

PRELIMINARY REPORT

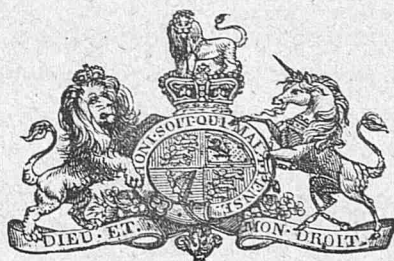
FROM

HER MAJESTY'S COMMISSIONERS

ON

AGRICULTURE.

Presented to both Houses of Parliament by Command of Her Majesty.



LONDON:

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CONTENTS.

	PAGE
COMMISSION - - - - -	3
PRELIMINARY REPORT - - - - -	5
MEMORANDUM BY MR. BONAMY PRICE - - - - -	10
LIST OF ASSISTANT COMMISSIONERS AND DISTRICTS - - - - -	12
GENERAL HEADS OF INQUIRY - - - - -	13
REPORT BY LORD CARLINGFORD AND FIVE OTHER COMMISSIONERS - - - - -	20

COMMISSION.

Whitehall, August 14, 1879.

THE Queen has been pleased to issue a Commission under Her Majesty's Royal Sign Manual to the effect following :—

VICTORIA, R.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, to Our right trusty and right entirely beloved Cousin and Councillor Charles Henry, Duke of Richmond and Gordon, Knight of Our Most Noble Order of the Garter, President of Our Most Honourable Privy Council ; Our right trusty and right entirely beloved Cousin and Councillor Walter Francis, Duke of Buccleuch and Queensberry, Knight of Our Most Noble Order of the Garter ; Our right trusty and well-beloved Cousin and Councillor John Poyntz, Earl Spencer, Knight of Our Most Noble Order of the Garter ; Our right trusty and well-beloved Augustus Henry, Baron Vernon ; Our right trusty and well-beloved Councillor George Joachim Goschen ; Our trusty and well-beloved Sir William Henry Stephenson, Knight Commander of Our Most Honourable Order of the Bath ; Our trusty and well-beloved Robert Nigel Fitzhardinge Kingscote, Companion of Our Most Honourable Order of the Bath, late Lieutenant-Colonel of Our Regiment of Scots Guards ; Our trusty and well-beloved Henry Chaplin, Esq. ; Our trusty and well-beloved John Clay, Esq. ; Our trusty and well-beloved Joseph Cowen, Esq. ; Our trusty and well-beloved Mitchell Henry, Esq. ; Our trusty and well-beloved Charles Howard, Esq. ; Our trusty and well-beloved James Lennox Naper, Esq. ; Our trusty and well-beloved Robert Paterson, Esq. ; Our trusty and well-beloved Bonamy Price, Esq. ; Our trusty and well-beloved John Rice, Esq. ; Our trusty and well-beloved Charles Thomson Ritchie, Esq. ; Our trusty well-beloved Benjamin Bridges Hunter Rodwell, Esq. ; Our trusty and well-beloved William Stratton, Esq. ; and Our trusty and well-beloved Jacob Wilson, Esq., Greeting :

Whereas We have deemed it expedient that a Commission should issue to inquire into the depressed condition of the Agricultural interest, and the causes to which it is owing ; whether those causes are of a permanent character, and how far they have been created or can be remedied by legislation.

Now know ye that We, reposing great trust and confidence in your knowledge, discretion, and ability, have authorised and appointed, and do by these presents authorize and appoint you, the said Charles Henry, Duke of Richmond and Gordon ; Walter Francis, Duke of Buccleuch and Queensberry ; John Poyntz, Earl Spencer ; Augustus Henry, Baron Vernon ; George Joachim Goschen ; Sir William Henry Stephenson ; Robert Nigel Fitzhardinge Kingscote ; Henry Chaplin ; John Clay ; Joseph Cowen ; Mitchell Henry ; Charles Howard ; James Lennox Naper ; Robert Paterson ; Bonamy Price ; John Rice ; Charles Thomson Ritchie ; Benjamin Bridges Hunter Rodwell ; William Stratton ; and Jacob Wilson to be Our Commissioners for the purposes aforesaid.

And for the better effecting the purposes of this Our Commission, We do give and grant unto you, or any five or more of you, full power and authority to call before you, or any five or more of you, such persons as you shall judge necessary, by whom you

may be the better informed of the truth on the subjects herein submitted for your consideration, and every matter connected therewith, and also to call for, have access to, and examine all such official books, documents, papers, and records as may afford the fullest information on the subjects of this inquiry, and to inquire of and concerning the premises by all other lawful ways and means whatsoever.

And Our further will and pleasure is, that you, or any five or more of you, do report to Us with all convenient speed, under your hands and seals, your opinion on the several points herein submitted for your consideration.

And We further will and command, and by these presents ordain, that this Our Commission shall continue in full force and virtue, and that you, Our said Commission, or any five or more of you, may from time to time proceed in the execution thereof, although the same be not continued from time to time by adjournment.

And for the purpose of aiding you in such matters, We hereby appoint Our trusty and well-beloved William Augustus Peel, Esq., to be Secretary to this Our Commission.

Given at Our Court, at St. James's, the fourteenth day of August, one thousand eight hundred and seventy-nine, in the forty-third year of Our reign.

By Her Majesty's Command.

RICHARD ASSHETON CROSS.

PRELIMINARY REPORT.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MAY IT PLEASE YOUR MAJESTY,

WE, the Commissioners appointed by Your Majesty, on the 14th August 1879, to "inquire into the depressed state of the Agricultural Interest, and the causes to which it is owing, whether these causes are of a permanent character, and how far they have been created or can be remedied by legislation," have proceeded in our inquiries, and think it our duty to present to Your Majesty this Preliminary Report.

The measures we deemed it expedient to take were as follows:—

Assistant Commissioners having been appointed and districts assigned to them, as shown in the Paper A. annexed to this Report, we formulated the particular subjects of inquiry to be prosecuted by these Assistants, as shown in the Paper B. also annexed.

In pursuance of instructions which we issued to Mr. Albert Pell, M.P., and Mr. Clare Sewell Read, those gentlemen proceeded to America, and subsequently made a joint report to us, which was laid before Your Majesty, and was presented to Parliament.

After the appointment of Assistant Commissioners we entered upon the examination of witnesses, selected with the view of obtaining the best information upon the subject of our inquiry, and have specially devoted a large portion of our time to the hearing of evidence on the Irish branch of the subject, both in London and in Dublin.

The evidence now presented is all that we have hitherto taken, but it does not complete our inquiries. Under ordinary circumstances we should, therefore, have deferred submitting the same to Your Majesty, but the aspect of public affairs in Ireland has induced us to lay before Your Majesty the whole of the evidence which we have collected, and at the same time to submit a statement of the conclusions at which we have arrived upon that portion of the evidence which relates to that part of the United Kingdom.

It seems to be generally admitted that the most conspicuous difference between the relations of landlord and tenant as they exist in Ireland and in England and Scotland is the extent to which in Ireland buildings are erected, and improvements are made by the tenant and not by the landlord.

It must be borne in mind, however, that the Landlord and Tenant (Ireland) Act, 1870, which was introduced by Your Majesty's Government of that day with a view to amend the law relating to the occupation and ownership of land in Ireland, and to give the tenant a security in his holding such as he had not previously been legally entitled to, offers to tenant-farmers and cottiers in Ireland, as compared with those in England and Scotland, exceptional privileges of occupation. It may be well that we should set out some of the provisions of the Act mentioned above, to the operation of which much of the evidence now laid before Your Majesty is directed.

The Act received the Royal assent in August 1870. It is divided into five parts, all of which have, more or less, a material bearing upon the subject of this inquiry.

Part I., relating to the law of compensation to tenants, provides, in sections 1, 2, and 3, as follows:—

Under section 1 it is provided that the usages prevalent in the province of Ulster, which were known as, and in the Act were intended to be included under the denomination of, the Ulster Tenant Right Custom, are legal, and shall in the case of any holding in the province of Ulster proved to be subject thereto be enforced in manner provided by the Act.

Section 2 provides that "If in the case of any holding not situate within the province of Ulster it should appear that an usage prevails which in all essential particulars corresponds with the Ulster Tenant Right Custom, it shall in like manner, and subject to the like conditions, be deemed legal, and shall be enforced in manner provided by the Act."

Both sections provide for the extinction or merger of the custom or usage where the landlord has acquired from the tenant the benefit of such custom, by declaring that such holding shall henceforth cease to be subject to the same.

The 3rd section provides that where the tenant of any holding held by him under a tenancy created after the passing of this Act is not entitled to compensation under sections 1 and 2 of the Act, or either of such sections, or, if entitled, does not seek compensation under such sections or either of them, and is disturbed in his holding by the act of the landlord, he shall be entitled to such compensation for the loss which the Court shall find to be sustained by him by reason of quitting his holding, to be paid by the landlord, so that the sum awarded does not exceed the scale set forth in the Act, which scale is of holdings from 10*l.* to 100*l.* and upwards, but in no case shall the compensation exceed 250*l.*

The section further provides that—

1. The landlord may deduct what is due to him from the tenant, and all taxes.
2. A tenant who subdivides or sublets without consent, except as therein provided, shall not be entitled to compensation.
3. A tenant shall not be entitled to compensation who holds a lease for not less than 31 years granted after the Act.

Contracts by the tenant to deprive himself of his claim under the section are rendered void in law and equity.

Section 4 gives the tenant, not entitled to or not claiming under sections 1 and 2, compensation for all improvements (with certain exceptions) made by him or his predecessor.

Section 5 declares the presumption to be that all improvements, except as therein provided, have been made by the tenant.

Section 6 enables either landlord or tenant to register or file a schedule in the Landed Estates Court of the improvements he claims. The Civil Bill Court of the county is, by the 22nd section, made the tribunal to decide cases of compensation under the Act, but with a power in the litigants to adopt arbitration; and

Section 7 empowers the Court to award compensation to an outgoing tenant, who does not claim or who has not obtained compensation under sections 1, 2, or 3, if it is proved that such tenant or his predecessor in title on coming into his holding paid money, or gave money's worth, with the express or implied consent of the landlord on account of his so coming into his holding.

Part II., sections 32 to 41, contains what are termed the "Bright clauses," passed with the object of facilitating the purchase of their holdings by the occupying tenants.

Part III., sections 42 to 56, enables the Board of Works to advance money to landlords and tenants to facilitate improvements, and to enable tenants to become purchasers of their holdings.

Part IV., sections 57 to 64, relates to legal proceedings, and to the Court. It regulates notices to quit, and makes provision for the representation of tenants' estates where no representative has been appointed.

Part V., sections 65 to 73, contains miscellaneous provisions, the most important of which are those which make the county cess on premises rateable under 4*l.* payable by the immediate lessor, and half of such cess on premises above 4*l.* payable by the occupier; and the 69th section, which entitles tenants-at-will to notice to quit and compensation, as if tenants from year to year, unless such lettings have been made *bonâ fide* for the temporary necessity either of landlord or tenant.

A later Act (39 & 40 Vict. cap. 63.), "To render necessary a year's notice to quit to determine a tenancy from year to year," makes provision for giving yearly tenants compensation for the resumption of part of their holdings by the landlord.

The evidence submitted to us upon the condition of agriculture and the existing system of land tenure in Ireland has been directed to subjects which may be conveniently divided into several heads. Many of the witnesses who have appeared before us have pressed upon us their remedies for the relief of Irish distress, regarding which we would venture to repeat the remark of Your Majesty's former Commission (of which the Earl of Devon was the chairman) that "Substantial and permanent relief can only be hoped for from a combination of measures adapting themselves to the varying circumstances under which the owners and occupiers of land are placed in different parts of the country."

The very nature of the soil and the geographical attributes of the country vary so much that remedies which would serve in one locality might be inapplicable or of little value elsewhere.

General Condition.

In common with the rest of the United Kingdom the agricultural depression of the years 1877, '78, and '79 has greatly affected Ireland, and has been to some extent

increased in that country by the absence of manufacturing industries and other sources of employment. There is no doubt that the depression has fallen with extreme severity upon the smaller farmers.

We have, therefore, reason to fear that a very large proportion of these farmers are insolvent, and it is stated that the bountiful harvest of this year has alone prevented their entire collapse.

With respect to the very small holders in the western districts of Ireland we are satisfied that with the slightest failure of their crops they would be unable to exist upon the produce of their farms, even if they paid no rent. Many of them plant their potatoes, cut their turf, go to Great Britain to earn money, return home to dig their roots and to stack their fuel, and pass the winter, often without occupation, in most miserable hovels. Employment at a distance, always precarious, has largely failed them during the late calamitous season.

The causes of depression, seriously aggravated by unfavourable seasons, and especially by that of 1879, must be sought in the peculiar circumstances and conditions of the country, as well as in defects in the Land Laws, and they may be briefly stated as follows :—

1. Inclemency of the seasons, and consequent failure of the potato crop.
2. Foreign competition.
3. An undue inflation of credit, partly produced by the security afforded by the Land Act of 1870, and partly by a series of prosperous seasons.
4. Excessive competition for land. The excessive competition is owing mainly to the fact that apart from the land there are few, if any, other means of subsistence for the population, and it has led to serious abuses, which have come before your Commissioners in the evidence they have taken, such as—
 - (a.) Unreasonable payments for tenant right.
 - (b.) Arbitrary increase of rents.
 - (c.) Over-crowding of the population in certain districts.
 - (d.) Minute subdivision of farms.

To meet these the following remedies have been suggested :—

Emigration and Migration.

It is proved by the evidence that in some parts of Ireland agricultural depression arises from the population upon the soil being larger than can be profitably employed in the cultivation of the land, or than can be sustained by its produce. This has arisen from various causes, chiefly from the subdivision of holdings into lots too small to sustain the tenant and his family; and partly from the laying down of arable into pasture land, which renders less labour needful. The remedies which have been suggested are emigration and migration.

Emigration is a subject too familiar to need explanation here, but it must be noticed that all the witnesses lay a particular stress upon two conditions for its success in Ireland—the one, that whole families should be taken; and the other, that the emigrants should be accompanied by those in whom they have confidence, such as their clergy, and that the places of their future settlement should be allotted to them for their new homes before they leave their old ones.

There is reason to suppose that some of our colonial possessions would co-operate in the necessary arrangements.

Your Commissioners are convinced that emigration under a properly organised scheme, and the voluntary act of the people, would materially tend to relieve the congestion of population wherever it now exists, and would conduce to the social, moral, and material welfare of the emigrants and of the population remaining behind.

Migration, as it is proposed by some witnesses, assumes the existence of large tracts of land which could be profitably brought into cultivation; and it has been stated in evidence by competent witnesses that there are thousands of acres, irrespective of bog, that might under judicious management be made remunerative to the capital and labour needed for their development. Migration would involve the acquisition of such tracts, and the transfer to them of a part of the population from other districts.

Statutory powers would probably be necessary for acquiring from those transferees their interest in their existing holdings with a view to consolidation.

That advantage has been derived from migration when voluntarily carried out may be admitted, and it is hardly to be doubted that similar advantages would arise from such a system if furthered by legislation; but it is open to serious question whether Parliament, even if the money were forthcoming from local sources, could be asked on

behalf of the Irish peasant to confer upon the Crown, or its nominees, compulsory powers of purchase for this purpose.

Public Works.

The employment of capital and labour upon the development of the country by arterial drainage, the construction of railways and other public works, and the encouragement of fisheries has also been urged upon us by witnesses as one of the best remedies for the present depression, and to prevent a recurrence of the existing distress. It will be seen in evidence that from want of regular and continuous employment the condition of this class, except on some large estates and well managed farms, is deplorable, and the sufferings and privations which they and their families have periodically to endure demand, we venture to think, the serious attention of Your Majesty's Government and of Parliament; and here we cannot forbear to express our opinion that the improvement of dwellings and farm buildings, and the extension of scientific agricultural teaching, with the view of an improved cultivation of the soil, are indispensable measures to secure general prosperity and an improved condition of the people.

Tenure.

The tenure of land, using the term with the limited definition placed upon it by Your Majesty's former Commissioners; viz., "the interest which an occupying tenant has in his farm," has engaged a considerable portion of our attention. The difficulty of dealing with the subject appears to be increased by the change of ownership which has taken place in a large portion of the soil of Ireland under the provisions of the Encumbered Estates Act. The sales under this Act, which gave a Parliamentary title, were, it is alleged, made without regard, and therefore without any protection, to the occupying tenant, the fee simple of whose farm frequently passed into the hands of a speculator, who too often sought to obtain an increase of profit from his investment by raising the tenant's rent.

Difficulties have been raised regarding the assessment made by the late Sir R. Griffith, called "Griffith's Valuation," by the endeavour to set up this valuation, which was based on the prices current 30 years ago, as a standard of rent at the present day.

The circumstances under which the valuation was made are set forth in the evidence of several witnesses; and it is conclusively proved that the annual value, as set forth in that document, was not intended to represent, and did not represent at the date when the valuation was made, the rental value of the property.

The increase which has taken place in the prices of all kinds of agricultural produce by the introduction of railways, steam, and other developments, since the valuation was made is so great, that even after making allowance for the increased cost of production, we are led to the conclusion that the valuation is not a trustworthy guide to the present rental value.

Difficulty also arises affecting the relationship of landlord and tenant from the undefined nature of the Ulster and other tenant right usages or customs to which legal validity is given by the Act of 1870. These usages or customs have, in many instances, to be investigated and established upon oral and other evidence in a court of law, a difficulty which is aggravated by the fact that these customs are shown by the witnesses examined before us to differ not only in the same county or district, but even upon the same estate. Hence, incipient controversy exists in too many tenancies, endangering the friendly relationship which would otherwise control the conduct of both landlord and tenant.

Great stress has been laid upon the want of security felt by an improving tenant, which, it is alleged, limits not only the number of persons employed in agriculture, but also the quantity of food produced for the benefit of the general community.

Bearing in mind the system by which the improvements and equipments of a farm are very generally the work of the tenant, and the fact that a yearly tenant is at any time liable to have his rent raised in consequence of the increased value that has been given to his holding by the expenditure of his own capital and labour, the desire for legislative interference to protect him from an arbitrary increase of rent does not seem unnatural; and we are inclined to think that by the majority of landowners legislation, properly framed to accomplish this end, would not be objected to.

With a view of affording such security, "fair rents," "fixity of tenure," and "free sale," popularly known as the "three F's," have been strongly advocated by many witnesses, but none have been able to support these propositions in their

integrity without admitting consequences that would, in our opinion, involve an injustice to the landlord.

It is only fair to add that the evidence which has been brought before us shows that there are very many estates which are well-managed, and upon which the tenants have no just ground of complaint.

In laying before Your Majesty this Preliminary Report we think it right to state that, as our inquiries into the causes of the recent distress in Ireland have not yet been completed, and as we are waiting the receipt of reports from some of our Assistant Commissioners with reference to peasant proprietors in Belgium and elsewhere, we do not feel ourselves to be in a position to offer any observations of a more definite character than those now submitted.

All which we humbly certify to Your Majesty.

RICHMOND AND GORDON.
BUCCLEUCH.
VERNON.
WILLIAM H. STEPHENSON.
NIGEL KINGSCOTE.
HENRY CHAPLIN.
JAMES L. NAPER.
ROBERT PATERSON.
BONAMY PRICE.
C. T. RITCHIE.
B. B. HUNTER RODWELL.
WILLIAM STRATTON.
JACOB WILSON.

January 14th, 1881.

W. A. PEEL, *Secretary*.

MEMORANDUM BY MR. BONAMY PRICE.

In signing the Report I am anxious to add a few remarks on the last two paragraphs but one in the Report.

I feel obliged to dissent from the one beginning with the words "Bearing in mind." The fact complained of is the "liability of a yearly tenant to have his rent raised in consequence of the increased value which has been given to his holding by the expenditure of his own capital and labour," and consequently "the desire for legislative interference to protect him from an arbitrary increase of rent does not seem unnatural."

It may be answered, in the first place, that protection is already given by the Land Act of 1870 against such an arbitrary increase of rent. It can be enforced only by eviction, and such an eviction would be manifestly capricious. A judge could find no clearer proof of caprice than the fact that the disturbance was being carried out with the view of the landlord extracting a profit from an expenditure which the tenant, and not he, had made. The penalty actually prescribed by the Land Act for such a proceeding is severe. Still, if it is held not to be sufficiently efficacious, let the judge be empowered to award a still sharper penalty if he can affirm that, in his opinion, the disturbance had for its motive and object to make an unfair profit out of the tenant's improvements; and generally it may be regarded as a first principle that an evicted tenant is entitled to a complete, easy, and cheap enforcement of his claim for the improvements which he has laid out on his holding.

But legislative interference with the valuation of rent—with the amount of rent which a tenant can be made to pay for a holding which he has voluntarily taken—is a wholly different matter. It is a direct violation of the fundamental principle of all soundly constituted industry, freedom of contract; and soundly constituted industry is the root of national prosperity. The State might as well dictate what the price of corn, or coals, or cloth shall be. Such an idea would be held to be irrational; why is it less irrational in the business of farming? No one speaks of such a valuation of rent in England; it would be thought an unjustifiable meddling of the State with private business.

But we are dealing with Ireland, it is said. No doubt Ireland is in a sickly condition; but is her cure to be effected by remedies false in their nature, and sure in the end to lead to yet worse malady? Who can set a limit to what may happen in Ireland or elsewhere if the doctrine is once laid down that the State can and ought to decree what the price of borrowing a piece of land shall be? In Ireland a demand for the complete extinction of rent would soon be looming in the distance.

For nations, as for individuals, there is one golden rule, which ought never to be violated—not to start from false principles, however trifling their action may seem to be at first. The law of human nature decrees and enforces that their evil nature shall do its work and develop the mischievous consequences which they contain.

Secondly, I desire to add some further remarks as to what the Report says on the three F's.

I.—FIXITY OF TENURE.

I understand this expression to mean that, subject to the condition that the tenant shall pay the rent due, however that rent may be determined, the tenant shall never be evicted from his holding, and shall have the power of transmitting it to any other person, with no right of interference in the landlord.

On this proposal I observe—

1. That it ousts the landowner out of his land, and strips him of a considerable portion of his property without compensation. It converts him into a holder of a rentcharge; in other words, an annuitant, a mortgagee. Such a measure would be a violation of that respect for property which is the fundamental principle of social order, political economy, and civilization.

2. It would make these nominal landowners absentees from their properties, whether in or out of Ireland. They would infallibly come to be regarded as men exacting a perpetual tax on the property; and the end would be the confiscation of the rentcharge.

3. It would stop the improvement of the estates by their owners, and then Ireland will be stripped of what she so sorely needs—capital and intelligent agriculture.

4. Further it would perpetuate the miserably small holdings, the bad farming, the subdivided tenures, which weigh so heavily on the productive power of the soil and the welfare of the population.

5. The landlord would still remain answerable to the law for evicting when the tenant acts illegally; and to his other wrongs liability to popular odium would be added.

II.—FREE SALE.

1. The question at once arises, what has the tenant got to sell? His improvements and nothing else. In the words of an eminent witness, goodwill, which is called the tenant's interest, as something over and above his improvements, is a "myth." Let the fullest, the extreme value of those improvements be secured to him, and let a cheap and easy method of assessing their value and effecting the payment due be framed. A tenant, on leaving the farm, has a right absolutely to nothing more.

2. Next, the incoming tenant, on whom depends that increase of production which is the greatest want of Ireland, is greatly injured by such sales. The competition, the greed for land, is so excessive in Ireland that prices are given for the tenancy which are positively insane, and worse yet than the heaviest rackrents. The capital of the farmer is thus heavily diminished by such payments, and the cultivation of the land is robbed of resources indispensable for procuring that produce of which it is capable.

3. Under such sales there would be no security whatever that the purchasing tenant knew how to farm. The general bad farming in Ireland is universally admitted.

4. As under the first F., the landlord suffers confiscation of part of his property. The sum paid for the so-called interest of the outgoing tenant is made at the cost of the rent, which cannot under such circumstances be the full fair rent due by the farm. Such confiscation is justified by no plea.

5. As before, free sale perpetuates the land miseries of Ireland as they actually exist—the starvation holdings, the bad farming, the wretched dwellings, the living on the verge of starvation.

III.—FAIR RENTS.

1. No Government machinery can value rents justly; every circumstance which enters into the valuation is local and personal.

2. What a particular tenant can pay is no rule for determining the fair rent—the rent which, if he understood his business, he ought to and would be able to pay.

3. With the Ulster custom fair rent becomes what the tenant can afford to pay after allowing for the exorbitant price he has paid for the goodwill. Such a rent is spoliation of the landlord.

4. This F.—this determination of fair rent other than by free contract—strikes at the root of all improvement in the agriculture of Ireland. It takes as its standard the ignorance, the indolence, the apathy, the want of capital, of the unhappy tenant, who is protected in his want of industry by the adjustment of the rent to his state and habits.

The 3 F.'s, consequently, ought to be condemned as false in principle, both socially and economically, as calculated to perpetuate the peculiar evils from which Ireland is suffering, and to arrest that increase of production from which alone she can hope to advance towards prosperity.

At the same time it must be fully admitted that great abuses have occurred in violent and unreasonable raisings of rent by some landowners, who have not done justice to the actual situation in which both they and their tenants found themselves. The relation of landlord and tenant implies mutual duties and reasonable consideration of existing circumstances. These are not seldom disregarded, but the remedy must be sought, not from a legal interference with business, which is unnatural and mischievous, but from the training of both landlords and tenants to the understanding and the fulfilment of what each of them owes to the successful cultivation of the land.

BONAMY PRICE.

A.

ASSISTANT COMMISSIONERS AND DISTRICTS.

ENGLAND AND WALES.

- Northern District* - - - Comprising the following counties, viz., Northumberland, Cumberland, Westmoreland, Durham, Yorkshire, Cheshire, and Lancashire.
Mr. John Coleman,
Riccalt Hall,
York.
- Eastern District* - - - Comprising Bedfordshire, Buckinghamshire, Cambridgeshire, Derbyshire, Essex, Hertfordshire, Huntingdonshire, Leicestershire, Lincolnshire, Middlesex, Norfolk, Northamptonshire, Nottinghamshire, Rutland, and Suffolk.
Mr. S. B. L. Druce,
9, New Square,
Lincoln's Inn.
- Western District* - - - Comprising Gloucestershire, Herefordshire, Monmouthshire, Oxfordshire, Shropshire, Staffordshire, Warwickshire, Worcestershire, and Wales.
Mr. Andrew Doyle,
Plas Dûlas,
Abergele.
- Southern District* - - - Comprising Berkshire, Cornwall, Devonshire, Dorsetshire, Hampshire, Kent, Somersetshire, Surrey, Sussex, and Wiltshire.
Mr. W. C. Little,
Stags Holt,
March.

SCOTLAND.

- Northern District* - - - Comprising Aberdeenshire, Banffshire, Caithness, Clackmannan, Dumbartonshire, Elginshire, Fifeshire, Forfarshire, Inverness-shire, Kincardineshire, Kinross, Nairn, Perthshire, Ross and Cromarty, Stirlingshire, and Sutherlandshire.
Mr. George J. Walker,
Hillside House,
Portlethen,
Aberdeen.
- Southern District* - - - Comprising Argyllshire, Ayrshire, Berwickshire, Bute-shire, Dumfriesshire, Edinburghshire, Haddingtonshire, Kirkcudbrightshire, Lanarkshire, Linlithgowshire, Peeblesshire, Renfrewshire, Roxburghshire, Selkirkshire, Wigtownshire.
Mr. James Hope,
Eastbarns,
Dunbar.

IRELAND.

Professor Baldwin,
Glasnevin,
Dublin.
and
Major Robertson,
Abbeyview,
Boyle.

UNITED STATES AND CANADA.

Mr. John Clay, junr.,
Bow Park,
Brantford,
Ontario.
Mr. Albert Pell, M.P.
Mr. Clare Sewell Read.

FRANCE AND BELGIUM.

Mr. H. M. Jenkins.
Mr. C. L. Sutherland.

B.

NOTES for an INQUIRY into the AGRICULTURE of GREAT BRITAIN and IRELAND.

GENERAL HEADS OF INQUIRY.

- I.—Condition of Farms.
- II.—Condition of Farmers.
- III.—The Labourer.
- IV.—Land Laws.
- V.—Land Tenancy.
- VI.—Agricultural Education.
- VII.—Condition of Estates.
- VIII.—Agricultural Statistics to be furnished by the Board of Trade.
- IX.—Returns of Imports and Exports of Agricultural Produce to be furnished by the Customs.
- X.—Importations of Agricultural Produce from Foreign Countries.

I. CONDITION of the FARMS in each DISTRICT (under the following HEADS):

[Investigations to be made by Assistant Commissioners.]

- | | | |
|---|---|---|
| <ol style="list-style-type: none"> 1. Arable farms [also see C. and B.] 2. Grazing farms [also see D.] 3. Dairy farms [see also B.] 4. Sewage farms. 5. Market Gardening Farms. 6. Hop farming. 7. Fruit-growing farms. 8. Hill and moor sheep farming [also see D.] 9. Poultry keeping on all classes of farms. | } | For sub-heads to each of these see A. <i>post</i> . |
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SUB-HEADS FOR THE ABOVE.

A.

1. TENURE (lease or otherwise), restrictions, if any, as to cropping and sale of produce.
2. LIVE STOCK, implements, rent, labour, seed, manures, and feeding stuffs.
3. LOANS from bankers and others.

4. COST per ACRE of growing each CROP.

1. Rent.
2. Rates and taxes.
3. Seed.
4. Manures.
5. Cultivation by horse or steam power.
6. Labour.
7. Tradesmen's bills and other expenses.

YIELD of PRODUCE per ACRE.

1. Quantity of corn and other produce.
2. Price of corn and other produce.

5. CAUSES which DIMINISH the PRODUCE.

1. Bad seasons.
2. Imperfect cultivation.
3. Insufficient manure.
4. Game.
5. Want of capital.
6. Supply and quality of labour.

CAUSES which DEPRECIATE the PRICES.

1. Foreign competition.
2. Inferior quality of produce.
3. Diminished demand owing to bad trade, &c.

6. CAUSES which DIMINISH PROFITS.

1. Cost of carriage.
2. Adulteration of dairy and farm product.
3. Systems and cost of marketing, and commissions to middlemen.
4. Interest on loans.

PROBABLE REMEDIES.

1. Extension of tramways in country districts. Removal of restrictions on the use of traction engines. Railway rates.
2. Co-operation as to sales, and improved banking arrangements; reductions in charges and commissions on sales.

7. IMPROVEMENTS.

1. Landlords' improvements.
2. Tenants' improvements.
3. Increase of capital invested by tenants in machinery, especially in steam cultivation, threshing, and other agricultural machinery, and in the purchase of additional live stock, feeding materials, and artificial manures.

B.—*Condition of Dairy Farms (in addition to Head A.)*

PRODUCE.

1. Number of cows kept per 100 acres.
2. Prime cost of cows, whether bred, or reared on the farm, or purchased.
3. Yield of milk, butter, cheese, &c.
4. Utilization of whey, butter milk, &c., including rearing and feeding of calves, pigs, &c.
5. Cost of food not grown on the farm.
6. Cost of labour in the dairy, including attendance and manufacture of dairy products, whether done by family or otherwise; also as compared with former years, and if cows are let, on what terms.
7. Mode of sales.
8. Commission on sales, and cost (if any) of delivery.
9. Comparison of wholesale and retail prices.

YIELD.

1. Gross sums received for the dairy products.
2. Gross sums received for fat calves, pigs, or other results, from utilizing refuse.
3. Gross sums received for cast cows.
4. Sales of other produce of the farm.

Manufacture of Dairy Products at Factories. Cost of Manufacture at Factories.

1. Rent and description of buildings, plant, &c.
2. Costs of management and labour.
3. Cost and mode of conveyance of milk, including quantity per annum.
4. Cost and methods of distribution of dairy products, including commission.
5. Interest on capital.
6. Cost of purchased food.
7. Utilization of whey, butter-milk, &c., including rearing and feeding of calves, pigs, &c.
8. Organization and management of dairy factories in England.
9. Financial results up to the present time.
10. Comparison of wholesale and retail prices.

C.—*Condition of Arable Farms for Breeding or Feeding Purposes.*

(a.) SHEEP FARMING ON ARABLE LAND.

1. Number of breeding flock per 100 acres, or number of stores annually bought.
2. Number of sheep sold, whether fat or lean, and at what ages.
3. Use of artificial food purchased.
4. Cultivation of special green food, other than grass and roots.
5. Recent alterations in systems of farming due to high or low prices, wet or dry seasons, disease, &c., including results of laying down arable land to permanent pasture.
6. Systems and cost of marketing, fat and lean stock, and wool.
7. Comparison of wholesale and retail prices.
8. Greater or lesser profit from breeding or feeding.

(b.) CATTLE KEEPING ON ARABLE LAND.

Similar heads as to sheep-farming on arable land.

D.—*Condition of Grazing Farm.*

1. Number of head of stock of each kind and age usually kept on the farm, and whether bred; and if bought, at what ages.
2. Number usually sold annually, and whether fat or store.
3. Use of purchased food.
4. Systems of winter and summer feeding.
5. Recent alterations in breed of stock or systems of management, if any, and the reasons for them.
6. System and cost of marketing fat and lean stock, and wool.
7. Comparison of wholesale and retail prices.
8. Greater or less profit from breeding or feeding.

II.—CONDITION of the FARMERS in each DISTRICT under the following HEADS.

1. Tenure of owner and occupier.
2. Rents and tithes, including the manner in which the prices of corn for the purposes of tithe valuation are ascertained.
3. Imperial taxation, including the malt tax.
4. Local taxation.

5. Farm buildings.
6. House accommodation.
7. Cottages for labourers employed on the farm.
8. Recent profits or losses.

III.—THE LABOURER.

1. His condition.
2. Principle and modes of hiring.
3. Wages in money and in kind.
4. Hours of labour.
5. House accommodation (cottages or otherwise), and rent, if any.
6. Allotments and gardens, and cottagers' grounds.
7. Cows and pigs, and poultry, if any kept.
8. Employment of women and children.
9. Effects of the Poor Law.
10. Benefit, friendly, and co-operative societies.

IV.—THE LAND LAWS.

[An Inquiry suggested for the Commission itself.]

1. Settlements.
2. Powers of sale, transfer of land, and other powers of management and disposition possessed by Limited Owners.
3. Mortgages and other encumbrances.
4. Borrowing powers for permanent improvements, and extent to which they have been used.
5. Landed Estates Court, Ireland.
6. Property of Corporations, and other Chartered Bodies and Charities.
7. Church estates, Glebes, and Tithe Commutation.
8. Crown lands.
9. Duchy lands.
10. Law of distraint and hypothec.
11. Game laws, and the laws of trespass.
12. Powers of Enclosure Commissioners, and Board of Works, Ireland.
13. Copyholds, and powers of Copyhold Commissioner.

The following subjects are suggested for inquiry and report in the first instance by Assistant Commissioners.

V.—LAND TENANCY.

1. Leases.
2. Agreements.
3. Land agency.
4. Land valuation.
5. Valuation of unexhausted manures and other improvements.
6. The working of the Agricultural Holdings Act.
7. Agricultural customs.
8. The Irish Land Act in its bearing on Nos. 1, 2, 5, 7.
9. Church Lands in Ireland.

VI.—AGRICULTURAL EDUCATION.

[To be investigated by the Commission itself.]

1. Agricultural Colleges (higher education).
2. Agricultural Schools (intermediate education).
3. Private pupils on farms.
4. Instructions in Agriculture in primary schools.
5. Technical Instruction in Agricultural operations, including the making of dairy produce.

VII.—CONDITION of ESTATES.

1. Tenure of owner and occupier.
2. Extent.
3. Nature and size of farms, and length of present occupation.
4. Rents, whether recently reduced or otherwise.
5. Farms unlet, if any, and causes assigned.
6. Estate improvements, including buildings, drainage, &c.
7. Recent enclosures.
8. Unenclosed and hill land, and its adaptability for profitable cultivation as compared with the uses to which is at present put.
9. Woods and forests, their extent and management.

VIII.—AGRICULTURAL STATISTICS to be furnished by the BOARD of TRADE.

IX.—RETURNS of IMPORTS and EXPORTS of AGRICULTURAL PRODUCE to be furnished by the CUSTOMS.

X.—IMPORTATIONS of AGRICULTURAL PRODUCE from FOREIGN COUNTRIES.

1. AMERICA.

[Investigations to be made in England.]

1. Wheat.
2. Maize.
3. Cattle, sheep, and pigs [alive].
4. Beef, mutton, and pork [fresh].
5. Hams, bacon, and other preserved or cured provisions. •
6. Cheese, butter, and other dairy produce.
7. Eggs, honey, &c.
8. Fruit [fresh and preserved].

In each case to trace the cost of the article at the American port, the freight, the profits made by the several middle-men, and to account for the retail price to the consumer.

2. FRANCE AND BELGIUM.

[Investigations to be made in France, Belgium, and England.]

1. Wheat.
2. Barley, including special encouragement recently given to its cultivation by English Brewers and French Agricultural Societies.
3. Butter, including the methods of making up into uniform quality large quantities for export.
4. Eggs, including the methods of purchase, packing, and preserving.
5. Poultry.
6. Honey.
7. Fruits and vegetables [fresh and preserved].
8. Beetroot and sugar, and beetroot spirit :—
 - (1.) Cultivation of beetroot as a farm crop.
 - (2.) How far more or less profitable than other farm crops holding the same place in the rotation.
 - (3.) Utilization of pulp for feeding stock.
 - (4.) Nature of beetroot farms, whether proprietary or otherwise
9. Land tenure, including proprietary farming, tenant farming, métayer, leases, arrangements between in-coming and out-going tenants, &c.
10. Laws relating to the ownership and inheritance of land.
11. Government agricultural colleges, farms, schools, &c.
12. Government rewards for agricultural improvements.

3. HOLLAND.

[Investigations to be made in Holland and England.]

1. Grazing live stock and exportation to England.
2. Dairying and exportation of butter, cheese, &c., to England, and manufacture of artificial butter.
3. Wheat production and market gardening.
4. Beetroot sugar, &c. [same question as in France].
5. Management of land below the sea level.
6. Systems of land tenure, especially the tenant rights of some districts.
7. Laws relating to the ownership and inheritance of land.
8. Government and other agricultural colleges and farm schools.
9. Rewards and advances by the Government for reclamations, and other agricultural improvements.

NOTES for an INQUIRY into the AGRICULTURE of the UNITED STATES and CANADA.

I.—GENERAL SYNOPSIS.

1. Geographical description and extent of the Countries.
2. Variation of soil, situation, and climate, and pests of the farm.
3. Terms of purchasing Government and State lands.
4. Division into agricultural districts.
5. Size of farms and estates, status of farmer, proprietor-farming and tenant-farming in each district, tenure of land, rents, leases, customs, covenants, charges upon land, description and cost of reclamation of land, drainage, roads and fences, dwellings, and farm buildings, &c.

6. Government or State aid for improvement of land, drainage, reclamations, buildings, &c.
7. General view of the agriculture of each district, including statistics of live stock, area under each kind of crop, &c., &c.
8. General method of cropping and stocking farms in each district, continuous or otherwise.
9. Supply of labour, condition of the labourer, his wages, habitation, hiring, wages in kind, cow-keeping, day and piece-work, number of hours employed, Trades and Labour Unions, Friendly Societies, laws relating to relief of the poor, employment of women and children, &c.
10. Average cost of labour per acre in each district.
11. Implements of the farm, especially labour-saving machinery.
12. Manures and feeding stuffs, the extent to which they are used, their price, and what guarantees of quality are obtainable.
13. Marketing produce, including direct sales and purchases by the farmer, and indirect sales and purchases through middlemen by payment of their commission, and the system of remittances.
14. Transport of produce to the great depôts, such as Chicago, &c., the rates and other expenses.
15. Banking arrangements, advances to farmers, and other financial matters.
16. The effect of the Federal, State, and Dominion Laws upon the producing powers of land in the United States and Canada.
17. Laws and Customs relating to game and destruction of vermin.

II.—PRESENT CONDITION of the AGRICULTURE of the UNITED STATES and CANADA, with special reference to their SURPLUS PRODUCTION of AGRICULTURAL PRODUCE.

A.—*Growth of Corn, especially Wheat and Maize.*

COST OF PRODUCTION.

1. Rent of land and buildings, or interest on money expended in purchase, reclamation, drainage, &c.; also rates, taxes, insurance, &c.
2. Cost of seed and manures.
3. Cost of agricultural operations, specifying description of each.
4. Cost of labour.
5. Interest of capital and depreciation of machinery, buildings, &c.

YIELD OF PRODUCE.

1. Average yield in centals or bushels, and average price per cental on the farm, showing gross return per acre.

Balance showing profit or loss to farmer per acre.

B.—*Cost of Export of Corn, especially Wheat and Maize.*

COST OF PRODUCTION.

1. Cost of grain on the farm to purchaser.
2. Cost of sacks, barrels, &c.
3. Cost of cartage from farm to railway or inland water-carriage.
4. Cost of railway or other carriage to the port of shipment, including loading and delivery.
5. Cost of freight to the English port, including loading and unloading, and insurance.
6. Commission in England and America, including interest on capital.

YIELD OF PRODUCE.

1. Gross return to exporter per cental, quarter, or other well-known measure.

Balance showing profit or loss to exporter.

C.—*Utilization of Farm Crops for Fattening Cattle, Sheep, and Pigs.*

COST OF PRODUCTION.

1. Rent, &c., as in A, 1 to 5 *Dr.*
2. Cost of store stock at the breeding farm or market.
3. Cost of driving or conveyance to feeding farms.
4. Nature, quantity, and cost of food, showing length of fattening process.
- Cost of attendance.

YIELD OF PRODUCE.

1. Gross average price per head of fat cattle, sheep, and pigs sold to dealers on the farm, also wool, &c.

Balance showing profit or loss to feeder.

D.—*Export of Fat Cattle, Sheep, or Pigs to England.*

COST OF MEAT TO EXPORTER.

1. Cost per head of each kind of fat animal on the farm, or per stone live average weight.
2. Cost of conveyance from farm to railway, or inland water-carriage.
3. Cost of railway carriage, food, and attendance per head of each kind of animal from farm to port of shipment.
4. Lairage, &c., at port.*
5. Cost of freight, &c., to port of landing, including insurance, loading, and unloading.†
6. Average loss of animals by death or otherwise on voyage.
7. Commission in England and America, and interest of capital.

YIELD OF MEAT TO EXPORTER.

1. Gross average price per head of live cattle, or per lb., or per stone, of live or dead meat.

Balance showing profit or loss to exporter.

E.—*Utilization of Breeding Herds for Dairy Purposes.*

COST OF DAIRY PRODUCE TO FARMER.

1. Rent of dairy-land, and nature of it as in A, 1 to 5.
2. Number of cows kept per 100 acres.
3. Prime cost of cows, whether bred or reared on the farm or purchased.
4. Yield of milk, butter, cheese, &c.
5. Utilization of whey, butter, milk, &c., including rearing and feeding of calves, pigs, &c.
6. Cost of food not grown on the farm.
7. Cost of labour in the dairy, including attendance and manufacture of dairy products.
8. Commission on sales, and cost of delivery, if any.
9. Cost of heifers, whether bred or purchased, to replace old or unprofitable cows.
10. Cost of artificial manures, if any.

YIELD OF DAIRY PRODUCE TO FARMER.

1. Gross sum received for the dairy products.
2. Gross sum received for fat calves, pigs, or other means of utilizing refuse.
3. Gross sum received for cast cows.
4. Sales of other produce of the farm.

Balance showing profit or loss to dairyman.

F.—*Manufacture of Dairy Products at Factories.*

COST OF MANUFACTURE.

1. Rent and description of buildings, plant, &c.
2. Cost of management and labour.
3. Cost and mode of conveyance of milk, including quantity per annum.
4. Cost and methods of distribution of dairy products, including commission.
5. Interest on capital.
6. Same as items E, 5 and 6 *Dr*

PROFIT OR LOSS OF MANUFACTURE.

1. Gross return of sales and other produce as in E, 1 and 2 *Cr*.

Balance showing profit or loss to the factory, and the net return per gallon of milk to the "patrons."

G.—*Export of Dairy Products, viz :—Cheese, Butter, Condensed Milk, and Butterine (or Oleo Margarine).*

COST OF DAIRY PRODUCE TO EXPORTER.

1. Cost of dairy products on the farm, or at the factory.
2. Cost, nature, and material of packages.

YIELD OF DAIRY PRODUCE TO EXPORTER.

1. Gross return to exporter per cental or cwt., or other well-known weight.

* In the case of the exportation of live animals this item would include cost of food and attendance ; in that of dead animals it would include cost of slaughtering, packing, &c.

† In the case of live animals this item would include food and attendance.

3. Cost of conveyance to railway, or inland water-carriage.
4. Cost of railway carriage to the port of shipment, including loading and delivery.
5. Cost of freight to the English port, including loading and unloading, and insurance.
6. Commission in England and America, including interest of capital, and storage.

Balance showing profit or loss to exporter per cwt., &c

III.—GENERAL OBSERVATIONS on future PROSPECTS of the AGRICULTURE of the UNITED STATES and CANADA, with special reference to the future PRODUCTION and PRICE of SURPLUS AGRICULTURAL PRODUCE.

1. The probable extension of cultivated land more distant from the Eastern ports than the land now under cultivation, and consequent increased cost of carriage and greater supply of produce.
2. Probable rise in rent, or in selling value of existing land under cultivation, and consequent corresponding diminution of profits at existing prices to farmers there located.
3. Exportation of store-stock to England, especially in reference to the following considerations:—
 - (a.) Cost of rearing in the several districts.
 - (b.) Cost of land-transport.
 - (c.) Cost of sea-freight.
 - (d.) Profit and commissions.
 - (e.) Price to the English grazier.
 - (f.) Effect upon the American exportation of fat stock.

R E P O R T.

MAY IT PLEASE YOUR MAJESTY,

WE, the undersigned Commissioners, not feeling ourselves able entirely to concur with the majority of our colleagues in their Report, think it our duty to submit our views to your Majesty.

We have obtained valuable evidence upon the subject of agricultural distress in Ireland and its causes.

Causes of
agricultural
distress.

Among those causes, capable of removal or mitigation by legislative means, we find the most important to be—

(1.) The extreme smallness of many of the agricultural holdings.

(2.) The overcrowding of population in districts of poor land, where the occupiers often depend for a livelihood upon employment during a portion of the year in Great Britain, or in other parts of Ireland, the partial failure of which has, of late, reduced them to a condition which, without charitable efforts of a remarkable kind, would have been one of starvation; and above all—

Sense of
insecurity.

(3.) The general feebleness of industry and backwardness of agriculture, produced largely, as we see reason to believe, by a sense of insecurity which, notwithstanding the effects of the legislation of 1870, still prevails among the occupiers of land in Ireland, tending to paralyse energy, to hinder improvement, and to produce, too often, feelings of dangerous discontent.

Fear of in-
crease of
rent.

This sense of insecurity appears to be produced, to some extent, by the fear of capricious eviction, which has been only partially checked by the Land Act, and, more generally, by the fear of an increase of rent, demanded of course as the condition of remaining in the holding.

We find that upon many, and especially the larger estates, the rents are moderate and seldom raised, and the improvements of the tenants respected.

But we are satisfied that a large proportion of the occupiers of land are very differently situated, living in fear of an increased demand of rent upon any signs of increased ability to pay, and sometimes subjected to rents which do not admit of hopeful industry, and make contentment impossible. This state of things is found in its worst form upon the poorer tillage lands, upon the smaller properties, and especially, though not exclusively, upon those which have come into the hands of new owners since the famine of 1846-7, and down to the present time.

Evidence on
the subject.

We have had strong evidence, both from our Assistant Commissioners, Professor Baldwin and Major Robertson, and from private witnesses, that the practice of raising rents at short and uncertain intervals prevails to an extent fully sufficient to shake the confidence of the tenants, and to deter them from applying due industry and outlay to the improvement of their farms.

Agricultural
improve-
ments.

In a country like Ireland, where the dwelling-houses, farm buildings, and other elements of a farm, including often the reclamation from the waste of the cultivated land itself, have been, and must, in our opinion, continue to be, for the most part the work of the tenants, this condition of things has created injustice in the past, and is fatal to the progress so much needed for the future.

Land Act of
1870.

The provisions of the Act of 1870 for the protection of the tenant are important in their operation, and more important in their principles, while there is no reason to believe that they have been injurious to the interests of the landlord.

That measure has been severely tried by two periods, one of exceptional prosperity, the other of exceptional distress; the first creating an exaggerated competition for land even beyond that which is usual in Ireland, accompanied by an unhealthy inflation of credit; the second producing a disastrous reaction, and sinking the tenant so low as often to make his rights and advantages under the Act no longer available.

Raising of
rent.

It would appear that the larger tenants, to whose case the "Disturbance" section of the Act scarcely applies, are dissatisfied with the amount and method of protection afforded to them in respect of their improvements, while in some cases landlords have been rendered by this legislation less indulgent and less liberal than before.

But the point at which the Act has evidently been most severely strained, and in our judgment has chiefly failed, is that of the undue and unreasonable raising of rent.

Cases of this kind affect the feelings and motives of countless occupiers beyond the sufferers themselves, and form the main vice of the relations of landlord and tenant in Ireland, for which legislation has not yet found a sufficient remedy. The cause of this grave evil, which is found even in Ulster under the legalised tenant-right custom, is not difficult to discover. It lies principally in the fact that the Irish tenant, for the most part, is unable to find any other occupation or means of livelihood but the cultivation of land, or rather of the holding which he actually occupies. To this he clings with a tenacity which is partly a matter of feeling, but mainly one of self-preservation. Its loss leaves the smaller tenant in an almost hopeless condition. The larger farmers and the improving occupiers of every class cannot endure to leave behind them the lasting results of industry and outlay in the shape of dwelling-houses, farm buildings, and other "permanent improvements," which have been their own work or that of their predecessors; and, in spite of the great reform of the old law which the Land Act effected upon this subject, they have no sufficient confidence that the value of the interest which they have created or inherited will be effectually secured to them upon losing or quitting the farm.

Condition of
Irish tenant.

The small
tenant.

The larger
farmer.

Under these circumstances we believe that even the larger farmers are sometimes constrained to submit to very onerous and discouraging conditions, increasing the rent unduly, or contracting them out of the Land Act, while the smaller tenant will endure almost anything, or promise to pay almost any rent demanded, in order to avert or postpone the loss of his holding and home.

We desire to repeat that upon very many estates the condition of things thus described is not to be found; but we must add that, even upon properties which are justly and liberally managed, the feeling that the tenants' security depends upon the character of the actual owner is very adverse to contentment or progress.

Many estates
justly and
liberally
managed.

The general conclusion that we draw from the facts thus sketched is, that legislation is required for the purpose of further improving the tenure of land in Ireland, in accordance with the special conditions of the case, with the moral and equitable relations of landlord and tenant there, so unlike those which prevail in England, and with the best usages to be found in the country.

Further
legislation
required.

We feel strongly the great advantages, and the urgent need of largely extending in Ireland the ownership of land, and creating a widely disseminated class of farming proprietors; but this question has been recently and thoroughly investigated by a Parliamentary Committee, and it is therefore upon the occupation of land, the most difficult and complex portion of the whole subject, that we proceed to make some suggestions of reform.

Extension of
ownership of
land.

Without referring to the present deplorable, and, it is to be hoped, temporary condition of many parts of Ireland, and without dwelling upon the lawless restraints of the legal rights of landlords which are known to have often prevailed, we are convinced that, in ordinary times, freedom of contract cannot be said in any real sense to exist between the majority of Irish occupying tenants and their landlords. We think, therefore, that some public authority may legitimately intervene between the parties for the purpose of settling, upon the appeal of either of them, the question of rent. Evidence which we have received of the successful action of the Land Courts, both in Ulster and the other Provinces, in ascertaining and indirectly fixing the fair rent of a holding under certain provisions of the Land Act appears to us to be very encouraging, and leads us to believe, in common (as we have found) with many good judges in Ireland, that some such tribunal armed with larger authority would succeed with much less difficulty than might be supposed in exercising with substantial fairness a direct arbitration on this subject.

Occupation of
land.

Freedom of
contract.

Fair rent.

We believe that the true mode of securing to the Irish tenant both in fact and in feeling the value of the interest which he has created, inherited, or purchased, as well as the strongest stimulant to improvement for the future, will be found in the legal recognition of that usage of native growth, already so familiar in Ireland, by which a tenant assigns his interest to a solvent successor, or disposes of it to the landlord at the price which a solvent successor would give.

Tenant's
interest.

We think that the English system of compensating periods and artificial estimates of unexhausted value, suitable for works of cultivation, is unsuited to Ireland, where the permanent and essential elements of a farm are, in the great majority of cases, provided and maintained by the tenant, and where, from the number and size of the holdings, as well as other circumstances, this system must generally continue to prevail.

English
system of
compensa-
tion.

While the interests and rights of all landlords who have adopted wholly or partially what may be called the English system on this subject, ought to be most carefully

Landlord's
and tenant's
improve-
ments.

guarded, it is, in our opinion, to the tenants that we must generally look for better dwellings, better farm buildings, better labourers' houses, better fences, and for the reclamation and permanent improvement of the soil. And if this be so it becomes of the last importance, as a matter of public policy, to put the tenant in a position which will furnish him with adequate and even ample inducement to devote his industry and capital to the land of another. For this purpose no system appears to us so likely to succeed as that right of sale of the tenants' interest or assignment to a purchaser, which is a natural growth of the circumstances of Ireland, which is always ready to spring up wherever it is respected, or even tacitly permitted, and which we are informed has been growing and spreading during the last ten years, under the indirect operation of the Land Act.

Tenant's
right of
assignment.

The Ulster
Custom.

We have, indeed, heard a good deal of the drawbacks attending the Ulster Custom (of which the right of sale is one of the essential elements), especially the excessive price sometimes given for the tenant-right. We have learnt also that great dissatisfaction is felt by many of the Ulster tenantry on account of the risk to which their tenant-right property is still exposed by the undue raising of rent, and by the enforcement of so called "office rules," which limit artificially the value of the tenant's interest. We are satisfied, however, that, with certain drawbacks, and with a security still imperfect, the Custom has grown naturally out of the sound relations which have long prevailed between landlord and tenant in the best parts of Ulster, and has conferred the greatest advantages upon that Province, producing there a tenantry the most industrious, the most prosperous, and the most contented in Ireland, and a body of resident landlords more numerous probably than in any other portion of the country, who take an interest in their estates, equal to that of other Irish owners, and who find that in all essential respects the gain of the tenant is no loss to themselves. The Land Act of 1870 adopted the elements of the Ulster Custom, and applied them, so far as was then thought expedient or possible, to the rest of Ireland.

Free sale.

We believe that any new legislation ought to follow more closely the Ulster example, especially in respect of what is known as "free sale" of the tenant's interest.

Objections
and qualifi-
cations.

There are indeed objections to the unqualified application of that system to every holding, which may be thus stated:—

In the in-
terest of the
landlord.

The tenant's interest might in many cases consist to a large extent in the difference between a fair rent and the low rent actually paid to the landlord; and this value, where no tenant-right payment has been made at the beginning of the tenancy, is not morally the property of the occupier. To treat it as such by legislation would be a wrong to the landlord. Again, the value of improvements wholly or partially provided by the landlord cannot enter into the saleable interest of the tenant.

In the in-
terest of the
tenant.

On the other hand, and regarding the matter from the tenant's point of view, the offer of a right of free sale to the over-rented, rack-rented occupier, as a substitute for any other compensation, and as his only means of security, would often be illusory. This fact explains the principle upon which the third, or disturbance section of the Land Act is based. That important section endeavours to give increased security of tenure to the small occupier, whose tenancy is unprotected by custom, by requiring the evicting landlord, at the discretion of the Court, to make him compensation "for the loss sustained by him in quitting his holding," to use the words of the Bill as introduced into Parliament. Such payments have always been felt to be necessary and have been made by humane landlords, in order to relieve the small tenant who has lost his home and occupation, and enable him to seek a livelihood elsewhere, by emigration or otherwise. But that the loss contemplated by the section is not that of the value of the tenancy for the purpose of sale to a successor is evident from the Act itself, which calculates the compensation, not by the value, but by the rent of the holding, and where the rent is found to be "exorbitant," gives compensation even where it is unpaid. If this were otherwise, the rack-renting landlord would escape the penalty which the law intends to be a check upon capricious eviction, having by his own act in imposing an excessive rent upon the tenant destroyed or impaired the saleable value of his interest.

Disturbance
Section of
Land Act.

In the Province of Ulster, this state of things is happily almost unknown, because there the degree of security and the check to over-renting supplied by the Custom, combined with other causes, leaves the tenant in possession of an interest which has generally a saleable value. If similar conditions should grow up in other parts of Ireland, as we may hope that with wise legislation they will grow, "Compensation for Disturbance" might be allowed to become a thing of the past; but for the present

Compensa-
tion for
disturbance.

we are of opinion that it will be indispensable in those cases to which the right of "free sale" would not be applicable.

But, while for these reasons it would appear that such a right cannot be attached by Act of Parliament to every holding without qualification on the one hand, or, form the exclusive mode of compensation for every tenant on the other, we see no reason to doubt, as we have said, that it should be made the general rule throughout Ireland, as it is already in the Province of Ulster.

In those cases (which would probably be few, and would constantly tend to diminish) in which the landlord and the tenant had not been able to agree as to the terms upon which the latter should quit his holding, it would be the duty of the court to ascertain in the first instance the nature of the tenant's interest. The court would exclude from that interest the value of the landlord's improvements, if any, and would fix the fair rent, wherever it appeared necessary to do so.

Control of
Land Court
over claims of
free sale.

There would then, it appears to us, be no difficulty in authorising the tenant to exercise the right of sale, without invasion of the landlord's property, and without hampering his power of obtaining a better rent for an under-rented farm.

But in the great majority of cases these complications would not arise, and free sale would apply to the tenant's interest, as it stands.

Free sale
would be the
general rule.

In all contested cases the court would decide upon the reasonableness of the landlord's objection to the proposed assignee of the outgoing tenant.

Landlord's
objection to
incoming
tenants.

In fixing the fair rent of a holding, the court should not take into account buildings, fences, roads, or other such permanent improvements, which had been decided to be the property of the tenant; and in the case of reclamation, or other works developing the capabilities of the soil, the court should not take them into account, unless satisfied that the tenant had enjoyed them for a period and at a rent admitting of full reward for his labour and outlay.

Some condi-
tions of fair
rent.

A further and a very difficult question follows inevitably, as it seems to us, upon proposals to enable a public authority to fix the amount of rent between landlord and tenant; the question whether it would be possible, under such circumstances, to leave the *ultima ratio* of eviction absolutely in the landlord's hands, subject only to such compensation to the tenant as a court might award. It is to be feared that the right of appealing to a court on the subject of rent would be one which in ordinary times many occupiers would not venture to exercise (whether their fears were well-founded or not), if the uncontrolled power of eviction remained with the landlord.

Ultima ratio
of eviction.

Looking at the question, therefore, from this point of view, and considering the circumstances and feelings of the Irish tenantry, and also, we fully believe, the true interests of the landlords themselves, we are of opinion that the principle of fixity of tenure, subject to an appeal to the Land Court, should form part of any fresh legislation on the relations of landlord and tenant in Ireland.

Principle of
fixity of
tenure.

It might, we think, be provided that a landlord should not be at liberty to use the ordinary powers of the law for the removal of a tenant from his holding, except in the cases of non-payment of rent, sub-division, or waste.

If on other grounds he desired to change a tenant, with whom he was unable to part amicably, or to take a portion of his estate into his own hands, he might be required to apply to the Land Court, which should not give its sanction to the use of the legal process of removal unless satisfied that good and reasonable cause had been shown connected with the legitimate interests of the landlord's estate, or the conduct of the tenant.

Appeal to
Land Court.

We feel considerable confidence that under such a system as has been sketched out evictions and notices to quit would become as rare in Ireland generally as they now are upon the best estates, and that, as in Ulster, the unprosperous or undesirable tenant would make way for a capable successor by gentler methods.

If any such powers as have been suggested were conferred upon a Land Court, it would become of great importance to consider how such a Court should be constituted; and in any case the question whether the present or any future Land Act should continue to be administered by the chairmen of counties has been brought before us by many witnesses. Among them the prevailing opinion seems to be in favour of a change, principally on account of the different views of their duties under the Act taken by different chairmen, and the consequent variety and uncertainty of judicial decisions, partly also on account of the absence of practical knowledge of agricultural matters, and the value of land incident to a purely legal tribunal. Without overrating these disadvantages of the present system, and while sensible of the general efficiency and impartiality with which the chairmen have per-

Existing
Land Courts.

formed their difficult functions, we are disposed to think that a change might be made for the better.

Proposed
future Land
Court.

We see great advantages likely to follow from the creation of a single Land Court or Commission for all Ireland, not exclusively legal in its composition, and some members of which should be possessed of practical agricultural knowledge. It should hold its sittings in every county in turn, and might divide itself into two or more circuits for that purpose. Such a body, if happily composed, would soon gain a great knowledge of the subjects with which it would have to deal, and would probably exercise a high authority, whilst the unity of administration of the Land Laws throughout the country would in itself be a great advantage.

Arbitration.

We think that such a body might in many cases act as arbitrator by consent, between landlord and tenant, beyond the provisions of a statute; and it should have power to convert into a binding order any arrangement so made.

We desire to add two suggestions of amendment of the Land Act.

"Exorbi-
tant" rents.

It appears to us that, with respect to existing tenancies only, or rather existing rents, the word "unreasonable" should be substituted for "exorbitant" in the 9th section, as it originally stood in the Bill, and that this provision should be extended to holdings within some limit above that of 15*l.* valuation.

Leases.

We have received evidence of strong feelings of dissatisfaction among the tenants on account of the pressure put upon them by some landlords in order to obtain their acceptance of leases, contracting them out of the improvement section of the Land Act. We are disposed to think that section 12, under which these operations take place, should be brought into harmony with the provisions of section 4 against such contracts.

Grazing
farms, &c.

We intend the foregoing recommendations to apply to the case of the ordinary resident Irish tenant; but we believe that that of the great farmers, and especially of the holders of the great grazing farms, will be best met by liberal leases containing full provision or securities for permanent or unexhausted improvements.

We have found it necessary to devote the larger portion of this report to the question of the occupation of land in Ireland, but we feel very strongly that a further reform of the law on this subject, however imperative, cannot stand alone, and that there are parts of the country to which other remedies must be applied.

Other reme-
dies.

Emigration
and migra-
tion.

We think that an effort should be made to relieve, by State intervention, the over-peopled districts, especially of the west by the methods of assisted voluntary emigration, and, where practicable, of the voluntary transfer of some part of the population to reclaimable waste or semi-waste lands in Ireland. We have not the means of forming a judgment as to the extent to which the latter process could be carried into effect; but it appears to us that a Commission might be constituted for the purpose of dealing with both these subjects, which might well be the same body to which, in all probability, will be entrusted the duty of purchasing land, as opportunity offers, with a view to its re-sale to the occupiers.

The very
small hold-
ings.

We desire to add, in conclusion, that, while relief might be given by these means to the most overcrowded districts, we are convinced that the very small holdings of poor land which are found throughout the country can and ought only to be got rid of by a gradual process which may be expected to work safely and humanely under the system of a legalised sale of the outgoing tenant's interest.

All which we humbly submit to Your Majesty.

CARLINGFORD.

JAMES STANSFELD.

MITCHELL HENRY.

JOSEPH COWEN.

JOHN CLAY.

JOHN RICE.

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