

**THE HISTORY OF LAND TENURE IN
IRELAND: BEING THE YORKE
PRIZE ESSAY OF THE UNIVERSITY
OF CAMBRIDGE FOR THE YEAR
1888**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649221004

The history of land tenure in Ireland: being the Yorke prize essay of the University of Cambridge for the year 1888 by William Ernest Montgomery

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WILLIAM ERNEST MONTGOMERY

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London: C. J. CLAY AND SONS,
CAMBRIDGE UNIVERSITY PRESS WAREHOUSE,
AND
STEVENS AND SONS, LIMITED,
119 AND 120, CHANCERY LANE,
LAW PUBLISHERS AND BOOKSELLERS.



Cambridge: DEIGHTON, BELL AND CO.
Leipzig: F. A. BROCKHAUS.
New York: MACMILLAN AND CO.

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BY

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CAMBRIDGE :
AT THE UNIVERSITY PRESS.

1889

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HD 623
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Cambridge:

PRINTED BY C. J. CLAY, M.A. AND SONS,
AT THE UNIVERSITY PRESS.

PREFACE.

THE Yorke Prize was founded, under the sanction of the Court of Chancery, from the bequest of Edmund Yorke, M.A., late Fellow of St Catharine's College, Cambridge. It is awarded annually to such graduate of the University, of not more than seven years' standing from his first degree, as shall be the author of the best essay upon some subject relative to "The Law of Property, its Principles and History in various Ages and Countries." The subject announced for the year 1888 was "The History of Land Tenure in Ireland," and the following pages owe their existence to the conditions of the Prize which direct that the successful Essay shall be printed and published.

The immense range of an adequate history of Irish land tenure is manifest, and the present slight sketch can of necessity give but an outline of this involved subject. I may, however, briefly point out a few of the most prominent difficulties met with in tracing the troubled history of Irish land law, and explain the basis upon which the present Essay has been constructed. In the case of the Brehon Law there is undoubtedly a large opening for original work, but the initial difficulty inseparable from an entire dependence on translations, is enhanced by the complex nature of the Laws themselves. I have therefore when dealing with this branch of the subject given full references to the authorities relied on. Passing from the archaic law to English legislation I have throughout assumed that the forces of social disunion, which hindered the

working of broad legislative measures, are of more importance than the multitude of petty and ineffectual experiments with Irish land law with which the Statute Book is crowded. Minor enactments have therefore been passed over in order to examine more fully those of extended scope.

The national, religious, and political bias which has coloured so much of the literature connected with Ireland creates an obstacle in the way of an attempt to write an impartial history of the land law. In addition much of the recent land legislation is so involved with current politics as to render it hard to avoid the vexed questions of the day. I have, however, endeavoured to the best of my ability to write without prejudice and to carefully eschew present political controversy.

WM. E. MONTGOMERY.

2, THE CLOISTERS,
PUMP COURT, TEMPLE.

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