

**THE TENURE OF
LAND IN IRELAND
CONSIDERED**

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The Tenure of Land in Ireland considered by T. Alcock

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BY
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SECOND EDITION.

"The first evil which has attached to Ireland was the original and subsequent confiscation of so large a portion of the landed property, and its acquisition by persons of a different country, habits, and religion from the great body of the inhabitants."—*Aikin's Europe*.

"We English pay, even now, the bitter smart of long centuries of injustice to our Sister island. Injustice, doubt it not, abounds, or Ireland would not be miserable. The earth is good, bountifully sends food and increase, if man's unwisdom did not interpose and forbid."—*Carlyle's Chartism*.

LONDON:
JAMES RIDGWAY, PICCADILLY.

1848.

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Nor many writers on Ireland of the present day seem disposed to attribute the sad condition of that country to the practical grievances arising out of "the Tenure of Land." Such an opinion, indeed, unsupported by good authority, would be of little value; in order, therefore, to shew that it is a view taken by authors of past as well as present times, I propose to give a few extracts from various works, and to refer especially to the evidence on the occupation of land taken before the Commission, of which Lord Devon was chairman.

In the first place, see what the historian Hume says of James the First's successful endeavours to improve the condition of Ulster, at that time the most disturbed part of Ireland, on account of agrarian feuds. He says:—

"To consider James in a more advantageous light, we must take a view of him as the legislator of Ireland. . . . He frequently boasts of the management of that country as his masterpiece; and it will appear, upon inquiry, that his vanity in this particular was not without foundation. James abolished many bad customs of gavelkinde, &c., by which property was so much

divided, that no man enjoyed fixed property of any land ; and to build, to plant, to enclose, to cultivate, to improve, would have been so much lost labour.

“ Ulster having fallen to the Crown, James established agricultural colonies ; and that province, from being the most wild and disorderly of all Ireland, soon became the best cultivated and most civilized ; and in the space of nine years, according to Sir John Davis, greater advances were made towards the reformation of that kingdom than had been made in the 440 years which had elapsed since the conquest was first attempted.”

Arthur Young, in his account of an agricultural tour through Ireland seventy years ago, observes that, “ the oppression which the poor people have “ most to complain of is the not having any tenures “ in their lands, by which means they are entirely “ subject to their employers.” And this is by no means a solitary passage to the same effect. Wakefield, in his remarks on the landed property of Ireland, says, “ In England the most important “ point of all, however, is, that the fullest confi- “ dence prevails between the landlord and the “ tenant, the latter always being assured that the “ tenure, if he chooses, will be renewed to him.

“ The total want of this confidence in Ireland is “ an evil of the most serious nature, and injurious “ in no small degree to the prosperity of the “ country.”

Again, in Thornton's Plea for Peasant Proprietors :—“ Five-sixths of all the farms in the “ island are less than fifteen acres in extent, and

“nearly one half less than five acres; yet in no part of Europe is agriculture more defective, nor the peasantry more idle and thoughtless, or so miserable and ill-disposed. What reply can be made to a statement, the truth of which is too notorious to be disputed? Simply, that to Irish farms are wanting certain conditions, without which no farms, whether small or great, nor their occupiers, can be expected to flourish.”

“There are no bounds to the tenant’s liabilities, and no security against his ejection.”

Mr. Carleton, the Novelist, remarks in the preface to his *Emigrants of Ahadarra*: “There is, however, one great truth which every statesman should know and reflect upon, as involving his first and greatest duty. The truth I allude to is,—that unless some large and enlightened measure shall be conceived and shaped into law, for placing the state of landed property in Ireland on a new and more impartial basis,—upon a basis that will secure to the occupying tenants the fruits of their own industry and enterprise,—whilst the rights and interests of the head proprietor shall be undisturbed, unless they are furnished with adequate motive to work and improve their farms without risk of being sent adrift upon the world at the will of either a landlord or agent, unless we say, some such great and just measure or measures be taken, it is in vain to hope that the people will ever rest

“ satisfied,—that peace and security of life will ever
 “ be established, or that the country can ever
 “ prosper. One would think that these are very
 “ obvious truths ; but yet it is singular with what
 “ difficulty legislators can be got to acknowledge
 “ or to act upon them .

“ No man can palliate murder or assassination,—
 “ they are crimes which, when resulting from a
 “ desperate and deliberate system, ought to be
 “ instantly and at once put down by the strong
 “ hand of the law ; but at the same time the con-
 “ dition from which they spring ought also to be
 “ investigated, and, if necessary, altered and im-
 “ proved.”

Professor Low, in his work on Landed Property,
 says :—

“ If we look to Ireland, possessing the advantages which a
 fertile country can supply, but where relations in the *highest*
degree defective exist between the landholder and his tenant,
 what do we find ? Agriculture languishing, notwithstanding
 all the stimulus of favourable markets ; a tenantry ignorant,
 degraded, and impoverished ; and a fine country incapable of
 profiting by its own resources.”

These shew that various authors have expressed
 their opinions on Tenure of Land as an “ original
 national grievance.” My chief reliance, however,
 is on the evidence by the eleven hundred witnesses
 examined before the Devon Commission. Here
 we find endless examples of outrages arising out of
 questions of land, and although much of that evi-
 dence is of a conflicting character, the Report of

the Commissioners may be considered as their final judgment on the value of the testimony. Here follow a few extracts from the Report, dated Feb. 1845.

“The foundation of almost all the evils by which the social condition of Ireland is disturbed is to be traced to those feelings of *mutual distrust*, which too often separate the classes of landlord and tenant.”

“If a tenant is removed from land he has occupied, he is looked on as an injured man, and the decree too often goes out for vengeance on landlord or agent, and on the man who succeeds to the farm. And at times a large numerical proportion of the neighbourhood look with indifference on the most atrocious acts of violence, and by screening the criminal, abet and encourage the crime.”

“Murders are perpetrated at noon day, on a public highway, and whilst the assassin coolly retires, the people look on and evince no horror at the bloody deed.”

“The whole nature of Christian men appears in such cases changed, and the one absorbing feeling as to the *possession of land* stifles all others, and extinguishes the plainest principles of humanity.”

“The most general, and indeed almost universal topic of complaint brought before us in every part of Ireland was ‘the want of tenure,’ to use the expression most commonly employed by the witnesses.”

“The uncertainty of tenure is, however, constantly referred to as a pressing grievance by all classes of tenants. It is said to paralyse all exertion, and to place a fatal impediment in the way of improvement.”

A few specimens of evidence are now referred to. The late Mr. O’Connell stated—“The horrible
“murder of the Sheahs, in the county of Tipperary,
“where an entire family were surrounded in their

" house ; the house was set on fire, and most of the
 " inmates were burnt to death ; such of them as at-
 " tempted to escape were slaughtered outside. That
 " hideous massacre was occasioned by the breach of
 " a written agreement for the holding of land. The
 " persons who held the land held it by written con-
 " tract, but when they came to defend themselves
 " against an ejection, it was seen there was no
 " stamp.

" The number of agrarian murders is manifestly
 " accumulating ; I think there are more in each suc-
 " ceeding year. I remember when Mr. Baker's mur-
 " der, in the county of Tipperary, one of those assas-
 " sinations which took place in the open day, filled
 " the entire county with horror ; but there are twenty
 " of those Baker assassinations now, I am very much
 " afraid, where but one occurred before. If things
 " go on as they do, those murders will accumulate ;
 " and there will be, in a great part of the country,
 " a fixity of tenure conquered from the landlords by
 " fear ; and certainly I think every body will agree
 " with me, that a worse fixity of tenure than that
 " could not, by any human possibility, or diabolical
 " contrivance, be invented."

Colonel Miller, Deputy-Inspector of Constabulary,
 supplies another case : —

" Eighteen years ago, a farmer named Barry, on
 " the late Earl of Donoughmore's estate in Tippe-
 " rary, was brutally murdered. He had succeeded
 " an ejected tenant."