., col. 1706-18 (6 Aug. 1907).

¹⁴⁰ Ibid., col. 1791.

Even the earl of Dunraven and Lord Hemphill, who were more or less in favour of the measure, were apprehensive about many aspects of the bill. The absence of a limit on the number of tenants to be reinstated, the acreage to be compulsorily purchased and the amount of finance to be expended were viewed with unease. The use of the 'bonus' fund to make up any losses, which might be incurred if land was resold to the evicted tenant at a loss, was hailed as a gross breach of the contract upon which the Wyndham Act was based. While the bill would pass its second reading, it was understood that forceful attempts would be made in committee to radically alter the measure.

Indeed, so altered was the measure following the first day of the committee stage that the lord president of the council in the House of Lords and Liberal peer, the earl of Crewe, declared that the changes would 'have the effect though I dare say they have not the intention, of defeating the bill'.¹⁴¹ The bill, as altered by the House of Lords, was considered by the House of Commons on the 20 August 1907. Many of the amendments were rejected by the Liberal government. Indeed, owing to workload of the House of Commons, the discussion of the House of Lords' amendments commenced at 3.30 a.m. before an exhausted house. This fuelled claims by the I.U.P.P. that the government was attempting to stifle proper debate. The government held that plenty of time had been made available for discussion of the measure, but that it had been wasted by the I.U.P.P. who had deliberately tried to block its progress owing to their opposition to compulsory purchase. The chief secretary, Augustine Birrell, announced that were a number of amendments which, if accepted, would render the bill completely worthless and he was determined to remove them. The Lords' amendment which compelled the estates commissioners to prove compulsion was necessary was rejected after a division and it was immediately followed by the defeat of the Lords' proposal to put a cap of 2,000 on the number of evicted tenants that could be reinstated. The Lords' amendment whereby a 'planter' who was a *bona fide* tenant and had purchased under the land purchase acts would be exempt from compulsion was also defeated.

The opportunity for 'planters' and landlords to appeal a decision by the estates commissioners in the king's bench division and the court of appeal was also removed by

¹⁴¹ *Ibid.*, clxxx, 497 (9 Aug. 1907).

the House of Commons. The Liberal government did, however, offer a form of compromise by allowing an appeal to the judicial commissioner, Justice Wylie, on the value of the land. In addition, the government agreed to limit the operation of the act to four years. The Lords' attempt to obtain financial compensation for the compulsory sale of the landlords' land was also discarded by the House of Commons. They would have to be content to receive the market price. The tenure of the estates commissioners, which had been changed in the Lords, was restored to that of a county court judge and sporting rights would revert back to the Land Commission and not to the landlord as the House of Lords had hoped.¹⁴²

When the House of Commons' amendments to the Lords' amendments were considered on 23 August 1907, the House of Lords, rather comically, proceeded to reverse most of the government's decisions and reinstate their amendments. The right of landlords to compensation for compulsory purchase, the 2,000 limit on the number of tenants to be reinstated and the landlords' entitlement to the sporting rights were all restored. The government concessions on the issue of appealing the estates commissioners' decisions were rejected and a modified system of appeal was proposed instead. However, the question of the commissioners' tenure was agreed to after the earl of Crewe appealed that the bill would be ruined otherwise.¹⁴³

Worn down by the stubbornness of the House of Lords, Birrell eventually caved in to a number of their demands. He declared that 'they [the Liberal government] had shown their desire to secure the passage of this bill even in what he, at all events, would never deny was a mutilated form'.¹⁴⁴ Having realised that he could not get the bill through parliament as originally drafted, the chief secretary was resigned to salvaging what he could for the evicted tenants. The limit of 2,000, the vesting of the sporting rights in the landlord and the prohibition on compulsorily purchasing the holdings of 'planters' who claimed to be *bona fide* tenants were wearily accepted by the government. The duration of the act was set at four years. However, the Liberal government refused to budge on the introduction of compensation to landlords believing

¹⁴² Ibid., clxxxi, 635-99 (20 Aug. 1907).

¹⁴³ Ibid., col. 1290-1344 (23 Aug. 1907).

¹⁴⁴ Ibid., clxxxii, 185 (26 Aug. 1907).

that the market value was adequate reimbursement. On the issue of the estates commissioners' tenure, the government remained steadfast. The right to appeal decisions made by the estates commissioners' to the county assizes or king's bench was conceded. The House of Lords accepted that an appeal relating to the land's value could be made to Justice Wylie who would be assisted by a valuer.¹⁴⁵

The reaction to the much altered bill was far from uniform. According to John Redmond, the landlords and their supporters had attempted to destroy the bill. His opinion was that 'the action of the House of Lords and the landlord party in this house [House of Commons] had been animated by the motive of wishing to see the chief secretary embroiled in the coming winter in trouble and turmoil in Ireland'.¹⁴⁶ Redmond believed that in its altered form compulsion would be a failure and would only serve to incite agrarian agitation. Walter Long, as leader of the I.U.P.P., held that the amended act would offer some protection to landlords and 'planter' tenants. He did not believe 'that the difficulties which...[the] bill sought to remove really lay at the root of Irish discontent and trouble, and that it could not be justly described as a message of peace to Ireland'.¹⁴⁷ A. J. Balfour, leader of the Conservative party, accused Redmond of inciting disorder with his comments on the measure. Balfour was of the opinion that the House of Lords had managed to shape the bill into a somewhat more acceptable form that could be passed by both houses of parliament.¹⁴⁸

XII). Report of the Royal Commission on Congestion (Dudley Commission).

After almost two years of interviews and investigation, the report of the royal commission on congestion was published on 23 May 1908. The report was a remarkable document with recommendations that were wide-reaching and revolutionary in many aspects. Aside from its innovative proposals, it shed light on the operation of the Wyndham Act and the state of the Irish land question at that time. If implemented, the powers and income of the C.D.B. would be dramatically increased. Moreover, the

¹⁴⁵ Ibid., col. 181-90.

¹⁴⁶ Ibid., col. 191-92.

¹⁴⁷ Ibid., col. 189.

¹⁴⁸ Ibid., col. 196-201. See *Evicted Tenants (Ireland) Act, 1907* [7 Ed., VII, c. 56.] (28 Aug. 1907).

jurisdiction of the board would be extended to include the entire province of Connaught, counties Donegal, Clare and Kerry and the districts of Bantry, Castletown, Schull and Skibbereen in Cork. It was also proposed that the constitution of the C.D.B. be altered so as to allow a number of democratically elected members to be added to the board. The relief of congestion outside of the board's jurisdiction however was to be left in the hands of the Land Commission and the Department of Agriculture.

Following the precedent set in the Evicted Tenants Act of 1907, the introduction of compulsory purchase seemed increasingly likely. It was simply unrealistic to expect tenants, whose landlord did not sell under the Wyndham Act, to peacefully reside with others in neighbouring estates who had purchased from their landlord and who were paying less in annuities than they were paying in rent.

The use of compulsion was to be confined to the congested districts. Importantly, the report asserted that the break-up of the grazing ranches in the congested districts was necessary and would be of great benefit to the region. The compulsory powers advocated would not only affect landlords but tenants and tenant-purchasers. Untenanted land and non-residential holdings could be acquired as could any land held by a tenant or tenant purchaser in excess of £100 valuation. A special court was to be established to fix the price of land taken compulsorily. The price was to be 'such a sum as after paying off all charges suitable for redemption by the state will yield the landlord his "average net income"...compensation for sporting rights being included if such rights are acquired...and allowance being made for the effect of existing economic or natural causes on the probable receipts of the next five years'.¹⁴⁹

On the question of untenanted land the Wyndham Act had unintentionally highlighted the problems of Irish agricultural society. The principal method of tackling congestion was the enlargement of uneconomic holdings. Unfortunately for the C.D.B., people in the neighbourhood of the estates coveted untenanted land. Tenants, their sons, and those whose holdings were under five pounds valuation were all eligible for a parcel in sales to the Estates Commission. The Labourers' Act of 1906 had added agricultural

¹⁴⁹ *Report of the royal commission on congestion in Ireland. Final report*, 112, [Cd.4097] H.C. 1908, xlii, 729.

labourers to this category. Section seventy-five of the Wyndham Act had granted the C.D.B. the right to allocate any surplus land to the sons of tenants or smallholders whose farms were valued at under five pounds. Once congestion had been addressed, there was rarely any land remaining for other claimants. Any efforts by the board to migrate tenants from congested areas to untenanted land were fiercely resisted by these groups and other landless men in the locality. They believed that such land ought to be redistributed among themselves as opposed to outsiders. However, the C.D.B. believed that migration to relieve congestion was a priority and thus that migrants were more entitled to untenanted land than tenants' sons or landless men. By expanding the number of groups eligible for land under the Wyndham Act to include non-residential tenants, the expectations of many in agricultural society had been raised:

The result has been to create a feeling that all untenanted land should be earmarked for farmers in the neighbourhood, or for the sons of those who live on the estate, and other landless men. Consequently in some districts, notably in East Galway, the intervention of the estates commissioners, who distribute the grass land they buy amongst those who live in the neighbourhood, is preferred to that of the board, who consider, and we think rightly, that the claims of congests who migrate from the west, if not superior to those of small land-holders in the neighbourhood, are undoubtedly superior to those of the sons of tenants and other landless men who happen to live near the grasslands.¹⁵⁰

The attempts of the C.D.B. to relieve congestion were severely hampered by local opposition in the areas where untenanted land was purchased. Often these areas were situated outside of or bordering the congested districts. The board prioritised the migration of congests to these areas to relieve congestion whereas the locals in the region of the untenanted land felt they ought to take preference. The situation was only aggravated by the work of the estates commissioners who usually divided up the grasslands among the men in the locality. It was therefore understandable how the work of the estates commissioners was sometimes at odds with that of the C.D.B. A resolution of the conflict between accommodating the needs of the congests and those of the locals was key to the board's efforts to remedy congestion. Thus, the claims of the landless men clashed with the board's efforts to relieve congestion as the rival claims of the

¹⁵⁰ Ibid., p. 17.

congests and the landless men were simply incompatible. If the landless men were to be attended to, congestion would not be alleviated owing to the scarcity of untenanted land.

There was strong local opposition to the introduction of migrants unless the young local men were tended to first. During the interviews carried out by the royal commission on congestion, J. P. Hayden, M.P. for South Roscommon, shed light on the attitude towards migrants in his constituency:

[Walter Kavanagh] Would the young men have a greater claim than migrants from congested districts? - [J. P. Hayden] In my opinion they would, and I will give a reason for it. The ratepayers of the county are responsible under the law as it now stands, and as I presume it will stand, for the repayment of the purchase annuities, and therefore I think that the representatives of the ratepayers ought to have some voice as to the class of men who would be allotted land, and it is quite possible they might think that a young man living in their own part would be more suitable, solvent, and reliable man than a migrant brought in from some other county.¹⁵¹

The report concluded that any holding valued at ten pounds and upwards was economically viable although there were exceptions and the location and circumstances of the land had to be taken into account. With this rough estimate in mind, it was calculated that 80,000 existing holdings needed to be enlarged, at a cost of £450,000. The estimate was based on the land that would be under the jurisdiction of the board if it was expanded as recommended.¹⁵²

The Irish Landowners' Convention quickly poured cold water on the suggestions put forward by the Dudley commission. The executive of the landlord organisation issued a minute condemning the report's recommendations as 'revolutionary' and 'socialist'. The introduction of compulsory purchase was vehemently opposed as was the proposal that uneconomic holdings should be brought up to a ten pound valuation standard. It was also predicted that the break-up of the grazing ranches would injure the cattle industry. The convention's executive opined that the migration of tenants was futile due to the opposition of the landless men:

¹⁵¹ *Report of the royal commission on congestion in Ireland. Tenth report*, 220, [Cd.4007] H.C. 1908, xlii, 5.

¹⁵² *Report of the royal commission on congestion in Ireland. Final report*, 36-43, [Cd.4097] H.C. 1908, xlii, 729.

We are compelled to regard migration as a remedy that has become impossible as a large policy owing to the government having allowed the 'landless' men to establish the practice of cattle driving with the object of compelling the division of grasslands among people immediately surrounding them.¹⁵³

These landless elements, held responsible by landlords for the Ranch War, were usually the sons of occupying tenants. The Wyndham Act had recognised their claim to a holding. This had served to fan the flames of discontent as the landless men themselves strove to ensure that untenanted land in their locality was broken up and divided among themselves. Landlords, graziers and those associated with the eleven-month system would suffer as the disaffected became increasingly frustrated. Imbued with expectation, frustrated by the sluggish progress of the 1903 act and encouraged by agitators such as Ginnell, the landless group was at the centre of the anti-grazing agitation. Intent on dividing the untenanted land among the people of the locality, the opposition to congests was often ferocious.

Aside from some minor disagreements, the I.P.P. approved almost all the recommendations of the Dudley commission's report. The party emphasised to the Liberal government the importance of incorporating the commission's recommendations into a new land bill. Compulsory purchase had been introduced in the Evicted Tenants' Act of 1907 and was now recommended by a royal commission on congestion. It seemed only a matter of time before compulsory land purchase would be put into practice in Ireland.

XIII). The shortage of funds to tackle congestion.

The estates commissioners' report for the period up to 31 March 1908 revealed that they were in various stages of negotiations for 175,199 acres of untenanted land. By 31 March 1908, 70,326 acres had been allocated to those groups deemed eligible under section two of the Wyndham Act or had gone towards the enlargement of uneconomic

¹⁵³ *I.T.*, 22 June 1908.

small farms.¹⁵⁴ In the congested districts, where the need to acquire untenanted land was greatest, there was an acute shortage of finance. The C.D.B., in its report for the year ending 31 March 1908, stressed that untenanted land was being made available under the Wyndham Act. In fact, the C.D.B. prioritised the purchase of untenanted grasslands over poor tenanted estates. However, it simply did not have enough money to purchase all of the estates and untenanted land up for sale. This shortage of adequate funds led the board to complain that it was being prevented from carrying out its work as intended by the Wyndham Act:

Although we were given by the act of 1903 an additional income of £20,000, it was apparent that our funds were altogether insufficient to provide for more than a very small increase of our estates business, unless we abandon other schemes. Not only was a very considerable extension of this branch of our operations contemplated when the provisions of the act were under discussion in parliament, but this extension was clearly indicated in the act itself. It was doubtless realised at that time that unless we were enabled to purchase and dispose of a large amount of property in each year the relief of congestion by the enlargement of holdings could not make much progress in the present generation.¹⁵⁵

Where congestion and uneconomic holdings were ubiquitous, the C.D.B. was unable to adequately address the problem. Since the introduction of the 1903 act, the board had had to reluctantly turn down approximately 100 estates offered by landlords for purchase. It simply did not have the funds to divide and improve those estates. Efforts by the board to exact more money from the treasury had been unsuccessful. The treasury was unwilling to address the board's financing until the royal commission on congestion made its report but when it was issued in May 1908 no plans for additional finance had been put forward. As a result, the C.D.B. predicted that the relief of congestion and the creation of economic holdings in its jurisdiction would be a long protracted process:

The purchase of the £9,000,000 worth of untenanted land, estimated to be obtainable in the counties containing congested districts, by annual instalments

¹⁵⁴ *Report of the estates commissioners for the year ending 31 March 1908 and for the period from 1st November 1903 to 31st March 1908*, xi-xii, [Cd.4277] H.C. 1908, xxiii, 159.

¹⁵⁵ *Seventeenth report of the Congested Districts Board for Ireland for the year ending 31st March, 1908*, 8-9, [Cd.4340] H.C. 1908, xxiii, 443.

of £100,000, which has been the annual average of our purchases since the act of 1903 came into force, would occupy a period of about ninety years.¹⁵⁶

Landlords, and particularly the Irish Landowners' Convention, had been quick to point out that the break up of the grasslands into holdings would have a destructive effect on the cattle industry. The C.D.B. did not hold that opinion. It argued that there would not be any decrease in the amount of livestock raised in the country.

The contemporary French commentator L. Paul-Dubois identified the failure of the Wyndham Act to relieve congestion and highlighted its potentially catastrophic consequences:

The act offers means of remedying the agrarian evils of Ireland, namely, the excessive sub-division of holdings and congestion. Under this heading...it has produced little result. In practice the buying and selling operations are almost always carried out by direct bargains between landlord and tenant. The commissioners themselves make few purchases: they only re-settle and improve a very small number of congested estates...Apparently, then, the organic disease of Irish land, namely, congestion, is not being adequately treated. Indeed it is to be feared that the act may merely perpetuate, or stereotype, as has been said, the constitutional evil which, under the new regime of peasant ownership, will soon be more dangerous than ever.¹⁵⁷

Under section six sub-sections four and five of the 1903 act the estates commissioners could purchase estates which were congested. Although the section had been motivated by a humanitarian spirit it proved to be unworkable in reality. Under the terms of the act the landlord of a congested estate had to agree that it was actually congested. Owners were reluctant to do this unless they received assurances that they would receive the same prices from the commissioners that they would in a direct sale to their tenants. The estates commissioners outlined their dilemma:

In point of fact the only terms on which vendors will ordinarily consent to having their estates declared 'congested', or can be expected to do so, is by the commissioners giving them a guarantee beforehand that they will offer for the estate the maximum price for each holding which the vendor himself could obtain by agreement with the tenant.¹⁵⁸

¹⁵⁶ Ibid., p. 9.

¹⁵⁷ L. Paul-Dubois, *Contemporary Ireland* (Dublin, 1908) p. 290.

¹⁵⁸ *Ad interim report of the estates commissioners for the period from 1st November, 1903, to 31st December, 1904*, 9, [Cd. 2471], H.C. 1905, xxii, 177.

The want of funds meant that the section's potential to relieve congestion and to improve uneconomic holdings throughout Ireland was severely curtailed. In the estates commissioners' report for the period up to 31 March 1909, only twenty estates had been purchased under that section.¹⁵⁹ The only financial resource available to the estates commissioners for the improvement of congested estates was the Reserve Fund. Under section forty-four sub-section two, the act permitted the resale of such congested estates to the tenants at a loss of 10 % on the original purchase price that had been paid to the landlord. This would allow tenant-purchasers to buy from the Land Commission at a lower price than the Land Commission had paid the landlord. Understandably the estates commissioners wished to carry out improvements before they sold these estates.

The C.D.B. in its report for the period up to 31 March 1906, sought permission to borrow money from the Board of Works. The question of clearing title to the holdings from which tenants were being migrated had also proved problematic and had led to delays.¹⁶⁰ The C.D.B.'s request for more funding was put on hold following the decision in 1906 to appoint the royal commission to investigate congestion in Ireland. The commission did not report until May 1908 and in the intervening period the C.D.B. was in limbo. The board needed more money to improve the land it had purchased. There was little point in selling on the land to the tenants without first developing the holdings. Without adequate funds, the board had little choice but to restrict its purchases from 1905 on. In the years 1904-5 estates to the value of £649,544 had been purchased. However, there was a significant drop to £346,706 in the year 1905-6 and by 1906-7 the figure had fallen to £108,861.¹⁶¹ The effect of the appointment of the royal commission on congestion was to leave the C.D.B. without any increase in its funding from 1905 until 1909.

¹⁵⁹ *Report of the estates commissioners for the year ending 31st March, 1909 and for the period from 1st November, 1903, to 31 March, 1909*, viii, [Cd.4849] H.C. 1909, xxiii, 737

¹⁶⁰ *Fifteenth report of the Congested Districts Board for Ireland for the year ending 31st March, 1906*, 11 [Cd.3161] H.C. 1906, xcvi, 493.

¹⁶¹ *Sixteenth report of the Congested Districts Board for Ireland for the year ending 31st March, 1907*, 13, [Cd.3767] H.C. 1908, xxiii, 287

XIV). Evicted Tenants Act, 1908.

The resolution of the evicted tenants question would not be brought about easily. A case at Four Mile House, Co. Roscommon exemplified the difficulties facing the estates commissioners. Having purchased untenanted land in the area, the commissioners attempted to settle four evicted tenants from other parts of Roscommon on the land. The locals protested against the decision of the commissioners to settle evicted tenants on land which they held ought to be divided up among themselves and a protest meeting was held on 9 March 1908.¹⁶² Providing evicted tenants with new holdings, where they could not be put back on their original farms, was admirable but the difficulties it posed were often immense. In many districts untenanted land was limited and the locals were adamant that their needs be tended to before any evicted tenants were moved into the area. The estates commissioners' powers to compulsorily acquire tenanted land turned out to be ineffective, under the Evicted Tenants Act of 1907, as a result of a case involving the marquis of Clanricarde.

The estates commissioners had attempted to acquire approximately 4,000 acres on the Clanricarde estate with the view to reinstating evicted tenants. However, the earl refused to sanction the movement of a 'planter' tenant who himself actually wished to leave. In the Land Commission Court, Judge Wylie ruled in favour of the commissioners and the 'planter' who wished to leave. Clanricarde then appealed to the Court of Appeal. There the judge interpreted the wording of the act differently and Judge Wylie's decision was overturned. The Court of Appeal's verdict essentially prevented the estates commissioners from procuring tenanted land from a *bona fide* tenant, even when that tenant wished to move. Thus, at a stroke, the commissioners were unable to purchase the holding of a 'planter' tenant without the permission of the landlord.

To overcome this stumbling block, the chief secretary Augustine Birrell announced his intention to introduce a short amending bill in the House of Lords.¹⁶³ The bill was introduced on 1 June 1908 and it basically provided that where the 'planter' tenant agreed in writing to move, the commissioners could purchase the land. The

¹⁶² *J.T.*, 10 Mar. 1908.

¹⁶³ *Hansard 4*, clxxxix, 535-43 (21 May 1908).

landlord's objection to the 'planter's' decision would no longer prevent the matter proceeding.

The earl of Mayo considered the bill an 'instance of political vituperation' and he thought it unjust that the measure targeted the marquis of Claricarde who had successfully fought his case in the courts.¹⁶⁴ Lord Clonbrock also had reservations. He was gravely concerned that the 'planter' tenants would be intimidated into moving and he felt they ought to be protected: 'A written consent is worth absolutely nothing if it is given by a man with a pistol at his head; and this is not a mere figure of speech, it may represent an actual fact.'¹⁶⁵ Thus in order to allay fears of intimidation, it was provided in the amending bill that two witnesses had to observe the 'planter' signing his consent and they too had to add their signatures to the document. Despite the apprehension of certain landlords, the bill passed through both houses and received the royal assent on 1 August 1908.¹⁶⁶

The introduction of the Evicted Tenants Act in 1907 had led to a noticeable increase in the number of applications from individuals claiming to be evicted tenants for the year ending 31 March 1908. Up to 31 March 1907, 2,130 applications had been received compared to 2,505 in 1908. The total number received by the estates commissioners had risen to 9,922. Interestingly, almost half of the total applications had been rejected because the applicants had been evicted more than twenty-five years prior to the Wyndham Act or because of various other reasons. By June 1908, 1,656 tenants or their representatives had been given new holdings or had been reinstated. In order to stock and equip these holdings, approximately £99,276 had been paid out of the Reserve Fund.¹⁶⁷

The estates commissioners had encountered a number of other obstacles in their efforts to reinstate evicted tenants. The holdings of many eligible applicants were held by 'planter' tenants who were genuine farmers and thus could not be removed. However, many evicted tenants refused to accept any holding other than their original one and

¹⁶⁴ *Ibid.*, cxcii, 4-9 (25 June 1908).

¹⁶⁵ *Ibid.*, col. 14.

¹⁶⁶ *Evicted Tenants (Ireland) Act, 1908*. [8 Ed. VII., c. 22.] (1 Aug. 1908).

¹⁶⁷ *Report of the estates commissioners for the year ending 31 March, 1908 and for the period 1 November, 1903 to 31 March, 1908*, xvii-xviii, [Cd. 4277] H.C. 1908, xxiii, 159

even when untenanted land was available there could be fierce resistance from locals to the introduction of evicted tenants. Such opposition inevitably led to the evicted tenant rethinking his decision to move to a new holding. The estates commissioners reported:

In other and more numerous cases, the people of the locality claim that the untenanted land acquired or proposed to be acquired by the commissioners should be reserved for themselves, and oppose the allocation of any portion of it to tenants evicted from other properties, whose former holdings cannot be acquired, and consequently the evicted tenants, though at first willing to take the new holdings, subsequently refuse to do so. These difficulties are greatest in counties where there is a number of evicted tenants whose former holdings are occupied by *bona fide* tenants while the amount of untenanted land available is small in comparison with the demand for it. The experience of the commissioners is that the holders of uneconomic holdings and the sons of tenants think they have a better claim to land in their own locality than evicted tenants from another locality, and they have little sympathy with evicted tenants from other properties, and still less with those of other counties.¹⁶⁸

The estates commissioners' findings portray a very different attitude towards evicted tenants to that espoused by the I.P.P. The 'wounded soldiers of the Land War' were normally held up as patriots. However, when the claims of evicted tenants threatened to deprive others of untenanted land, the sacrifices of the 'wounded soldiers' were abruptly forgotten. The commissioners had also found that the threat of compulsory purchase, under the 1907 evicted tenants act, had led to more voluntary reinstatements by landlords.¹⁶⁹ Voluntary settlements had been agreed in a number of cases where the landowner had refused offers made by the estates commissioner prior to the act. Landlords preferred to resolve the situation themselves rather than having their land purchased compulsorily at a price that they would probably not consider adequate.

XV). The reinstatement of evicted tenants.

After analysing the political aspect of the evicted tenants question and the legislation designed to solve the problem, it is worthwhile examining some of the individual cases. In 1907 a return was issued by the estates commissioners of all the evicted tenants

¹⁶⁸ *Ibid.*, xviii.

¹⁶⁹ *Ibid.*, xvii-xviii.

reinstated up to 31 May of that year, and under the Evicted Tenants Act of 1907 quarterly reports were issued by the estates commissioners outlining the details of those tenants who had availed of the act. From these sources we can examine individual cases in detail.

James Hayden had been evicted from his holding in the townland of Barnhill West, Co. Kildare, in May 1883. Hayden had been a tenant on the duke of Leinster's estate and paid an annual rent of £33 at the time of his eviction. His holding consisted of approximately forty-six acres. Upon applying to be reinstated as an evicted tenant, he received a new holding of approximately forty-two acres at Kennycourt, Co. Kildare in the first quarter of 1908. His new holding was created out of untenanted land on the former estate of Andrew Fay who had sold under the Wyndham Act. Under the Evicted Tenants Act of 1907 Hayden was given his new holding as a tenant-purchaser and he now had to pay a yearly purchase annuity of £42 16s. 2d.¹⁷⁰

There was little point in giving an evicted tenant a new holding and expecting him to survive without providing him with money to establish himself. The construction and repair of buildings might be called for, farms might need to be restocked and new roads might have to be constructed to access the farm. The basic implements and machinery needed to run a farm would have to be provided. Therefore, the estates commissioners could sanction free grants, in addition to money which would have to be repaid similarly to the purchase annuity. The finance required came out of the Reserve Fund. James Hayden received two free grants. One was of £150 which went towards buildings and other improvements and another of £100 which went towards farm implements and the purchase of livestock.¹⁷¹ These grants established Hayden on his new holding and gave him every chance of forging a livelihood.

In many cases, the evicted tenant's former holding was occupied by a 'planter' tenant who was found to be an experienced farmer. In the case of Joseph O'Rourke in

¹⁷⁰ *Return prepared pursuant to section 3 of the Evicted Tenants (Ireland) Act, 1907, giving particulars of all cases in which an evicted tenant (or a person nominated by the estates commissioners to be the personal representative of a deceased evicted tenant) has been, with the assistance of the Estates commissioners, reinstated, either by the landlord or by the estates commissioners, as a purchaser of his or his predecessor's former holding or part thereof, or provided with a new parcel of land under the Land Purchase Acts, during the quarter ended 31st March, 1908, 2-3, [Cd. 4171] H.C 1908, xc, 1345.*

¹⁷¹ *Ibid.*, p. 3.

Co. Limerick, for example, the 'planter' was willing to leave the holding. O'Rourke had been a tenant on the estate of Lord Langford but had been evicted in May 1891. At that time, his annual rent had been ten pounds on his holding of approximately eight acres in the townland of Clogher East. In the second quarter of 1908 he was restored to his old holding after the 'planter' tenant received compensation of £50. As a tenant-purchaser, O'Rourke would pay an annual purchase annuity of £5 19s. 8d.¹⁷²

One of the most famous evicted tenants of the period was Dennis Kilbride (1848-1924) who was also an M.P. for the I.P.P. During the course of his parliamentary career he had represented South Kerry, North Galway and South Kildare. He had been a tenant on the marquess of Lansdowne's estate in Queen's County and had been the leader of the Plan of Campaign in that area. For evicted tenants such as Kilbride, the 'main object of the...[Wyndham Act] was to put an end to the land war'.¹⁷³ Interestingly, the marquess, as secretary of state for foreign affairs, had been a member of cabinet in the Conservative government when the Wyndham Act had been introduced and had helped pilot it through the House of Lords.

Kilbride was evicted from his farm in Luggacurran and Fallabeg Upper in March 1887.¹⁷⁴ At the time of his eviction he had been renting approximately 890 acres at an annual rent of £760. However, upon reinstatement, he received just 125 acres and the purchase annuity he would pay amounted to £137 18s. 8d. annually. In order to assist him in the construction of buildings and the purchase of stock, the estates commissioners sanctioned two free grants of £400 and £300.¹⁷⁵ Rather amusingly, Kilbride was not reinstated in his old house but in the Lansdowne estate office.¹⁷⁶

¹⁷² *Return prepared pursuant to section 3 of the Evicted Tenants (Ireland) Act, 1907... during the quarter ended 30th June 1908*, 6-7, [Cd. 4344] H.C. 1908, xc, 1355.

¹⁷³ *Hansard* 4, cxxiv, 450 (24 June 1903).

¹⁷⁴ See Leigh-Ann Coffey, *The planter's of Luggacurran, County Laois. A protestant community, 1879-1927*, (Dublin, 2006).

¹⁷⁵ *Return showing all cases in which an evicted tenant (or duly appointed representative of such) has been, with the assistance of the estates commissioners, reinstated as a purchaser of his or his predecessor's former holding or part thereof or provided with a new parcel of land up to 31st December, 1907*, 16-17 [Cd.4093] H.C. 1908, xc, 1297.

¹⁷⁶ Lord Eversley, 'The evicted tenants (Ireland) Act' in *Fortnightly Review*, lxxxii, no. 492 (Dec. 1907) p. 988.

On the Co. Galway estate of the earl of Clanricarde, the estates commissioners estimated that in 1907 there were roughly 133 applications from evicted tenants.¹⁷⁷ The earl had distinguished himself through his unwillingness to reinstate tenants evicted on his estate or even negotiate on the matter. In early 1910 a number of these evicted tenants received new holdings, created out of untenanted land on the former estate of Allan B. Pollok. Thomas Fahy, for example, was evicted from a forty-six acre holding on 25 July 1890. His new holding consisted of thirty-six acres and he received two free grants of £135 and £75. Furthermore, he received a grant of £60 which was to be repaid as part of his purchase annuity.¹⁷⁸

The evicted tenants question was generally seen as being confined to the south and west of Ireland and was considered a nationalist issue. However, there was a considerable number of evicted tenants in Ulster and in predominantly unionist counties. Of the 8,401 applications which the estates commissioners had received by 31 May 1907, 1,598 came from the province of Ulster. The remaining applications were divided between Leinster (1,933), Munster (3,192) and Connaught (1,678).¹⁷⁹

Thomas Campbell was evicted from the marquis of Ely's Fermanagh estate on 25 October 1895. He had rented a 100 acre farm on which he had paid an annual rent of approximately £46. Campbell was reinstated in the second half of 1909. In order to set him up in his holding, he received a free grant of £60 for the purchase of stock and farm implements. He also received a £50 grant which was to go towards buildings.¹⁸⁰ This grant had to be repaid in the same manner as his purchase annuity.

Despite John Redmond's assurances that the current occupiers of evicted tenants' holdings would not be pressurised, such instances did occur. One such example was in September 1904 at Middle Mace near Claremorris, Co. Mayo. The windows of four houses, whose occupiers had rented land from which tenants had been evicted, were

¹⁷⁷ *Special report by the estates commissioners of their proceedings up to the 31st May, 1907, in respect of persons applying as evicted tenants, or their representatives, for restoration to their former holdings or for parcels of land in lieu thereof, under the Irish Land Act, 1903, 8, [Cd. 3570] H.C. 1907, lxx. 1155.*

¹⁷⁸ *Return prepared pursuant to section 3 of the Evicted Tenants (Ireland) Act, 1907... during the quarter ended 31 March 1910, 4-5, [Cd. 5392] H.C. 1910, lxxvi, 883.*

¹⁷⁹ *Ibid.*, p. 12.

¹⁸⁰ *Return prepared pursuant to section 3 of the Evicted Tenants (Ireland) Act, 1907... during the quarter ended 30 September 1909, 2-3, [Cd. 4985] H.C. 1910, lxxvi, 859.*

smashed and a threatening notice was posted. The evictions had occurred on the estate of Isidore Burke. The former tenants had been evicted in the 1880s but had remained on in the area. Apparently the occupying tenants had been approached about surrendering the holdings but had refused.¹⁸¹

XVI). The lead up to the Birrell Land Act, 1909.

In the first quarter of 1908 there was a noticeable decrease in the number of cattle drives. In the quarter ended 31 December 1907 there had been 247 cattle drives in Ireland whereas this had fallen to 123 for the first quarter of 1908.¹⁸² There were several reasons for this. Firstly, the leader of the movement, Laurence Ginnell was imprisoned. Secondly, the Liberal chief secretary, Augustine Birrell, had promised to introduce legislation to amend the Wyndham Act which would almost certainly involve compulsory purchase. The leaders of the agitation such as John Fitzgibbon, chairman of Roscommon C. C., decided that Birrell should be given a fair chance to fulfil his pledge. If he failed, the agitation was to be promptly revived.¹⁸³ In late 1907 Birrell had also indicated that it would be impossible to introduce a land bill if cattle driving and agrarian agitation continued. Thirdly, Birrell had met with Cardinal Logue in Armagh in January 1908 to discuss the question of a Catholic university. With a university bill in the pipeline, it appeared the Catholic Church used its influence to curtail the anti-grazing agitation in return for a comprehensive bill addressing the university question.

Fourthly, graziers had ceased to buy cattle from the small holders because they feared the beasts would be driven. Small farmers typically sold their cattle, once they reached a year and a half in age, to graziers who fattened them for the English market. Consequently, small farmers were stuck with cattle they normally sold to pay their rent, debts or purchase annuities. Perhaps, then, the reason for the lull in cattle driving was that the very men involved were beginning to suffer the consequences of the unrest. The Liberal government argued, however, that the respite was simply down to its policy of

¹⁸¹ *I.T.* 23 Sept. 1904.

¹⁸² *Return, by counties and quarterly periods, of the number of cattle-drives reported by the Royal Irish Constabulary to have taken place in Ireland from 1st January 1907 to 30th September 1908*, (310) H.C. 1908, xc, 3.

¹⁸³ *I.T.*, 14 Jan. 1908.

preventing cattle drives as opposed to arresting cattle drivers. Rather than filling up the jails by enforcing coercion as was repeatedly advocated by unionists, the government stuck to the ordinary law thereby depriving the agitators of martyrs and of publicity.

Charles Craig, speaking in Belfast on 17 January 1908, voiced the suspicions of the I.U.P.P. concerning the anti-grazing agitation and the Liberal government's reaction:

So long as cattle driving could be carried out without serious assaults being committed and without serious loss of life it served as a two fold end to the honest and high-minded man (save the mark) who had been sent to govern them. This eminent administrator [Augustine Birrell] and his henchman, Sir Anthony MacDonnell, had no doubt long ago come to the conclusion that it would be foolish to interfere with this cattle driving movement when it was doing the very thing which the Congested Districts Board was at its wits' end to know how to do. The board did not know where to turn for land on which to plant colonies of uneconomic tenants, and here were huge grazing ranches being cleared of cattle and graziers in many cases in the very districts where the board most wanted them. Why should they interfere to stop a movement which was doing so much to solve one of the serious problems before the Irish government?¹⁸⁴

The resumption of parliament in late January 1908 would see a determined campaign launched by I.U.P.P. against Augustine Birrell and the Liberal government.

The Liberal government defended itself against the unionist accusation that the country was in a state of lawlessness. While determined to adhere to the ordinary law to combat the agitation, the chancellor of the exchequer, H. H. Asquith, stated that other measures would be necessary. Asquith acknowledged that the agitators' expectations had been raised by the potential of the Wyndham Act to acquire and divide untenanted land. However, their expectations had not been realised and Asquith opined that 'the time had come when this part of the act should be strengthened by the application of compulsion in fit cases, and the untenanted land without injury or loss to anybody should be more freely available for the purposes of holdings'.¹⁸⁵ Remarkably, Asquith also admitted that those involved in cattle driving had a legitimate grievance.

Lord Castletown took a similar view to Asquith on the origins of the anti-grazing movement:

¹⁸⁴ *Ibid.*, 18 Jan. 1908.

¹⁸⁵ *Hansard* 4, clxxxiii, 147-51 (29 Jan. 1908).

Why had cattle driving arisen? What is the origin of it? Because the people see large areas of grass lands, which Mr. Wyndham intended should be handed over to the commissioners and sold to the people to enlarge their small holdings, being sold to the graziers. The last chance of the people being able to enlarge their holdings or make them pay is therefore disappearing, and there is nothing left to them but poverty and emigration.¹⁸⁶

Those nationalists closely associated with the campaign, such as J. P. Hayden, firmly outlined in the House of Commons that the failure of the Wyndham Act was the sole reason for the unrest:

The real cause of what were called disturbances would be very quickly wiped away if this house would act according to its own pledges and put into proper operation the law which it passed in the year 1903. Then the legislature held out hopes to the people that the land would be properly sold and divided among them. That hope has been dissipated, and in consequence these so-called disturbances had taken place.¹⁸⁷

They maintained that the government had failed to properly implement the Wyndham Act and the Evicted Tenants Act of 1907. In essence, they felt that if untenanted land was acquired and divided up promptly the root of the agitation would disappear.

While the agrarian aspect of the anti-grazing movement was obvious there was also a political dimension. Although the Ranch War has generally been dated from Ginnell's speech at The Downs in November 1906, the movement really only flourished following the rejection of the Irish Council Bill in May 1907. Indeed many nationalists took that as their cue to transform the movement into a formidable crusade. This put pressure on the government to accede to their wishes regarding home rule, university education and the land question.

Walter Guinness, M.P. for Bury, St. Edmunds, opined that the agitation was inextricably linked to the home rule cause: 'The real motive of this organised persecution was to drive from the country those who would fain live under the sanction of British law, or to compel them to make peace with their enemies and enjoy the protection of terrorism.'¹⁸⁸ Furthermore, the Liberal government's suspension of the regulation preventing the purchase of land upon which intimidation had occurred

¹⁸⁶ *Ibid.*, col. 217 (30 Jan. 1908).

¹⁸⁷ *Ibid.*, clxxxiv, 1137-8 (20 Feb. 1908).

¹⁸⁸ *Ibid.*, clxxxiii, 637 (3 Feb. 1908).

certainly spurred on the cattle driving movement as the threat of a sale being prevented or delayed as a consequence was removed.

By April 1908, prominent figures in the anti-grazing campaign such as David Sheehy, M.P. for South Meath, were calling on tenants not to purchase, no matter the terms, unless the untenanted land was included along with the sale. Sheehy knew that a land bill was imminent and that it would almost certainly involve compulsion.¹⁸⁹ The attitude of those M.P.s involved in the anti-grazing movement was neatly summed up by William Delany, M.P. for Ossory, at Philipstown, Co. Westmeath on 28 April 1908. The *Irish Times* reported:

In a few days the report of the Congested Districts Commission would be laid on the table of the House of Commons demanding compulsory powers for the smashing up of the ranch lands. If the government failed to carry out the division of the grass lands, what would happen then? To give a reply in Mr. Birrell's own words there would be hell in Ireland. The hazel [a hazel stick was often carried to drive the cattle] was up the chimney, but he advised them not to burn the hazel, for the day might come when members of the Irish party would be in Philipstown again, and tell them to take the hazel down.¹⁹⁰

Section two of the Wyndham Act had proved to be revolutionary, in that, for the first time, it was not just the occupier who was eligible for a parcel of land. The clause had raised the expectations of the landless elements in the agricultural community and drove these men to join in the cattle driving. Instead of resolving the land question the clause had resulted in the perpetuation of agitation.

Lord Oranmore and Browne condemned the clause as: 'one of the greatest mistakes in the act of 1903' and opined that it was of the principal reasons why the agitation had come about.¹⁹¹ He summed up the situation created by the act in the House of Lords:

Small tenants and their sons knew of this provision in the act, and it was only natural that they should wish to take advantage of it. The result is that strong local opposition has been raised to the migration of tenants from other parts of Ireland to the grasslands in the immediate neighbourhood where these tenants

¹⁸⁹ *I.T.*, 17 Apr. 1908.

¹⁹⁰ *Ibid.*, 29 Apr. 1908.

¹⁹¹ *Hansard* 4, cxcii, 37 (9 July 1908).

with their sons are living; and, in fear that such lands might be taken for the relief of congestion elsewhere, these young men have...had recourse to very reprehensible measures. In the hope of obtaining the land as soon as possible they have resorted to the practice of cattle driving...They have done this in the hope of compelling the graziers to give up their farms and the landlords to sell, so that the land might be divided among the landless men in the neighbourhood, and the effect will be to accentuate the difficulties of relieving congestion elsewhere.¹⁹²

The report of the Dudley commission in May 1908 only heightened the expectations in agricultural society. Augustine Birrell described the effect that the Dudley commission's report had throughout the country: 'The excitement and interest occasioned by that commission all over Ireland could not be exaggerated. What had happened? The commission had reported in favour of this very thing, namely, the handing over of the grasslands.'¹⁹³

There was a feeling that the occupiers of uneconomic holdings in the local area should get the untenanted land before any congests were migrated. For example, at a meeting in Ballintubber Castle, Co. Roscommon on 23 August 1908, resolutions were passed objecting to the C.D.B. introducing congests to the area before the occupiers of uneconomic holdings were taken care of. In fact, the meeting hoped that the resolutions would form a clause in the expected land bill.¹⁹⁴ The introduction of outsiders into a locality often evoked hostility. Aside from migrants, evicted tenants were also competing for untenanted land in many areas. On 2 November 1908 at Oldcastle, Co. Meath, a meeting of the local Vigilance Committee was held to discuss the sale of the Thomastown estate. Rumours that the estates commissioners might allocate land to evicted tenants adjoining the estate in Co. Cavan had led to tensions. After heated debate, the committee agreed that the people of the locality should take priority over any evicted tenants.¹⁹⁵

On 24 April 1908 Judge Ross made an order for the release of Laurence Ginnell on the grounds of ill health.¹⁹⁶ Once released, Ginnell quickly resumed his role in the

¹⁹² *Ibid.*, col. 37.

¹⁹³ *Ibid.*, cxciii, 1803 (30 July 1908).

¹⁹⁴ *I.T.*, 24 Aug. 1908.

¹⁹⁵ *Ibid.*, 4 Nov. 1908.

¹⁹⁶ *I.I.*, 25 Apr. 1908.

campaign to break up the grass ranches. The fact that the royal commission on congestion had only advocated compulsion in the congested districts did not pass unnoticed. In the midlands and north Leinster there was extraordinary support for the division of the grasslands. Ginnell believed that the only way to convince the government to introduce compulsion nationwide was to continue the cattle driving campaign. At Castlepollard, Co. Westmeath in July, the *Irish Times* reported his statement: 'He had never heard of Mr. Birrell having given a public promise on the matter of compulsion for all Ireland. They should again apply that pressure that had before made the landlords and the government cave in. The simplest way was not to let a beast rest on the land.'¹⁹⁷

The accusation that government inaction had led people to believe that it was sympathetic to the anti-grazing agitation proved true in many areas. At a meeting in Curraghboy, Co. Roscommon on 28 July 1908, for example, a local J.P. by the name of P. Keaveny was reported to have stated:

He would give the grazier a fair chance, and if the grazier did not knuckle down he should be made to do so. Notwithstanding what the mighty government of Britain thought-the Boers showed how mighty they were-the land had got to come back to the people. But the people were now backed up by the government of the day, and soon, perhaps, the police, instead of guarding the bullocks, would have to drive them.¹⁹⁸

Many I.P.P. members including Ginnell, believed that the anti-grazing campaign had led to progress in the acquisition and division of untenanted land. William Redmond, M.P. for East Clare, while not openly advocating cattle driving, nevertheless stressed that the ranches had to be broken up. At Lisdoonvarna, Co. Clare on 20 September 1908, William Redmond expressed his wonder that the people's patience had lasted for so long. The *Irish Independent* reported his speech:

Was anyone surprised that the people were becoming impatient after waiting four or five years for these lands? He was only surprised that they had been patient so long, and it was small blame to them that after these years they were anxious to

¹⁹⁷ Ibid., 10 July 1908.

¹⁹⁸ Ibid., 29 July 1908.

remind everyone of what they were entitled to under the land act...He had no blame for the men who drove the cattle.¹⁹⁹

In late November 1908 Augustine Birrell introduced his land bill. It was introduced late in the parliamentary session, leaving little time for debate. Most likely it was brought in prematurely in an attempt to defuse the anti-grazing agitation. The bill would be reintroduced at the beginning of the 1909 parliamentary session. The self proclaimed leader of the anti-grazing movement, Laurence Ginnell, felt that such was the case. In a published letter to Jasper Tully, owner of the *Roscommon Herald*, he asserted that: 'the object of introducing that bill now, when it cannot pass, is to keep the hazel quiet this winter'.²⁰⁰ The M.P. for North Westmeath held that the bill had been introduced as a direct result of the anti-grazing agitation and that its most advantageous clauses, such as compulsion, could be attributed likewise. Furthermore, he believed that despite the proposed measure, it was vital the agitation continue with vigour. He judged that the incidence of cattle driving was directly proportional to the measure's chances of passing in 1909, for so long as the disorder prevailed there was less chance of the Lords rejecting the bill and the I.P.P. would have greater leverage to amend the measure if necessary.²⁰¹ The belief that the bill was a response to the anti-grazing agitation was widespread among nationalists. In King's County, the Eglisk and Drumcullen branch of the U.I.L. passed a resolution proclaiming the bill to be 'a triumph for the policy of cattle driving'.²⁰²

Augustine Birrell introduced his land bill to amend the Wyndham Act of 1903 which had broken down in a number of areas for complex and varied reasons. The two principal aims of the act had been to facilitate land purchase and to alleviate congestion. After five years in operation neither had been achieved. Birrell's measure was labelled a treasury relief bill, a cattle drivers' bill and a ratepayers' bill by various politicians. As far as the leaders of the Ranch War agitation were concerned, the bill was the result of their efforts and looked set to address the division of the grasslands. The chief secretary

¹⁹⁹ Ibid., 22 Sept. 1908.

²⁰⁰ Ibid., 4 Dec. 1908.

²⁰¹ Ibid.

²⁰² Ibid., 8 Dec. 1908.

came under fire from the I.U.P.P. who maintained that he had caved in to the demands of the cattle drivers. Indeed, their accusations would appear to have been justified, considering the bill when it was introduced. Compulsory purchase was to be used throughout the country and the grasslands would be broken up to enlarge holdings and to provide farms for landless men. However, the compulsory powers were later whittled down considerably in the act and were confined to the relief of congestion in the congested districts and other congested estates elsewhere in Ireland.

As far as the Liberals and the I.P.P. were concerned, the relief of congestion was equally as important as land purchase. The I.U.P.P. interpreted the objectives of the Wyndham Act differently. They held that the relief of congestion was secondary to facilitating land purchase. In James Campbell's view: 'Its main, its paramount purpose, was to transform the status of the occupying tenant into that of a purchasing owner. While that was the paramount purpose, it had as an ancillary purpose the restoration of evicted tenants, and the relief of congestion in the west.'²⁰³

The chief architect of the 1903 act, George Wyndham, admitted that the objectives of the act had been more radical than unionists believed:

The object of our policy in 1903 was...not a single object, but a two-fold object. In the first place we intended to take measures for the speedy and smooth abolition of dual ownership in Ireland...Our other object covered a smaller area, but I will not say it is less important. It was to proceed by special provision to...improve the worst class of holdings in the west of Ireland, and in a minor degree elsewhere, prior to the sale of the estates in which these holdings were situated.²⁰⁴

The alleviation of congestion had been impeded, though, by the C.D.B.'s inadequate funding in particular. The Liberal solicitor-general for Ireland, Redmond Barry was adamant that this was the case:

The history of the Dudley commission and its report make one thing absolutely plain: it is this-that the act of 1903 had the relief of congestion in Ireland before it as one of its leading objects, and that the act in that respect has been a lamentable failure...It was due to one cause, and one cause only-namely, the insufficiency of funds in the control of the Congested Districts Board.²⁰⁵

²⁰³ *Hansard 5 (Commons)*, iii, 205 (30 Mar. 1909).

²⁰⁴ *Ibid.*, col. 365 (31 Mar. 1909).

²⁰⁵ *Ibid.*, col. 356.

Similarly, the absence of compulsory powers in the congested districts was regarded as a great handicap.

The composition of the C.D.B. was also altered by the Birrell Act of 1909. The new board would consist of two permanent members, the chief secretary, the under secretary to the lord lieutenant, the vice president of the Department of Agriculture and Technical Instruction for Ireland and nine member appointed members. The board's jurisdiction was extended to include all of Connaught, Donegal, Kerry, six rural districts in Clare and four in Cork. Moreover, the annual income of the board was increased to £250,000.

XVII). Conclusion.

The principal aims of the Wyndham Act were to facilitate land purchase and to tackle the problem of congestion, both in the congested districts and throughout Ireland. Closely tied to these objectives was the resolution of the evicted tenants question. As far as the I.P.P. was concerned, the relief of congestion was as important, if not more so, than land purchase. For the vast majority of unionists and landlords, the relief of congestion was only a secondary objective and one which should not interfere with the transfer of land from landlord to tenant.

The publicity and excitement generated by the introduction of the Wyndham Act raised expectations throughout Ireland. The act was hailed as the solution to the Irish land question. The belief arose in Irish agricultural society that not only would landlords sell their tenanted estates but that the untenanted grazing ranches would be acquired and divided. Owing mainly to legal difficulties involving the treasury, the amount of untenanted land acquired in the early years of the act had been modest. As more estates were sold small holders quickly realised that the ownership of their holdings did not correlate with viability. Small holders would have to acquire parcels of untenanted land so as to create economic holdings. Many landlords were profiting from the letting of land on the eleven-month system to graziers. Others, such as Lord Ashtown, were farming much of their grazing land themselves and they were reluctant to sell their untenanted land along with the rest of their estate. Once the delays in the distribution of

the purchase money and 'bonus' became apparent, there was even more reason for landlords to hold onto their grazing lands. In the majority of cases the interest paid in lieu of rent, prior to the distribution of the purchase money and 'bonus', was lower than the estate charges that many landlords had to contend with. Hence, the money earned from the letting of land for grazing was immensely valuable in such a period of financial uncertainty.

Section two of the Wyndham Act had unforeseen consequences. For the first time, members of the agricultural community, who were not occupiers of land, were eligible for a farm where untenanted land was sold along with an estate. Evicted tenants, small holders in the neighbourhood whose holdings were valued under five pounds and, most importantly, the sons of tenants resident on an estate all came under this umbrella. For those young men, especially those who did not stand to inherit the family farm, the act offered the prospect of obtaining farms of their own. The Labourers' Act of 1906 enabled a progressive labourer to obtain a parcel of untenanted land under section two and to climb the social ladder. All of these groups stood to benefit from the acquisition and division of any untenanted land. This expectation united the small holders of Connaught with the landless sons of relatively comfortable tenant farmers in areas such as Meath and Westmeath in their support of cattle driving.

The Estates Commission's ability to tackle congestion and uneconomic holdings had been restricted in the early years of the act owing to the doubts surrounding the allocation of the 'bonus' in the sale of untenanted land. Legal difficulties had beset the purchase of untenanted land, and this, in turn, had impacted on the estates commissioners' capacity to purchase sufficient quantities of such land. The fact that the vast majority of the sales under the act were direct sales between landlord and tenant and not between landlords and the estates commissioners was significant as it prevented the commission from tackling uneconomic holdings and congestion. When the estates commissioners wished to purchase an estate which was congested, the landlord had to concede that the land was, in fact, congested. Landlords were reluctant to do so as they believed this would result in their receiving a lower price. The C.D.B. was restricted greatly by the lack of finance available to migrate tenants or to improve estates.

Therefore, by 1909 it was evident that more extensive powers and greater finance were required if congestion was to be relieved and uneconomic holdings improved.

All sides had acknowledged in 1903 that the settlement of the evicted tenants question was essential if the Irish land question was to be resolved. However, owing to restrictive regulations and an inability to acquire sufficient untenanted land, progress had been hampered during the early years of the Wyndham Act. Although matters improved upon the Liberals entering government in early 1906, obstacles still remained. The amount of untenanted land that the estates commissioners had been able to acquire was wholly inadequate. Such land was required for a number of different purposes such as the relief of congestion, the enlargement of uneconomic holdings and groups such as the sons of tenants also had a claim. This demand for untenanted land was a significant factor in the introduction of compulsion in the 1907 Evicted Tenants Act.

Aside from the introduction of compulsion, one of the main reasons for the I.U.P.P.'s vehement opposition to the Evicted Tenants Act of 1907 was the extreme difficulties facing land purchase, in terms of delays and a shortage of finance. The I.U.P.P. and Irish landlords did not want time, staff or money to be diverted away from land purchase. With the estates commissioners and their staff already overwhelmed with the volume of sales, any redirection of valuable resources away from land purchase was bound to meet determined resistance. For the I.P.P., the reinstatement of the evicted tenants was a core principle of the Wyndham Act and just as important as land purchase. In political terms, providing for their 'wounded soldiers' was paramount.

By 31 March 1920, 3,581 evicted tenants or their representatives had been reinstated to their old holdings or given new ones. They were installed as tenant-purchasers and repaid a yearly annuity. Landlords had been responsible for the direct reinstatement or provision of a new holding in 1,914 cases, albeit with financial assistance from the Land Commission in the form of grants to the evicted tenants. The remaining 1,662 cases were a result of the estates commissioners' initiatives. In order to

establish the evicted tenants in their holdings, £378,269 had been spent in the form of grants.²⁰⁶

Despite the best efforts of the Wyndham Act of 1903 and Birrell's Evicted Tenants Act of 1907, the question of the evicted tenants refused to disappear. One must be mindful that a considerable number of the applications received by the estates commissioners were refused. By 31 March 1919 the estates commissioners had received 13,744 applications from persons claiming to be evicted tenants. The majority of these had been rejected. The significant numbers of applicants who were rejected ensured that the evicted tenants question did not fade but remained a social sore.

During the revolutionary period of 1917 to 1923 the question was still deeply emotive. Laurence Ginnell, who left the I.P.P. and joined Sinn Féin, used the issue to fuel anti-government agitation:

The claim of the evicted and their descendants has been, and must until satisfied continue to be, beyond all question the strongest and most urgent of all the victims of the English garrison. The failure to satisfy those claims is the greatest blot on land legislation.²⁰⁷

The presence of designated evicted tenants associations during the revolutionary period and during the era of the Irish Free State indicates that it remained very much alive as an emotive issue. Indeed, as the 1923 Land Act was being drafted, the Evicted Tenants and Land Settlement Association sent a circular to the Irish government advocating the division of the grazing ranches.²⁰⁸ Notably, the 1923 Land Act contained provisions for the restoration of evicted tenants.

As late as 1927 the Coolgreaney and County Wicklow Evicted Tenants' Association was delighted with the response they received from a number of Fianna Fail T.D.s (Teachta Dála) who were keen to assist in any way.²⁰⁹ Upon the introduction of the 1933 Land Bill, the South of Ireland Evicted Tenants' Association strongly condemned the government for not providing a clause to enable evicted tenants to be

²⁰⁶ *Report of the estates commissioners for the year ended 31 March, 1920 and for the period 1 Nov. 1903 to 31 March, 1920*, xiv, [Cmd. 1150] H.C. 1921, xiv, 661.

²⁰⁷ Labhras MacFhionnghail [Laurence Ginnell], *The land question* (Dublin, n. d. [1917]), p. 7.

²⁰⁸ *I.T.*, 20 Nov. 1922.

²⁰⁹ *Ibid.*, 4 Oct. 1927.

reinstated.²¹⁰ Therefore, the emotive and controversial topic of evicted tenants remained alive during the revolutionary period and in the Irish Free State.²¹¹

²¹⁰ Ibid., 10 July 1933.

²¹¹ See Terence Dooley, *'The land for the people': The land question in independent Ireland* (Dublin, 2004), pp 74-81.

CONCLUSION.

This thesis has been a study of the origins, operation and legacy of the Irish Land Act of 1903. It has systematically sketched the progress of the act and its effect on the Irish land question from its creation up to its amendment by parliament in 1909. Until now, despite the acknowledged importance of the act, its effect and influence on the Irish land question had not been fully explored. The originality of this thesis lies in the completeness of the portrait of the act and its often contentious working out, in addition to the analysis of the measure's complex financial provisions.

The tendency amongst historians had been to accept the Wyndham Act as the product of the Land Conference and its report. Such a view neglected the importance of events at ground level and gave the impression that the Land Conference and the act operated in a vacuum removed from the pressures of the time. Recent scholarship has highlighted the role of the U.I.L. in the years prior to the act. However, despite some acknowledgement, the role played by T. W. Russell and his compulsory purchase campaign in Ulster has not received sufficient recognition. This dissertation has therefore highlighted the fact that the origins of the act lay in the parallel campaigns of the U.I.L. and of T. W. Russell for compulsory purchase. In addition, it has been demonstrated how Russell had actually initiated his compulsory campaign prior to the U.I.L. and that his movement led to a significant split within Ulster unionism.

One of the unique aspects of this thesis has been the examination of the parliamentary process whereby a land act was passed. The benefits of such an approach has been the insight it has given to the Irish land question during the period. Another dimension to this study has been the close analysis of the Wyndham Act's clauses. The application of this methodology to the other land acts of the period would only serve to further our understanding of the Irish land question.

The 1903 Wyndham Act was intended to solve the Irish land question. Its principal objectives were land purchase and the relief of congestion while also taking into consideration the resolution of the evicted tenants question. In terms of encouraging landlords to sell their estates there is no doubt that the act was the most successful of all those enacted by the British government. Undoubtedly the enticements for landlords to sell such as the 12 % 'bonus' and payment in cash contributed greatly to this. George

Wyndham had imagined that by processing sales to the value of £5,000,000 annually the act would operate satisfactorily. However, neither the act nor its administrators were equipped to tackle the sheer volume of sales. When this was combined with the defective financial structure of the act grave difficulties arose.

The depression in the financial markets during the period of the act's operation exacerbated the difficulties in raising sufficient funds to sustain the act. 2 ¾ % guaranteed Irish land stock never stood at anywhere near par during the period. The losses that arose from raising stock at a discount were significant and prevented any acceleration of the process despite the huge volume of sales. The long delays associated with the distribution of the purchase money and 'bonus' were injurious both to landlords and tenants. The fact that the backlog of sales generated by the 1903 act was not completely dealt with until the late 1920s undoubtedly contributed to the agrarian unrest of the Ranch War and of the revolutionary period. The financial superstructure of the act was designed so that when the losses arising from issuing stock below par reached a certain level they began to fall on the Irish ratepayer. Such a financial system ensured that the British taxpayer was not liable and probably ensured that the act was passed in 1903. The liability of the Irish ratepayers for the loss was unacceptable to all shades of Irish opinion. By 1909 it was found that land purchase could not proceed under the terms of the Wyndham Act without accruing further serious financial losses. New legislation was required if the transfer of land from landlord to tenant was to continue.

There were a number of aspects to the Irish land question aside from land purchase. Indeed, for many it was more about land acquisition and land redistribution. The Wyndham Act did not solve the Irish land question. Instead it proved a stepping-stone on the road to the resolution of the question which was still hugely relevant during the period of the Irish Free State and in the first few decades of the Irish republic.

The Wyndham Act raised expectations to a fever pitch in Irish agricultural society appearing to be all things to all men. Unfortunately, a number of important and numerically significant groups were left in the act's slipstream. The purchase of a holding did not simply make it economically viable overnight. The occupiers of small uneconomic holdings, whether in the congested districts or scattered throughout the country, who had purchased under the 1903 act or under earlier legislation, quickly

realised that they required additional land to make their farms economically viable. Land purchase would not resolve this aspect of the land question.

Evicted tenants failed to benefit significantly from the Wyndham Act and substantial legislation was required in 1907 and 1908. Even with the adoption of compulsory powers this aspect of the land question survived and remained an emotive issue in the period of the Irish Free State. During the revolutionary period of 1917 to 1923 Laurence Ginnell, who had left the I.P.P. and joined Sinn Féin, would use this emotive issue to attempt to garner support.

One of the groups in agricultural society who benefited the least from the 1903 act were the agricultural labourers. After a promise from George Wyndham during the committee stage in 1903 that a comprehensive labourers bill would be introduced in due course the needs of this class were sacrificed. Wyndham's effort in 1904 was rejected by all shades of Irish opinion. Although a measure was introduced in 1906 by the Liberals the matter required further legislation under the Birrell Act of 1909, in a separate act in 1911 and remained an unresolved issue right through to the Irish Free State.

When the 1903 act sanctioned that the sons of tenants on an estate being sold could receive a farm out of any surplus untenanted land its effect on the landless element in agricultural society was not anticipated. With the claims of the landless substantially recognised for the first time the failure of the act to swiftly and effectively provide parcels of land for such men led to the agrarian agitation known as the Ranch War. The call for 'the landless men for the manless land' became as irresistible as 'the land for the people' had previously been. With their ambitions and self-interest inflamed by the Wyndham Act the issue emerged as a hugely important aspect of the land question.

All of these groups required land but land purchase was of no use to them because they either had no land or their farms were too small to be economically viable. From the commencement of the Wyndham Act they put pressure on landlords not only to sell their estates but to sell their untenanted land along with it. This fed the agrarian unrest in the west from 1904 to 1905 and during the more widespread Ranch War.

The hunger for untenanted land raised considerable tensions in rural Ireland. One has only to delve into the report of the royal commission on congestion to see how problematic the distribution of untenanted land was. The uneconomic small holders and

landless men in the locality of the untenanted land believed they were more entitled to such land than outsiders. The acquisition of untenanted land for agricultural labourers often faced considerable resistance from men in the locality who felt that their needs should receive priority. Their opposition to the introduction of strangers greatly hindered the attempts of the C.D.B. to migrate people from congested areas. It was equally frustrating for the C.D.B. and the estates commissioners when they attempted to resettle evicted tenants, especially if they were not from the locality. While all of these groups were in favour of acquiring and redistributing untenanted land they were also in competition with each other for it and the supply was limited. This aspect of the land question was not resolved by the 1903 act. If anything it had proved the catalyst for much of the trouble as it had exacerbated the land hunger and existing tensions in agricultural society. As more tenants became the owners of their holdings the realisation dawned that a social revolution was occurring. The ownership of the land was changing hands. The opportunity presented by the Wyndham Act of obtaining a farm or enlarging an existing one had to be grasped, as there was a fear it might not arise again.

The 1903 act was not an attack on the landed gentry as a class. It was a voluntary measure which provided landlords with a means of extricating themselves from their Irish lands. The enticements to sell were significant especially the 12 % cash 'bonus' and the payment of the purchase money in cash. The 'zone' system ensured that they received higher prices, in terms of the number of years' purchase of rent, than they could have received under previous acts. The clause under which a demesne could be sold and repurchased by the landlord on the same annuity terms as the tenants provided what was essentially a low-interest rate loan. For relatively unencumbered landlords the act actually offered the opportunity to make a serious financial profit. For those who were heavily in debt it offered an escape with the prospect of a substantial cash sum, in the form of the 'bonus', for their own use. In essence, the act gave the landed gentry the opportunity to move away from a rent based income and into the world of business. The finance raised from the sale of their estates could be invested in stocks or shares which would provide a more reliable and stable means of income than their rents had previously been.

The intention of the 1903 act was to keep landlords in Ireland after they had sold. Nowhere is this more obvious than in the clause which permitted the sale and repurchase of their demesnes. The intention was to establish resident landlords as country gentlemen. The evidence provided in this thesis confirms that the landed gentry did not abandon the country in droves after the act. Neither the Land War nor the Wyndham Act ended the opportunity for landlords to reside in Ireland. Horace Plunkett identified the opportunity the act presented to the landed gentry in his work *Noblesse Oblige; an Irish rendering* (1908). Removed from the burden of landlord – tenant relations the resident gentry had the chance to reinvent themselves and to become leaders in their localities and in the national life of the country.

On the other hand tenants whose landlord sold under the act enjoyed a reduction in their annuity as compared with their former rent. Under the act the maximum advance permitted to a tenant was £7,000. Under previous acts it had only been £3,000. This undoubtedly suited the wealthier sections of the tenantry in the east of Ireland, particularly in east Ulster and Leinster. A good example was the Leinster estate. We saw in chapter four how 77 out of 506 tenant-purchasers received advances over £3,000 which amounted to £381,825 in total. This figure accounted for more than half the purchase money on the estate. Where sales occurred on properties such as the Leinster estate the extent to which the voices of the smaller tenants (many of whom farmed uneconomic holdings) were heard during the rush to purchase remains doubtful.

The tenant's annuity was fixed for approximately sixty-eight and a half years. Unlike a benevolent landlord the state did not take into account localised conditions or events which might effect the payment. Whereas rents had been up for review every fifteen years in the land courts the annuity would remain constant and would not take economic conditions into account. Undoubtedly many tenants struggled to pay their annuities during periods of economic depression such as occurred in the 1920s and 30s, particularly those who had purchased uneconomic holdings. The joys of ownership were quickly replaced by the realisation that their farm was insufficient to adequately support a family.

In the past traditional orthodoxy surrounding the Wyndham Land Act has suggested that the act ended landlordism as an institution in Ireland and that very little

land purchase or redistribution occurred after 1923. J. C. Beckett, for example, outlined how 'landlordism in rural Ireland had become a thing of the past' by 1919.¹ J. J. Lee exemplifies this train of thought:

[Post independence] There was no longer a viable landlord system. Most Irish farmers became the effective owners of their holdings before 1921. The 1923 Land Act permitted the remaining tenants to purchase their holdings quickly, but the major changes in land ownership occurred before independence... The government was not therefore exposed to the temptation to manipulate land reform extensively for political purposes, which might have spawned massive corruption and provoked widespread grievance. Such limited land re-distribution as occurred continued to be channelled through the safer conduits of the Land Commission. Communities were not generally rent asunder by rival claims to land.²

Philip Bull also contended that: 'By 1921 most Irish farmers owned their holdings, and the 1923 Land Act ... speeded up the process for those who still remained as tenants. Landlordism, as historically understood in Ireland, no longer existed. This achievement had largely flowed from the 1903 act.'³ Recent scholarship, such as Terence Dooley's *'The land for the people'* (2003), has cast grave doubts on this interpretation.⁴ After the Catholic Church, the Land Commission was the most important and the most controversial institution in independent Ireland. The role of political patronage as regards the division and redistribution of land and its effects on voting patterns was quite significant. Successive Irish governments manipulated land reform for political purposes. None of this could have occurred had the Wyndham Act actually solved the land question.

Such assertions have distorted the legacy of the Wyndham Act. Although it ensured the transfer of a significant amount of land from landlords to tenants it did not end landlordism. Many landlords still retained huge estates prior to the 1923 Land Act. The earl of Leitrim, for example, held 39,000 acres in Co. Donegal while the marquis of

¹ J.C. Beckett, *The making of modern Ireland 1600-1923* (London, 1969), p. 407.

² J.J. Lee, *Ireland 1912-1985; Politics and Society* (Cambridge, 1989), p. 71.

³ Bull, *Land politics and nationalism: A study of the Irish land question* (Dublin, 1996), p. 177.

⁴ Dooley, *'The land for the people'. The land question in independent Ireland* (Dublin, 2004).

Lansdowne still owned 49,000 acres in Co. Kerry.⁵ Indeed, there were still 114,000 holdings on 3,000,000 acres that had not been purchased prior to 1923.⁶

The Wyndham Act has been credited with making 'redundant the close association of nationalism to the land issue'.⁷ Philip Bull, in particular, has advocated this theory. According to Bull: 'The land conference and land act [Wyndham Act] removed from Irish politics the issue on which much of the momentum of nationalism had previously depended.'⁸ Such an interpretation certainly underestimates the agrarian aspect of the revolutionary period from 1917 to 1923 when Sinn Féin used discontent over the land question as a prop to their own nationalist ambitions. As David Fitzpatrick pointed out: "IRA engagements" were in many cases thinly disguised land seizures which Dublin headquarters had neither the ability nor, perhaps, the intention to prevent.⁹ Indeed, the leadership of the I.R.A. and Sinn Féin were often driven to great lengths to ensure that the question of land did not threaten to subvert the nationalist cause.¹⁰ Thus, the close association of the land question and the nationalist movement was certainly not terminated by the Wyndham Act, but continued through the revolutionary period and during the civil war.¹¹ It even played a part in Fianna Fáil coming to power in 1932 and the prominence of Clann na Talmhan ('party of the land') in the 1940s and 1950s. Richard English, in his work *Irish freedom; The history of nationalism in Ireland* (2006), revealed how I.R.A. members such as Peadar O'Donnell attempted to utilise the discontent arising from the payment of land purchase annuities for political gain.¹² The vast majority of these annuities concerned purchases under the Wyndham Act and many farmers in the 1920s and 1930s found it very difficult to keep up their annual repayments.

⁵ Dooley, *The decline of the Big House in Ireland; A study of Irish landed families 1860-1960* (Dublin, 2001), p. 127.

⁶ C. F. Kolbert and T. O'Brien, *Land reform in Ireland: A legal history of the Irish land problem and its settlement* (Cambridge, 1975), p. 46.

⁷ Philip Bull, 'Land and politics, 1879-1903' in D. G. Boyce (ed.), *The revolution in Ireland* (Dublin, 1988), p. 45.

⁸ Philip Bull, 'The significance of the nationalist response to the Irish Land Act of 1903' in *Irish Historical Studies*, xxviii, no. 111 (May 1993), p. 283.

⁹ David Fitzpatrick, 'The geography of Irish nationalism 1910-1921' in *Past and Present*, no.78 (Feb. 1978), p119.

¹⁰ Fergus Campbell, 'The last land war? Kevin O'Shiel's memoir of the Irish revolution (1916-21)' in *Archivium Hibernicum*, lvii (2003), p. 196.

¹¹ Ronan Fanning, *Independent Ireland* (Dublin 1983), p. 175.

¹² Richard English, *Irish Freedom; The history of nationalism in Ireland* (London, 2006), pp 318-9.

The assumption by historians that the land question at the beginning of the twentieth century was solely about land purchase has led to many misconceptions. The reality, of course, was much more complex. According to F.S.L. Lyons, for example: 'With the Wyndham Act the coping-stone was placed on the whole edifice of constructive unionism ... while the act undoubtedly fulfilled the immediate and urgent need of ending the Land War.'¹³ Another proponent of this argument that the Wyndham Act ended the Land War is Philip Bull who stated that; 'the resulting act [Wyndham act] provided the basis for tenant farmers to secure the ownership of their farms, so bringing to an end the land war that had raged in Ireland since the late 1870s'.¹⁴ Such an assumption neglects the importance of the Ranch War and of the revolutionary period of 1917 to 1923. While it provided the vehicle for the transfer of a substantial amount of land the Wyndham Act did not end the Land War. Rather it aggravated the tensions within Irish agricultural society and ensured the continuance of the Irish land question.

The Wyndham Act was contemporaneously hailed as the final solution to the Irish land question. However, it did not solve the question but even exacerbated certain aspects. Its principal objectives were land purchase, the relief of congestion and the resolution of the evicted tenants question. The act proved the catalyst for an extensive transfer of land from landlords to tenant-purchasers. The financial structure of the act was fundamentally unstable and unsound. When this was combined with the unexpected volume of sales, the administrative and staffing problems, the release of only £5,000,000 annually for the first three years and the long delays associated with the distribution of the purchase money and the cash 'bonus' it was little wonder that difficulties arose. Although it far exceeded previous and subsequent acts, as regards the volume of land transferred, it did not operate as smoothly or as quickly as had been expected and required. Needless to say the act did not bring about the conclusion of land purchase as further legislation was required in 1909 and after independence.

The relief of congestion and the resolution of the evicted tenants question were not resolved by the Wyndham Act either. Subsequent legislation was quickly required to try to resolve these aspects of the land question. Both remained prominent topics in

¹³ F.S.L. Lyons, *Ireland since the famine* (Glasgow, 1973), p. 219.

¹⁴ Bull, 'The significance of the nationalist response to the Irish Land Act of 1903', p. 283.

Ireland after independence. What the Wyndham Act succeeded in doing was magnifying the plight of uneconomic holders, evicted tenants, agricultural labourers and the sons or farmers or other landless elements. With the acceleration of land purchase under the act these groups realised that the possibility of obtaining land was slipping from their grasp. By heightening the expectations of these groups and failing to provide sufficient land redistribution to meet their demands the potential for agrarian agitation was kept alive. Far from being the final solution to the Irish land question the Wyndham Act proved to be a stepping stone, admittedly a significant one, on the road to the resolution of Ireland's agrarian difficulties.

Appendix I. Tenants' deputation to the trustees of the Leinster Estate, 1903

Name (deputation)	Approximate acreage	Location of land	Other details
Richard McKenna (Maynooth)	308	Maynooth	County Councillor, J.P.
Mark Travers (Maynooth)	119	Maynooth	
Joseph Langan (Maynooth)	46	Maynooth	
James Patterson (Maynooth)	203	Maynooth	
Laurence Ball (Maynooth)	186	Maynooth	J.P.
William Chamberlain (Maynooth)	207	Maynooth	Took the place of McGrath
Stephen Browne (Maynooth)	0		Chairman Kildare Co. Council. J.P., solicitor.
Thomas Shaw (Maynooth)	0		John and Hugh Shaw, Maynooth, owned over 200 acres each, maybe related
Mathew Minch (Athy)	248	Athy	J.P., former M.P. for South Kildare, noted malt & corn merchant. Chairman of Athy U.I.L.
Thomas Anderson (Athy)	313	Kilkea	J.P.
Richard Wright (Athy)	347	Kilkea	J.P.
	39	Castledermot	
John Gannon (Athy)	257	Kilkea	J.P.
Andrew Pennycook (Athy)	223	Athy	Acted as secretary for the deputation
Charles Greene (Athy)	149	Kilkea	
Edward Heydon (Athy)	317	Kilkea	County Councillor
	59	Castledermot	
Robert Anderson (Athy)	278	Athy	
Anthony Reeves (Athy)	80	Athy	Acted as secretary for the deputation
Philip Barrington (Athy)	201	Athy	Land registered under Margaret Barrington, probably his wife
Total acreage	3,580		

Source: *Return of advances made under the Irish Land Act, 1903 during the period from 1st November, 1903 to 31st December, 1905, vol. i, parts i, ii, and iii* [Cd.3447, Cd.3560, Cd.3547] H.C. 1907, lxx, 1.

Appendix II. Stocks purchased from the sale of the Leinster estate, 1903/4

Stocks purchased	Price		
	£	s.	d.
£10,000 Dublin Corporation 3.25% Stock	9,225	1	0
£10,000 Belfast City 3% Stock	8,635	11	0
£10,000 Belfast Corporation Stock 3.5%	10,125	8	6
£1,800 15s. 10d. Bank of Ireland Stock 11.5%	6,213	16	5
£4,139 17s. 4d. Natal Inscribed Stock 3.5%	3,960	19	11
£5,700 Midland Gt. Western of Ireland 5% Stock	7,872	18	0
£1,600 Gt. Southern & Western Railway 4% Guaranteed Stock	1,910	2	3
£5,000 Caledonian Railway Stock 4%	5,883	11	0
£3,000 Bristol Corporation 3.5% Stock	3,035	13	6
£3,000 Lagos 3.5% Inscribed Stock	2,898	16	0
£2,000 Cape 3.5% Stock	1,945	1	0
Total	61,706	18	7

Source: 'Statement of application of sums received on the sale of the Leinster estates in Ireland July 1904' (P.R.O.N.I., Leinster Papers, D3078/2/15/5).

Appendix III. Statement as to the legal and beneficial ownership of the purchase moneys of the Leinster estate, December 1905

No.	Amount of Charge			Beneficiary	In whom vested	Description of charges
	£	s.	d.			
1	8,000	0	0	Lord Frederick Fitzgerald.	Lord Frederick Fitzgerald.	£4,000 is part of a charge of £21,538 9s 2d charged for the late Lord Gerald Fitzgerald.
						£4,000 is part of £40,000 charged for portions.
2	8,000	0	0	Lord Walter Fitzgerald.	Lord Walter Fitzgerald.	£4,000 is part of the same charge of £21,238 9s 2d charged for the late Lord Gerald Fitzgerald.
						£4,000 is part of the same £40,000 charged for portions.
3	4,000	0	0	Lord Charles Fitzgerald.	Lord Charles Fitzgerald.	Part of the same £40,000 charged for portions.
4	8,000	0	0	Lord George Fitzgerald.	Lord George Fitzgerald.	£4,000 is part of the same £40,000 charged for portions.
						£4,000 was charged for Lord George in 1889.
5	4,000	0	0	Lord and Lady Henry Fitzgerald and their children.	Charles Robert Hamilton as surviving trustee of Lord Henry Fitzgerald's marriage settlement.	Part of the same £40,000 charged for portions.
6	8,000	0	0	Lady Nesta Fitzgerald.	Lady Nesta Fitzgerald.	£4,000 is part of the same £40,000 charged for portions.
						£4,000 was charged for Lady Nesta in 1887.
7	120,154	17	4	The duke upon attaining 21 as residuary legatee under the will of Gerald duke of Leinster or his next of kin in the event of his death under age.	I). £45,000: Lord Frederick Fitzgerald and Charles Robert Hamilton as executors of Gerald duke of Leinster.	£87,000 represents charges to which Gerald duke of Leinster was entitled at his death.
					II). £42,000: Lord Henry Fitzgerald as trustee for Gerald duke of Leinster.	
					III). £33,154 17s 4d: Lord Frederick and Lord Kinnaird as trustees of the will of Gerald duke of Leinster.	£33,154 17s 4d represents investments made out of income by the trustees of the will of Gerald duke of Leinster.

Source: 'Statement as to the legal and beneficial ownership of the purchase moneys of the Leinster estate' (P.R.O.N.I., *Leinster papers*, D3078/2/15/4).

Appendix III contd. Statement as to the legal and beneficial ownership of the purchase moneys of the Leinster estate, December 1905

No.	Amount of Charge £ s. d.	Beneficiary	In whom vested	Description of charges
8	8,845 2 8	The duke upon attaining 21 under the will of Gerald duke of Leinster or his next of kin in the event of his death under age except so far as the same may have arisen from real estate which would devolve upon his heir at law.	Lord Frederick Fitzgerald and Lord Kinnaird.	Represents investments made by the trustee of the will of Gerald duke of Leinster out of capital.
9	103,076 18 5.5	The duke upon attaining 21 as tenant in tail under the settlement of 1884 or his successor under the settlement in the event of his death under age.	I). £73,076 18s 54d: Lord Kinnaird and Charles Robert Hamilton as the original trustees of the settlement of 1884. II). 30,000: Lord Kinnaird and Lord Frederick Fitzgerald as the present trustees of the settlement of 1884.	Represents investments made by the trustee of the settlement of 1884 out of capital.
Total	272,076 18 5.5			

Source: 'Statement as to the legal and beneficial ownership of the purchase moneys of the Leinster estate' (P.R.O.N.I., Leinster papers, D3078/2/15/4).

**Appendix IV. Sample of purchase prices & bonuses received by thirty
landowners based on advances received by their tenant purchasers between 1
November 1903 and 31 December 1909**

Vendor	County	Number of acres	Purchase price £	Bonus at 12%
Archdale, Edward	Fermanagh/Tyrone	29,334	242,047	29,045
Balzani, Count Ugo	Antrim	7,994	82,599	9,911
Carysfort, Earl of	Wicklow/Kildare/Dublin	17,669	170,723	20,486
Close, Major M. A.	Armagh	13,009	210,793	25,295
Colley, George P.A.	Kildare/Cork	5,021	78,360	9,403
Colley, G.P.A & Pomeroy, E.A.G.	Kildare	212	3,193	383
Coote, Capt. C. J.	Limerick	1,958	55,366	6,643
Craig, Charles C.	Down	840	11,222	1,346
Craig, James	Down	411	6,013	721
Deramore, Baron	Down	4,510	98,919	11,870
Emly, Baron	Limerick/Clare	2,127	32,204	3,864
Gascoigne, Lt.-Gen. Frederick R.T.T.	Limerick	6,286	96,651	11,598
Hopkins, Thomas	Queen's	182	3,152	378
Kavanagh, Walter McMurrough	Kilkenny	7,131	85,453	10,254
Leconfield, Baron	Clare	256	4,248	509
Louth, Baron	Kildare	393	5,021	602
Mayo, Earl of	Kildare	3,644	92,028	11,043
The MacDermot, Charles Edward	Sligo	742	3,491	418
McDonnell, Sir Anthony P.	Mayo	864	3,192	383
Monck, Viscount	Wexford	1,949	14,748	1,769
Montgomery, Hugh de Fellenberg	Fermanagh/Tyrone	3,454	29,939	3,592
Moore, William	Antrim	1,139	13,780	1,653
Newman, John R. B.	Cork	5,211	56,675	6,801
Pakenham, Lt.-Gen. T.H.	Antrim	8,181	121,201	14,544
Pomeroy, Ernest A. G.	Kildare	3,474	56,499	6,779
Power, Hamo Massy	Tipperary	1,214	13,058	1,566
Redmond, John E. *	Wexford	3,150	35,351	4,242
Rochfort-Boyd, Charles A.	Westmeath	980	19,061	2,287
Rossmore, Baron	Monaghan	12,935	179,932	21,591
Wills-Sandford, Thomas G.	Roscommon	13,212	120,250	14,430
Totals		157,482	1,945,169	233,406

Source: *Return of advances made under the Irish Land Act, 1903, 1903-20*
(see bibliography for specific references)

*John Redmond did not receive any of the bonus as the purchase money failed to cover the encumbrances and charges on the estate.

Appendix V. Sample of forty landowners who sold and repurchased, under the provisions of the Wyndham Act, 1903, their demesnes and other lands in their occupation

Landowner	County	Area in Acres	Price £	Advance £	Payment in cash £
Archdale, Edward	Fermanagh	1,607	19,847	19,847	
Athlumney, Lord	Meath	988	19,020	17,895	1,125
Balfour, B. R. T.	Meath	856	14,000	14,000	
Bandon, Earl of	Cork	9	166	166	
Birmingham, Louisa M. F.	Roscommon	95	2,854	2,854	
Black, William	Donegal	293	4,000	2,242	1,758
Blake, Col. Llewellyn	Galway	1,243	3,413	3,413	
Bodkin, Martin	Galway	624	8,065	8,065	
Brooke, Sir George F.	Wexford	11	55	55	
Burrowes, Thomas C.	Cavan	362	9,840	8,125	1,715
Butler, Thomas	Tipperary Sth.	303	8,000	8,000	
Carysfort, Earl of	Wicklow	2,054	20,000	20,000	
Castletown, Baron	Queen's	1,232	22,000	19,900	2,100
Clanmorris, Lord	Galway	622	8,567	8,567	
Collis-Sandes, F. S.	Kerry	230	6,000	6,000	
Connolly, Edward Michael	Kildare	45	1,000	1,000	
Corcoran, Michael	Tipperary Nth.	124	1,890	783	1,107
Crofton, Lord	Roscommon	1,812	24,000	20,000	4,000
Crosbie, Lindsay B. Talbot	Kerry	528	13,000	13,000	
Daly, Wm. & Daly, D. St. George	Galway	594	6,925	6,925	
Darnley, Earl of	Meath	270	10,000	10,000	
Drought, Thomas Henry	King's	505	3,974	3,304	670
Dunraven, Earl of	Limerick	1,188	20,000	20,000	
Ely, Marquis of	Fermanagh	1,485	14,856	14,856	
"	"	74	792	792	
Emly, Lord	Limerick	203	4,500	4,500	
Evatt, George Forster	Monaghan	273	4,200	2,300	1,900
Falls, Thomas	Tyrone	1,160	5,000	4,000	1,000
Finlay, Henry Thomas	Dublin	228	11,200	10,000	1,200
Garvey, Michael	Armagh	88	2,100	1,158	942
Gosford, Earl of	Armagh	694	25,000	20,000	5,000
Harrison, Henry	Down	187	12,000	12,000	
Henry, Hugh A.	Kildare	203	4,245	2,636	1,609
Kenny, Patrick W.	Waterford	59	2,300	1,173	1,127
K'Eogh, Frances de Renzy	Carlow	423	6,256	6,256	
King-Harman, W. H.	Longford	944	11,000	11,000	
MacDonnell, Charles R. A.	Clare	429	5,700	5,700	
Mahon, George Ker	Galway	890	31,672	17,449	14,223
Massereene & Ferrard, Viscount	Louth	951	8,500	8,500	
McCausland, E.O.	Mayo	82	4,185	1,764	2,421
Monteagle, Baron	Limerick	531	14,000	14,000	
Total		24,499	394,122	352,225	41,897

Source: Return of advances made under the Irish Land Act, 1903, 1903-20 (see bibliography for specific references).

**Appendix VI. Number of holdings sold to tenant purchasers under the various
Irish land acts, 1870-96**

Land Act	Number of holdings sold	Total acreage of holdings sold	Total value of advances to tenant purchasers £	Cash lodged by tenant purchasers £	Total purchase money (cash & advances) £
1870	877	52,906	514,536	344,986	859,522
1881	731	30,657	240,801	114,793	355,594
1885-8	25,367	942,625	9,992,536	170,298	10,162,834
1891-6	46,834	1,482,749	13,146,892	254,334	13,401,226
Total	73,809	2,508,937	23,894,765	884,411	24,779,176

Source: Report of the estates commissioners for the year ending 31st March, 1920 and for the period from 1st November, 1903, to 31 March, 1920 [Cmd.1150] H.C. 1921, xiv, 661.

Appendix VII. Issues of guaranteed 2 ¾ % land stock under the Wyndham Act*

Date of issue	Amount of stock issued			Cash amount raised on stock issued			Deficit between value of stock issued & cash raised			Annual Charge on the Irish Development Grant as a result of the issue of stock at a discount #		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
19 Mar. 1904	5,000,000	0	0	4,337,121	6	8	662,878	13	4	19,820	1	3
3 Jan. 1905	6,000,000	0	0	5,354,332	15	0	645,667	5	0	18,885	15	4
2 Jan. 1906	1,103,448	5	7	1,000,000	0	0	103,448	5	7	3,046	17	6
26 Feb. 1906	1,097,966	3	2	1,000,000	0	0	97,996	3	2	2,900	12	6
6 Apr. 1906	1,000,000	0	0	920,921	13	4	79,708	6	8	2,590	10	5
12 June 1906	7,000,000	0	0	6,212,093	5	7	787,906	14	5	23,046	5	5
2 July 1907	2,000,000	0	0	1,695,000	0	0	305,000	0	0	8,425	12	6
7 Oct. 1907	3,000,000	0	0	2,546,875	0	0	453,125	0	0	13,499	7	0
7 Apr. 1908	2,000,000	0	0	1,796,583	6	8	203,416	13	4	5,949	18	9
4 July 1908	5,000,000	0	0	4,462,015	16	8	537,984	3	4	15,736	0	9
6 Apr. 1909	4,000,000	0	0	3,461,166	13	4	538,833	6	8	15,541	19	6
6 July 1909	4,000,000	0	0	3,441,000	0	0	559,000	0	0	16,804	18	9
Total	41,201,444	8	9	36,226,479	17	3	4,974,964	11	6	146,247	19	10

Source: *Return of guaranteed 2 ¾ % stock under the Irish Land Act, 1903*, H.C. 1909, (279), 1, 343.

* The finance for land purchase under the Wyndham Act was issued from the Irish Land Purchase Fund. It was raised by the creation of guaranteed 2 ¾ % stock which the public were free to invest in. The stock yielded interest at the rate of 2 ¾ % which was payable half yearly.

Under the act the Irish Development Grant had to bear the losses when the stock was issued below par. The tenant's annuity of 3 ¼ % (2 ¾ % interest and ½ % for the sinking fund) was only sufficient to repay with interest the cash advance he received. It did not cover the cost of issuing stock at a discount when it was issued below par.

**Appendix VIII. Net amounts drawn from the Guarantee Fund by the treasury
under the Wyndham Act up to 31 January 1907***

County	Arrears of annuities	Cost of incidental charges	Total
Kildare	944	7,714	8,658
Cork	831	4,050	4,881
Roscommon	702	4,104	4,806
Kilkenny	701	4,045	4,746
Limerick	1,168	3,017	4,185
Meath	196	3,733	3,929
Galway	304	3,321	3,625
Wicklow	157	2,906	3,063
Tipperary South	502	2,097	2,599
Wexford	200	2,262	2,462
Down	119	2,114	2,233
Westmeath	262	1,961	2,223
Tyrone	290	1,925	2,215
Mayo	64	2,024	2,088
Dublin	325	1,271	1,596
Queen's County	164	1,332	1,496
Carlow	138	1,330	1,468
Fermanagh	92	1,328	1,420
King's County	321	1,077	1,398
Armagh	70	1,293	1,363
Londonderry	66	1,296	1,362
Sligo	62	1,271	1,333
Longford	145	1,014	1,159
Antrim	13	1,118	1,131
Tipperary North	336	768	1,104
Waterford	280	670	950
Kerry	130	632	762
Donegal	44	643	687
Clare	164	435	599
Monaghan	128	419	547
Louth	60	301	361
Leitrim	97	252	349
Cavan	44	154	198
Overall total	9,119	61,877	70,996

Source: *Hansard* 4, clxxii, 1373-7 (22 Apr. 1907)

*Under the Wyndham Act the Guarantee Fund was liable for arrears of payment by the tenant-purchasers and for incidental charges arising from the operation of the act. As the tenant-purchasers' annuities did not provide for incidental charges they fell on the portions of the Guarantee Fund that were in aid of taxation. As these portions of the fund were used up the charge fell on the county councils and the Irish ratepayers.

Appendix IX. Estates sold under the Wyndham Act 1903 in each county*

County (by province)	Total number of estates sold	Total price of estates sold £	Amount advanced to tenant purchasers £	Cash lodged by tenant purchasers £
Antrim	222	2,482,670	2,469,268	13,402
Armagh	215	2,687,508	2,650,217	37,291
Cavan	278	1,994,177	1,984,969	9,208
Donegal	224	1,752,652	1,745,058	7,594
Down	260	3,771,202	3,746,076	25,126
Fermanagh	194	1,638,254	1,623,494	14,760
Londonderry	189	1,354,581	1,337,502	17,079
Monaghan	179	1,814,244	1,796,507	17,737
Tyrone	367	2,446,151	2,434,843	11,308
Carlow	102	986,211	974,597	11,614
Dublin	188	1,765,301	1,688,050	77,251
Kildare	212	2,936,743	2,876,468	60,275
Kilkenny	308	3,216,577	3,175,198	41,379
King's County	263	2,135,278	2,113,499	21,779
Longford	146	1,202,697	1,188,584	14,113
Louth	127	1,689,465	1,665,495	23,970
Meath	381	4,218,321	4,080,622	137,699
Queen's County	186	1,364,960	1,345,277	19,683
Westmeath	271	2,467,321	2,435,426	31,895
Wexford	328	2,873,080	2,854,108	18,972
Wicklow	155	1,997,083	1,955,611	41,472
Galway	404	3,652,092	3,609,084	43,008
Leitrim	166	1,084,049	1,080,197	3,852
Mayo	162	1,599,964	1,595,916	4,048
Roscommon	307	2,901,710	2,872,003	29,707
Sligo	190	1,800,241	1,791,866	8,375
Clare	294	1,757,815	1,746,384	11,431
Cork	1,457	8,919,617	8,860,220	59,397
Kerry	273	2,938,543	2,917,287	21,256
Limerick	512	5,151,823	5,112,941	38,882
Tipperary Nth.	316	2,203,424	2,186,200	17,224
Tipperary Sth.	337	3,049,630	3,005,936	43,694
Waterford	197	1,725,598	1,707,640	17,958
Ulster	2,128	19,941,439	19,787,934	153,505
Leinster	2,667	26,853,037	26,352,935	500,102
Connaught	1,229	11,038,056	10,949,066	88,990
Munster	3,386	25,746,450	25,536,608	209,842
Total	9,410	83,578,982	82,626,543	952,439

Source: Irish Land Commission, *Report of the estates commissioners for the year ended 31 March, 1921 and for the period 1 Nov. 1903 to 31 March, 1921* (London, 1922), pp 16-17 and p. 35.

* This table is based on the number of sales that were completed *and* the number that were pending on 31 March 1921.

**Appendix X. Details of completed and pending sales of estates, under the
Wyndham Act, in each county up to 31 March 1921**

County	No. of estates sold (No. pending sale)	No. of purchasers who received advances	Price (Price pending) £	Amount advanced (Pending advances) £	Cash lodged by purchasers (Cash pending lodgement) £	Area of land pending advances	
						A.	R. P.
Antrim	195 (27)	7,042	2,256,747 (225,923)	2,243,475 (225,793)	13,272 (130)	30,432	1 26
Armagh	192 (23)	12,222	2,509,285 (178,223)	2,473,271 (176,946)	36,014 (1,277)	14,140	0 12
Cavan	243 (35)	9,212	1,833,389 (160,788)	1,824,419 (160,550)	8,970 (238)	16,767	1 29
Donegal	190 (34)	7,504	1,451,148 (301,504)	1,443,606 (301,452)	7,542 (52)	77,898	3 29
Down	227 (33)	11,884	3,343,347 (427,855)	3,318,612 (427,464)	24,735 (391)	32,078	2 8
Fermanagh	169 (25)	5,917	1,475,818 (162,436)	1,461,123 (162,371)	14,695 (65)	21,503	2 9
Londonderry	170 (19)	4,441	1,303,501 (51,080)	1,286,447 (51,055)	17,054 (25)	4,720	1 31
Monaghan	151(28)	7,121	1,537,377 (276,867)	1,519,650 (276,857)	17,727 (10)	26,871	0 35
Tyrone	314(53)	8,775	2,102,647 (343,504)	2,091,385 (343,458)	11,262 (46)	43,304	2 1
Carlow	85(17)	1,544	826,619 (159,592)	821,569 (153,028)	5,050 (6,564)	11,680	2 6
Dublin	174 (14)	1,592	1,622,497 (142,804)	1,547,467 (140,583)	75,030 (2,221)	5,606	1 1
Kildare	198 (14)	3,692	2,831,943 (104,800)	2,773,764 (102,704)	58,179 (2,096)	7,707	1 30
Kilkenny	289 (19)	6,631	2,931,141 (285,436)	2,891,084 (284,114)	40,057 (1,322)	25,907	2 2
King's Co.	221 (42)	3,908	1,495,152 (640,126)	1,476,151 (637,348)	19,001 (2,778)	56,777	1 24
Longford	126 (20)	3,467	981,333 (221,364)	967,235 (221,349)	14,098 (15)	21,040	2 29
Louth	107 (20)	3,025	1,357,490 (331,975)	1,334,620 (330,875)	22,870 (1,100)	19,587	2 8
Meath	364 (17)	5,618	4,005,196 (213,125)	3,872,203 (208,419)	132,993 (4,706)	11,485	3 8
Queen's Co.	163 (23)	2,746	1,229,689 (135,271)	1,210,564 (134,713)	19,125 (558)	15,028	0 19
Westmeath	229 (42)	4,611	2,144,294 (323,027)	2,121,342 (314,084)	22,952 (8,943)	26,681	2 5
Wexford	299 (29)	6,270	2,569,499 (303,581)	2,551,114 (302,994)	18,385 (587)	28,125	2 0
Wicklow	142 (13)	3,059	1,864,975 (132,108)	1,826,427 (129,184)	38,548 (2,924)	16,417	0 12

Source: Irish Land Commission, *Report of the estates commissioners for the year ended 31 March, 1921 and for the period 1 Nov. 1903 to 31 March, 1921* (London, 1922), pp 16-7 and p. 35.

Appendix X continued. Details of completed and pending sales of estates, under the Wyndham Act, in each county up to 31 March 1921

County	No. of estates (No. pending sale)	No. of purchasers who received advances	Price (Price pending) £	Amount advanced (Pending advances) £	Cash lodged by purchasers (Cash pending lodgement) £	Area of land pending advances		
						A.	R.	P.
Galway	372 (32)	13,518	3,572,864 (79,228)	3,529,912 (79,172)	42,952 (56)	13,173	0	31
Leitrim	140 (26)	6,268	890,952 (193,097)	888,201 (191,996)	2,751 (1,101)	24,202	1	30
Mayo	155 (7)	8,035	1,574,558 (25,406)	1,570,510 (25,406)	4,048 (0)	2,288	3	18
Roscommon	278 (29)	11,022	2,671,054 (230,656)	2,641,405 (230,598)	29,649 (58)	26,130	3	8
Sligo	166 (24)	6,575	1,407,750 (392,491)	1,399,539 (392,327)	8,211 (164)	42,568	3	39
Clare	254 (40)	5,215	1,489,474 (268,341)	1,479,236 (267,148)	10,238 (1,193)	32,552	0	4
Cork	1,336 (121)	17,897	8,307,479 (612,138)	8,250,030 (610,190)	57,449 (1,948)	59,005	0	0
Kerry	241 (32)	9,527	2,645,927 (292,616)	2,624,955 (292,332)	20,972 (284)	74,991	1	7
Limerick	474 (38)	8,135	4,660,273 (491,550)	4,621,535 (491,406)	38,738 (144)	50,180	0	12
Tipperary Nth.	279 (37)	4,605	1,925,395 (278,029)	1,912,676 (273,524)	12,719 (4,505)	27,386	1	20
Tipperary Sth.	313 (24)	5,442	2,924,874 (124,756)	2,881,395 (124,541)	43,479 (215)	11,685	1	16
Waterford	185 (12)	2,903	1,595,591 (130,007)	1,579,480 (128,160)	16,111 (1,847)	9,865	2	39
Total from concluded sales (Total from pending sales)	8,441 (969)	219,423	75,339,278 (8,239,704)	74,434,402 (8,192,141)	904,876 (47,563)	887,968	2	28
Overall total	9,410		83,578,982	82,626,543	952,439			

Source: Irish Land Commission, *Report of the estates commissioners for the year ended 31 March, 1921 and for the period 1 Nov. 1903 to 31 March, 1921* (London, 1922), pp 16-17 and p. 35.

Appendix XI: Advances per 10,000 acres under the Wyndham Land Act, 1903.*

County	Total price of estates sold £	Amount advanced to tenant purchasers £	Cash lodged by tenant purchasers £	Total agricultural land in each county in statute acres	Advances per 10,000 acres £
Louth	1,689,465	1,665,495	23,970	172,629	96,478
Armagh	2,687,508	2,650,217	37,291	275,009	96,368
Dublin	1,765,301	1,688,050	77,251	192,574	87,657
Limerick	5,151,823	5,112,941	38,882	590,827	86,538
Kildare	2,936,743	2,876,468	60,275	356,908	80,594
Meath	4,218,321	4,080,622	137,699	531,808	76,761
Down	3,771,202	3,746,076	25,126	514,308	72,837
Kilkenny	3,216,577	3,175,198	41,379	453,977	69,941
Westmeath	2,467,321	2,435,426	31,895	368,999	66,000
Monaghan	1,814,244	1,796,507	17,737	281,800	63,751
Cork	8,919,617	8,860,220	59,397	1,402,329	63,182
King's County	2,135,278	2,113,499	21,779	351,315	60,159
Roscommon	2,901,710	2,872,003	29,707	484,913	59,227
Tipperary	5,253,054	5,192,136	60,918	880,486	58,968
Longford	1,202,697	1,188,584	14,113	206,288	57,617
Sligo	1,800,241	1,791,866	8,375	313,575	57,143
Wicklow	1,997,083	1,955,611	41,472	346,070	56,509
Wexford	2,873,080	2,854,108	18,972	513,213	55,612
Waterford	1,725,598	1,707,640	17,958	322,786	52,903
Cavan	1,994,177	1,984,969	9,208	394,551	50,309
Fermanagh	1,638,254	1,623,494	14,760	345,242	47,024
Tyrone	2,446,151	2,434,843	11,308	569,509	42,753
Kerry	2,938,543	2,917,287	21,256	683,902	42,656
Antrim	2,482,670	2,469,268	13,402	583,310	42,332
Queen's County	1,364,960	1,345,277	19,683	350,496	38,382
Galway	3,652,092	3,609,084	43,008	946,802	38,118
Leitrim	1,084,049	1,080,197	3,852	290,570	37,175
Londonderry	1,354,581	1,337,502	17,079	395,771	33,794
Carlow	986,211	974,597	11,614	194,258	29,577
Donegal	1,752,652	1,745,058	7,594	622,641	28,026
Clare	1,757,815	1,746,384	11,431	628,969	27,765
Mayo	1,599,964	1,595,916	4,048	676,586	23,587
Total	83,578,982	82,626,543	952,439	15,242,421	

Sources: Irish Land Commission, *Report of the estates commissioners for the year ended 31 March, 1921 and for the period 1 Nov. 1903 to 31 March, 1921* (London, 1922), pp 16-17 and p. 35; Department of Agriculture & Technical Instruction for Ireland, *Agricultural Statistics of Ireland, with detailed report for the year 1903* [Cd. 2196] H.C. 1904, cv, 333, p.3.

* This table is based on the number of sales that were completed and the number that were pending on 31 March 1921.

Appendix XII

Irish Land Act, 1903 (Extract) ¹

An act to amend the law relating to the occupation and ownership of land in Ireland and for other purposes relating thereto, and to amend the Labourers (Ireland) Acts.
[14th August, 1903].

Be it enacted by the king's most excellent majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in the present parliament assembled, and by the authority of the same, as follows:

Part I Land Purchase *Purchase and resale of estates*

I. (1) In the case of the sale of an estate, whether to the Land Commission or otherwise, when application is made for an advance under the land purchase acts of the whole purchase money of a holding, and the Land Commission are satisfied that the tenant is in occupation of the holding, then, subject to the limitations in the land purchase acts on advances to tenants purchasing their holdings, the Land Commission shall sanction the advance in the following cases, namely:

- a. In the case of the purchase of a holding subject to a judicial rent fixed or agreed to since the passing of the act of 1896, if the purchase annuity created under the act payable in respect of the advance will be not less than ten nor more than thirty per cent below the existing rent; and
- b. In the case of the purchase of a holding subject to a judicial rent fixed or agreed to before that date, if the said purchase annuity will be not less than twenty nor more than forty per cent below that rent:

Provided that in the case of a holding subject to a judicial rent fixed or agreed to before the passing of the act of 1896, the Land Commission may, if they think it equitable, and if the purchase agreement so provides, treat the holding, for the purposes of this section, as a holding subject to a judicial rent fixed since the passing of the act of 1896.

(2). If the foregoing provisions are not complied with, the Land Commission may, subject to the limitations in the land purchase acts, sanction the advance, if they are satisfied with the security, and if, after giving all persons interested in the estate an opportunity of being heard, they consider the agreed price to be equitable having regard to the interests of all such persons as aforesaid.

(3). The Land Commission, if they think it expedient with a view to the improvement of the estate, may declare that, for the purposes of this section, a portion of a holding shall be deemed a holding, and in such case may apportion the rent of the holding between the portion proposed to be purchased and the remainder of the holding.

(4). Notwithstanding any provisions to the contrary contained in the Purchase of Land (Ireland) Amendment Act, 1888, an advance may be sanctioned under the

¹ Irish Land Act, 1903 [3 Ed. VII, c. 37.] (14 Aug. 1903).

provisions of the land purchase acts, not exceeding the sum of seven thousand pounds to one purchaser where, in the opinion of the Land Commission, it is expedient to make any such advance for the purpose of carrying out the sale of a holding to which the land law acts apply.

(5). This section shall not apply in the case of holdings on congested estates in respect of which the Land Commission have given a certificate under section six of this act, nor in the case of a holding on estates purchased by the Congested Districts Board.

II. (1) In the case of the sale of an estate advances under the Land Purchase Acts may be made for the purchase of parcels thereof by the following persons:-

- a. A person being the tenant of a holding on the estate;
- b. A person being the son of a tenant of a holding on the estate;
- c. A person being the tenant or proprietor of a holding not exceeding five pounds in rateable value, situate in the neighbourhood of the estate; and
- d. A person who within twenty-five years before the passing of this Act was tenant of a holding to which the Land Law Acts apply, and who is not at the date of the purchase the tenant or proprietor of that holding: Provided that in the case of the death of a person to whom an advance under this paragraph might otherwise have been made, the advance may be made to a person nominated by the Land Commission as the personal representative of the deceased person.

(2). Advances under this section shall not, together with the amount (if any) of any previous advance under the land purchase acts then unrepaid by the purchaser, exceed one thousand pounds:

Provided that the limitation in this subsection may, subject to the other limitations in the land purchase acts, be exceeded where the Land Commission consider that a larger advance may be sanctioned to any purchaser without prejudice to the wants and circumstance of other persons residing in the neighbourhood.

(3). The land purchase acts shall, subject to the provisions of this section, apply to the sale of a parcel of land in pursuance of this section, in like manner as if the same was a holding, and the purchaser was the tenant thereof at the time of his making the purchase, and the expression 'holding' in those acts shall include a parcel of land in respect of the purchase of which an advance has been made in pursuance of this section.

III. (1) Where the owner of an estate has entered into agreements under the land purchase acts for the sale to persons other than the Land Commission of the estate, the Land Commission may purchase from him any demesne or other land in his occupation and adjacent to, or on the neighbourhood of, the estate at a price which in their opinion represents the selling value of that land, and in such case may resell the whole or any portion of that land to him; provided that the Land Commission may, if they think it necessary for furthering the purposes of this act, dispense with the condition in this subsection that the land purchased and resold shall be adjacent to, or in the neighbourhood of, the estate.

(2) Where any land is so resold, or where a parcel of an estate purchased by the Land Commission is resold to the vendor, or (in the case of an estate purchased from the land judge) to the former owner of the estate or a person nominated by the

Land Commission as his representative, an advance under the land purchase acts may be made not exceeding in any case one-third of the aggregate amount of the purchase money of the holdings and other parcels of land comprised in the estate, or twenty thousand pounds, whichever is the less.

(3) In entering into agreements for the resale of any land to the vendor of an estate the Land Commission shall have regard to the amount of land available for the enlargement of the holdings where they consider such enlargement necessary.

(4) Where any land is sold in pursuance of this section a Judicial Commissioner may, if he thinks it equitable, on the application within the prescribed time of any person who, at the date of the sale of the land to the Land Commission, was entitled to any estate in remainder or reversion in that land, order, upon such terms and conditions as he may think reasonable, that the land so resold shall devolve in accordance with the terms of the settlement which at the date of the sale to the Land Commission affected it.

(5) If the owner of any demesne or other land subject to settlement and sold to the Land Commission does not repurchase the same within the prescribed time, the Land Commission may make an advance under this section to the trustees of the settlement, and in such case the land resold shall be held subject to the trusts of the settlement.

(6) Any land resold in pursuance of this section shall not be subject to the provisions of the Local Registration of Title (Ireland) Act, 1891, relating to the devolution of the freehold registered land.

IV. (1) In the case of the sale of an estate advances under the land purchase acts may be made for the purchase, by any trustees approved of by the Land Commission, of any parcel of the estate to be held subject to the provisions of this act, for the purposes of turbary, pasturage, the raising of sand or gravel, the cutting or gathering of seaweed, the planting of trees, or the preservation of game, fish, woods, or plantations, or for the purposes of the Labourers (Ireland) Acts, 1883 to 1896, as amended by this act.

(2) An advance in pursuance of this section may be of such amount as the lord lieutenant may sanction.

V. In the case of the sale of an estate where an application for an advance, to which the provisions of subsection one of section one of this act do not apply, is made, the Land Commission may, subject to the limitations in the land purchase acts, advance the whole or part of the purchase money if they are satisfied with the security and are of opinion that, having regard to all the circumstances of the case, the agreed price is equitable.

VI. (1) Where the owner of an estate makes an application on the prescribed form to the Land Commission requesting them to enquire into the circumstances of the estate with a view to the sale thereof under this part of this act, the Land Commission may, after due enquiry, propose to purchase the estate and in estimating the price shall have regard to the foregoing provisions of this act in respect of advances, and to the prices to which the tenants and other persons are willing to give for the holdings and other parcels of land comprised in the estate.

(2) If within the prescribed time the owner of the estate agrees to sell the estate at the estimated price, and tenants of holdings on the estate, to the extent of not less than three-fourths in number and rateable value, undertake to purchase from the

Land Commission their holdings, or other designated parcels of land in lieu thereof, for the respective amounts on the basis of which the price of the tenanted portion of the estate was estimated by the commission, the commission may agree to purchase the estate for the estimated price.

(3) The lord lieutenant may under special circumstances and with the approval of the treasury, dispense with the condition in the last preceding subsection as to undertakings to purchase holdings where the Land Commission certify to him that they are of opinion that the resale of the estate can be effected without prospect of loss.

(4) In the case of a congested estate as defined by this section, if the Land Commission, with the consent of the owner, certify to the lord lieutenant that the purchase and resale of the estate are desirable in view of the wants and circumstances of the tenants thereon, then the Land Commission may purchase the estate for a price to be agreed upon, and in such case the condition in this section as to resale without prospect of loss may be relaxed to such extent as the lord lieutenant may determine.

(5) The expression 'congested estate' means an estate not less than half of the area of which consists of holdings not exceeding five pounds in rateable value, or of mountain or bog land, or not less than a quarter of the area of which is held in rundale or intermixed plots.

VII. Where it appears to the Land Commission expedient to take steps with a view to the purchase, for the purposes of this part of this act, of an estate for the sale of which an absolute order has been made under the Landed Estates Court (Ireland) Act, 1858, the following provisions shall have effect:

(1) The land judge may, at the request of the Land Commission, cause the commission to be furnished with such particulars as they may require respecting the estate, including a schedule in the prescribed form of the tenancies thereon and a statement of the superior interests (if any) to which the estate is subject;

(2) The Land Commission, after causing the estate to be inspected, may, subject to the provisions to the last preceding section as to undertakings to purchase holdings and resale without prospect of loss, make an offer to the land judge for the purchase of the estate, or of any part thereof, discharged from the claims of all persons who are interested in the estate, whether in respect of superior or intervening interests, or incumbrances or otherwise, and the offer shall contain the following particulars:

- a. The land comprised in the offer;
- b. The arrears of rent which are to be transferred to the commission; and
- c. The amount of the purchase money

(3) Where an estate is sold in pursuance of this section the land judge shall have all the powers for the apportionment and redemption of superior and intervening interests conferred on him by the land purchase acts:

(4) An order of the land judge declaring the Land Commission to be the purchasers of any land shall have the effect of an order vesting land in the Commission made by them under this part of this act, and shall also vest in them the right to collect and recover any arrears of rent specified in the order, and a certified copy thereof shall be transmitted to the registering authority under the Local Registration of Title (Ireland) Act, 1891, and the Land Commission shall thereupon be registered, under that act, as the absolute owners of the land:

(5) Where the Land Commission make an offer under this section for the purchase of an estate, the provisions of section forty of the act of 1896 (a) shall be suspended and shall not have effect in the case of that estate, unless and until the offer is withdrawn or the estate is put up for auction and not sold.

VII. The Land Commission may purchase any untenanted land which they consider necessary for the purpose of facilitating the resale, or redistribution, of estates purchased, or proposed to be purchased, by them, and the foregoing provisions of this act, with respect to advances for the purchase of parcels of land comprised in estates, shall apply in the case of the sale by the commission of any parcel of such untenanted land.

IX. (1) There shall not be at any time vested in the Land Commission lands exceeding in the aggregate, according to the estimate of the commission, as approved by the treasury, the capital value of five million pounds in respect of which undertaking to purchase have not been received by the commission.

(2) The Land Commission shall not in any one year enter into agreements involving the expenditure, on the purchase of congested estates, of sums which would in the aggregate exceed by more than ten per cent the aggregate sums for which the commission estimate that those estates can be resold by them: Provided that, for the purposes of this enactment, any money which the Land Commission have expended, or propose to expend on the improvement of those estates shall be deemed to be repayable in full out of the purchase money on resales, and shall not be included in the estimate in calculating the ten per cent.

(3) For the purpose of this section the acceptance by the land judge of an offer shall be deemed an agreement.

X. No estate shall be purchased by the Land Commission which is not in the main agricultural or pastoral.

XI. No guarantee deposit shall be made or retained in respect of an advance made in pursuance of the foregoing provisions of this act.

XII. (1) The Land Commission may take such steps and execute, or cause to be executed, such works as may appear expedient for the benefit or improvement of estates, or untenanted land, purchased or proposed to be purchased under this act, or for the use or enjoyment thereof or generally for the purposes of this act.

(2) For the purpose of carrying this section into effect the Land Commission shall have all the powers for facilitating resales of land conferred on the Congested Districts Board by sections one and two of the Congested Districts Board (Ireland) Act, 1901, as amended by this act, and those sections, as so amended, shall apply accordingly, with the substitution of the Land Commission for the Congested Districts Board:

Provided that where, with the consent of a tenant, the area of his holding is altered, or he is put into possession of a new holding, the Land Commission may order that such charges, liabilities, and equities affect the tenant's interest in his former holding shall either continue to affect that holding, or be transferred to his altered or new holding:

Provided also that the powers mentioned in section one of the said act of 1901 shall not be exercised by the Land Commission unless they certify to the lord

lieutenant that those powers are necessary for the benefit or improvement of a congested estate.

XIII. (1) Where at the time of sale of any land to the Land Commission or to tenants or others the vendor has, subject to the provisions of the Ground Game Act, 1880, sporting rights, exclusive of the tenant, those rights may by agreement between the vendor and purchaser be either conveyed to the purchaser or be expressly reserved to the vendor, and in the absence of such agreement those rights shall be vested in the Land Commission, and the Land Commission may deal with the same subject to regulations to be made by the lord lieutenant.

(2) The expression 'sporting rights' includes any right of hunting, shooting, fishing, and taking game or fish on any land and the expression 'game' has the same meaning as in section five of the act of 1881, and also includes deer.

(3) On the sale under the land purchase acts of any land by the Land Commission, or of any land comprised in an estate by the owner of the estate, there shall be reserved, in the prescribed manner, to the commission the exclusive right of mining and taking minerals and digging and searching for minerals, on or under that land, and the said right shall be disposed of by the commission in manner hereafter to be provided by parliament:

Provided that this subsection shall not apply –

- a. To any demesne or other land resold in pursuance of section three of this act; or
- b. To any such right which constitutes a superior interest, or which is vested in the Crown; or
- c. To any stone, gravel, sand or clay.

Provided also, that where any such right reserved to the Land Commission under this subsection is at any time hereafter let, leased, sold, or demised by them, the vendor (or the person who would have been entitled thereto if the lands had not been sold) shall be entitled to receive twenty-five per cent of any rent, purchase money, or other net profit received by the Land Commission in respect of the same, unless the Land Commission shall have purchased from the person entitled to such percentage his interest therein, and the Land Commission may purchase such interest at any time on such terms as may be sanctioned by the treasury.

(4) Where any right mentioned in this section is so reserved, there shall be attached thereto a right to enter upon the land in respect of which the first mentioned right may be exercised, and to authorise any person to do so; but any person entering upon land in pursuance of this subsection shall be liable to make reasonable amends and satisfaction for any damage done or occasioned thereof.

(5) Any person authorised by or in pursuance of the last preceding subsection to enter upon land for the purpose of exercising a sporting right shall have the same authority to prosecute for trespass in pursuit of game or fish as if he were the occupier of that land.

XIV. (1) Where any land, which is vested under the land purchase acts in a purchaser, contains any ancient monument which in the opinion of the Land Commission, is a matter of public interest, by reason of the historic, traditional, or artistic interest attaching thereto, they may, with the consent of the Commissioners of Public Works in Ireland, by order declare that the property in the monument shall not

pass to the purchaser, and make an order vesting the monument in those commissioners.

(2) Where any such order is made, the provisions of the Ancient Monuments Protections Act, 1882, with respect to the maintenance of, and access and penalties for injury to, ancient monuments, shall apply as if the monument were a monument under the guardianship of those commissioners in pursuance of that act.

(3) Where those commissioners refuse to consent to the vesting of any such monument in them, the Land Commission may, with the consent of the council of the county within which the monument is situate, make an order vesting the monument in that council, and subsection two of section nineteen of the Local Government (Ireland) Act, 1898, shall thereupon apply.

(4) In this section the expression 'ancient monument' means any ancient or mediaeval structure, erection, or monument, or any remains thereof.

XV. (1) In the case of the sale of an estate the Land Commission may, if they think fit, declare that any person who, as a subtenant, is in the exclusive occupation of a parcel of land comprised in the estate shall be deemed the tenant of that parcel, and that parcel shall be deemed a holding.

(2) The Land Commission shall in such case redeem the interests (in this part of this act referred to as 'intervening interests') intervening between the owner of the estate and the person in such exclusive occupation as aforesaid, at a price which, in default of agreement between the owner of the estate and the owner of the intervening interest within the prescribed time, shall be fixed by the Land Commission, and the redemption money shall be paid out of the purchase money of the estate, and be dealt with in like manner as if it were the redemption money of a superior interest, or in such other manner as appears to the commission equitable:

Provided that if the Land Commission are of opinion that any intervening interest is of no appreciable value, they shall by order declare that interest to be extinguished.

(3) The foregoing provisions of this section shall not apply where any intervening interest is an interest sufficient to contribute the owner thereof a person having power to sell under the land purchase act to tenants.

(4) Where a holding in any such state is held by joint tenants or tenants in common, or is subdivided between two or more persons, and the Land Commission are satisfied that such tenants or persons are in the exclusive occupation of separate portions thereof, the commission may, if they think fit, for the purpose of the foregoing provisions of this act, declare that any such tenant or person shall be deemed the tenant of the parcel of land in his exclusive occupation, and that such parcel shall be deemed a holding, and may apportion the rent of the holding between such tenants or persons as the justice of the case may require.

(5) Any person aggrieved by any decision of the Land Commission under this section may in the prescribed appeal to a judicial commissioner.

(6) For the purpose of the sale of an estate by the land judge to the Land Commission, the land judge shall have the powers conferred on the commission by this section, but no appeal shall lie from any decision of the land judge under this section.

XVI. (1) The Land Commission may, where they agree to purchase any land, make a vesting order which shall be effectual to vest in the commission the fee simple of the land purchased, subject -

- a. To any public rights affecting the land;
- b. To any sporting rights reserved by the vendor;
- c. To any maintenance charge under the Public Works Act; and
- d. To any interest of the tenants on the land, or of persons having claims upon those interests, and to any easements, rights, and appurtenances mentioned in section thirty-four of the act of 1896;

but, save as aforesaid, and subject to the provisions of this act with respect to minerals, discharged from the claims of all persons who are interested in the land, whether in respect of superior or intervening interests or incumbrances or otherwise, and all such claims shall, as from the date of the vesting order, cease as against the land and attach to the purchase money in like manner as immediately before the date of the order they attached to the land.

(2) At any time not less than two months before making a vesting order under this section the Land Commission shall publish the prescribed advertisements, and shall serve such notices as they make think necessary stating their intention to make the order and the effect thereof, and any person interested in the land may, in the manner and within the time prescribed, show cause against the vesting order being made, and in such case, unless the cause shown is disallowed, the order shall not be made.

(3) A certified copy of every vesting order under this section shall be transmitted to the registering authority under the Local Registration of Title (Ireland) Act, 1891, and the Land Commission shall thereupon be registered under that act as the absolute owners of the land, discharged from all claims as hereinbefore provided.

XVII. (1) Where any person proposing to sell land under the foregoing provisions of this act gives prima facie evidence that he is a person having power to sell under the land purchase act, and satisfies the Land Commission that for not less than six years immediately preceding he or is immediate predecessor in title has been, personally or by an agent, in receipt of the rents or profits of the land, he may, if the Land Commission think fit, subject to such conditions with respect to advertisements and notices as may be prescribed, be dealt with as the owner of the land for all purposes other than the distribution of purchase money, or the payment of any percentage out of the Land Purchase Aid Fund established under this act, without any further investigation of this title.

(2) Where any person not under disability satisfies the Land Commission that he is the limited owner of any land, he may, if the Land Commission think fit, be dealt with as the owner of the land for the purposes aforesaid, whether there is or is not a trustee of the settlement for the purposes of the Settled Land Acts, 1882 to 1890, and whether the consent of such trustee (if any) has or has not been obtained.

XVIII. (1) The rents and profits of any land agreed to be purchased by the Land Commission, together with any rate of not less than three and a half per cent per annum, and subject to the provisions of this section, any arrears of rent due at the date of the purchase agreement, and not remitted by the commission, shall from the date of the agreement be payable to and recoverable by the commission in like manner as if they were instalments of purchase annuities charged upon holdings.

(2) Interest on the purchase money, at the rate of three and a half per cent per annum, shall be paid by the Land Commission to the person in receipt of the rents of

the land at the date of the agreement, or such persons as may appear to the Land Commission to be entitled thereto, from the date of the agreement until the land is vested in the commission.

Provided that if the land does not become vested in the Land Commission the foregoing provisions of this section shall cease to have effect as from the date on which the commission certify that the sale cannot be completed, and an account shall be rendered by the commission as between the moneys received by them and any interest paid by them under those provisions, and the balance (if any) certified by the commission shall be paid by or to them accordingly, and the certificate shall be conclusive of the matters related therein.

(3) Section thirty-five of the act of 1896 shall, subject to the provisions of this section, apply with the necessary modifications to the case of an agreement with the Land Commission for the purchase of a holding.

XIX. Where an estate is purchased by the Land Commission and tenants on the estate to the extent of three-fourths in number and rateable value have agreed to purchase their holdings, the Estates Commissioners may, if, having regard to the circumstances of the case, they think it expedient, order that the remaining tenants, or any of them, shall be deemed to have accepted the offers made to them, and the land purchase acts shall apply accordingly, where the tenant could have obtained an advance of the entire purchase money and the Land Commission have offered in the prescribed manner to make the advance.

XX. (1) Where any land is purchased by means of an advance under the land purchase acts by any trustees for the purposes mentioned in section four of the act, the trustees shall hold the land upon such terms and conditions and with such rights and powers as may be specified in a scheme framed by the lord lieutenant or approved of by him, and any such scheme shall contain provisions for the appointment of new trustees, and for an appeal to the lord lieutenant by any person aggrieved by any action or omission of any trustees in carrying the scheme into effect, and for enabling the lord lieutenant, on the hearing of any such appeal, to make such order as may appear to him just.

(2) Where any land so purchased is not required for any of the purposes aforesaid it may be disposed of for any public purposes approved of by the lord lieutenant.

XXI. (1) In the case of the sale of an estate where portion of a holding consists of bog, and the purchaser had not an exclusive right of turbary before such sale, the Land Commission may make regulations, authorising the cutting or making of turf on that bog by any occupiers of land in the neighbourhood of the said holding for whose requirements such turf appears to be necessary, upon such terms, as to payment or otherwise, as may appear to them to be just, and those regulations may confer a right to enter upon any land for the purpose aforesaid.

(2) Regulations under this section shall secure that the cutting or making of turf will not prevent the future reclamation of the bog, and that sufficient turf and pasturage will be left for the use of the proprietor of the holding for a reasonable period.

(3) Regulations under this section shall provide that any person entering upon any land under their authority shall make reasonable amends and satisfaction for any damage done or occasioned thereby.

(4) Any regulations under this section may provide for the punishment of any breach of them by a fine not exceeding five pounds, recoverable in a summary manner.

XXII. On the application in the prescribed manner of any proprietors of holdings purchased under the land purchase acts, the Land Commission may, at the request of the parties interested, if they think fit, determine all questions which may arise respecting the boundaries of the holdings, easements, or appurtenances, claimed by any such proprietors against any other proprietors or tenants of holdings.

XXIII. (1) The jurisdiction, powers, and duties of the Land Commission under the foregoing provisions of the act shall be exercised and performed exclusively by three members of the commission (in this act referred to as 'the Estates Commissioners') to be nominated or appointed as hereinafter mentioned. Any question of law may, if the Estates Commissioners think fit, and shall on the application of any person interested, be referred for the decision of a Judicial Commissioner, unless the Estates Commissioners certify in writing that the application is frivolous.

(2) Any person aggrieved by any refusal of the commissioners so to refer any such question may, in the manner prescribed by rules under section sixty-one of the Supreme Court of Judicature (Ireland) Act, 1877, as amended by any enactment, and within the time prescribed by the Judicial Commissioner, apply to the High Court, or to any judge thereof, for an order requiring the commissioners to refer the question, and the decision of the High Court or judge upon any such application shall be final.

(3) One of the Estates Commissioners shall be an existing member of the Land Commission, to be nominated by the lord lieutenant, and the others shall be persons to be appointed by his majesty, by warrant under the Royal Sign Manual, as additional members of the Land Commission.

(4) The persons so appointed shall be paid out of money provided by parliament an annual salary of two thousand pounds.

(5) The Estates Commissioners shall hold office during pleasure, but any Estates Commissioner shall only be removed from his office by an Order in Council, and any such order shall be laid before each House of Parliament forthwith, and if an address is presented to his majesty by either House of Parliament, within the next subsequent forty days on which that house has sat next after any such order is laid before it, praying that the order may be annulled, his majesty in council may annul the order, and it shall thenceforth be void.

(6) Whenever a vacancy occurs in the office of a person so nominated or appointed by his death, resignation, inability to act, or otherwise, or of any person appointed in his place, his majesty may, if he thinks fit, by warrant under the Royal Sign Manual, appoint some person to fill the vacancy.

(7) The two vacancies occurring next after the commencement of this act in the number of members of the Land Commission, other than the Judicial Commissioner, or an Estates Commissioner, shall not be filled.

(8) The Estates Commissioners, in carrying the foregoing provisions of this act into effect, shall be under the general control of the lord lieutenant, and shall act in accordance with such regulations as may be made by him from time to time.

(9) For the purposes of assisting the Estates Commissioners in carrying the aforesaid provisions into effect the lord lieutenant may, after consultation with the Land Commission, nominate such officers of the Land Commission, and may, with the consent of the Treasury as to number and remuneration, appoint or authorise the

employment of such other persons as may be necessary, and the remuneration of those persons shall be paid as part of the expenses of the Land Commission.

(10) Such officers and other persons shall perform such duties as may be assigned to them by the Estates Commissioners.

(11) Sales of estates to the Estates Commissioners and sales by those commissioners to tenants and others may be negotiated by any land agents, solicitors, or land clerks nominated with the approval of the Estates Commissioners by the vendors, or in the absence of such nomination, may be negotiated by any persons approved by those commissioners, at a fixed price or percentage, according to a scale to be settled by the Estates Commissioners with the assent of the Treasury, and such percentage shall be paid as part of the expenses of the Land Commission.

(12) Where in the case of the sale of an estate to persons other than the Land Commission an agent has been employed by the vendor to negotiate the sale such sum as may be sanctioned by the Estates Commissioners may, with the consent of such vendor, be paid to that agent out of the purchase money as part of the costs connected with the sale.

(13) The Judicial Commissioner and the Estates Commissioners may, subject to the approval of the lord lieutenant, and after consultation with the President of the Incorporated Law Society of Ireland, make rules for carrying into effect the foregoing provisions of this act, and those rules shall among other things provide for the making of such investigations and the performance of such other duties, by the aforesaid officers and persons, as may be requisite and practicable, with a view to limiting the costs and expenses of persons applying to the Land commission to purchase land in pursuance of these provisions, and the expression 'prescribed' in those provisions means, unless the context otherwise requires, prescribed by those rules.

(14) Periodical reports of the proceedings of the Estates Commissioners shall be made by them, in such form and at such times as the Treasury may prescribe, and those reports and all rules under the last preceding sub-section shall be laid before parliament as soon as may be after they are made.

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