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LAND TENURE IN IRELAND

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THE history of land tenure in Ireland during the past 100 years is a record of repeated changes, many of which were largely dictated by political motives, in an endeavour to obtain a final settlement of "the Irish land problem." The first of these changes in the system of land tenure occurred in 1860 when an attempt was made to abolish the last vestiges of feudalism and to change from status to contract the basis of the relationship between landlord and tenant in Ireland. This period of free trade in land was short lived. Within a few years a further change occurred, and the State stepped in to restrict the free play of commercial competition and eventually undertook the task of fixing judicial rents for the great bulk of the landholdings of the country. Finally the dual interest of landlords and tenants in the land was abolished and today the landlords have been bought out and Ireland has become a country of peasant proprietors. I propose to consider briefly the main aspects of each of these four phases in the development of Irish land tenure during the past 100 years.

THE FEUDAL PERIOD

A century ago the greater part of Ireland was divided into a relatively small number of large estates. As late as 1876, after a considerable number of bankrupt estates had been disposed of through the "Encumbered Estates Court" and the "Landed Estates Court," bodies specially created for this purpose, about half of the country—which extends to over 20 million acres—was in the hands of some 700 persons. In addition to these very large estates, many of which were in the possession of absentee landlords who spent most of their time in England, there were numerous smaller estates. The tenants on these estates generally held their farms on one or other of two main systems of tenure—(1) leases or (2) yearly tenancies. In 1881 it was estimated that out of a total of half a million land holders approximately 150,000 or thirty per cent were leaseholders. Leases were granted either for life or for years and not infrequently ran for very long periods. Yearly tenancies were for an indefinite period commencing at a fixed date—normally at Michaelmas (in November)—and de-

terminable at the end of any current year by either party, upon the service of a six months' notice to quit. The majority of Irish tenants of a century ago held on this system.

Generally speaking, all that the tenant obtained from the landlord was the land itself. All buildings, fences, roads, drains and other improvements had to be made by the tenant. The Devon Commission of 1844 reported: "It is well known that in England and Scotland before a landlord offers a farm for letting he finds it necessary to provide a suitable farm house, with necessary farm buildings for the proper management of the farm. He puts the gates and fences in good order and he also takes upon himself a great part of the burden of keeping the buildings in repair during the term, and the rent is fixed with reference to this state of things. In Ireland the case is wholly different. It is admitted on all hands that, according to the general practice in Ireland, the landlord builds neither dwelling house nor farm offices, nor puts fences, gates, etc., into good order before he lets his land to the tenant. The cases in which the landlord does any of these things are the exception. In most cases, whatever is done in the way of building or fencing is done by the tenant, and in the ordinary language of the country—dwelling house, farm buildings and even the making of fences are described by the general word 'improvements' which is thus employed to denote the general adjuncts to a farm without which, in England or Scotland, no tenant would be found to rent it."

No attempt was thus made by the landlord to place his estate in good order nor to keep the farms in repair. There were a few estates upon which the English system had been followed and the landlord had provided the buildings and other standing equipment. The Devon Commission refers to 22 large estates upon which this practice was followed, but these exceptions simply served to prove the general rule that the tenant secured only the land from the landlord and had to supply all the buildings and permanent equipment himself.

For his part, the obligations of the tenant were satisfied so long as he paid his rent and observed any special conditions attached to the tenancy. He was under no obligation to keep the farm in good order, nor to give it up in as good condition as he received it, nor to maintain any standard of good cultivation such as was demanded by the civil law in France. Consequently upon the de-

termination of the tenancy the landlord might have a derelict farm thrown back at him. But the tenant stood to lose far more, for upon service of a notice to quit he could be ejected from his farm and lose all his improvements. The ordinary tenant from year to year had no inducement to let his farm get into a bad state of cultivation because he normally expected to continue in possession of his holding upon which his family had often been settled for generations. Yet a landlord by serving a notice to quit could evict the tenant and get possession of the land with all the tenant's improvements on it, even where such improvements many times exceeded the value of the amount in arrear. It is, of course, true that normally this course was followed only when the tenant was in arrear with his rent but a rapacious landlord had the power to dispossess a tenant who had improved his farm and confiscate all the tenant's improvements no matter how valuable they might be. The force of public opinion, the general standard of good faith which the landlords observed towards their tenants, and the cost of the legal process involved rendered wanton evictions comparatively rare. Even as a remedy for the non-payment of rent, however, the method of ejectment was grossly unjust since it might mean that through exceptional circumstances a tenant was unable to pay his rent although his improvements to the farm greatly exceeded the arrears of rent due to the landlord. Moreover, from the viewpoint of the landlord it was little satisfaction to secure possession of a derelict farm by the ejection of a bad tenant and probably lose two years rent, for this period might easily elapse before repossession of the holding could be obtained.

In Ulster the position of tenants was better and more secure than in any other part of Ireland, due to the prevalence of the Ulster tenant right custom. The leading features of this custom were:—

1. The right of yearly tenants, or those deriving from them, to continue in the undisturbed possession of their holdings so long as they paid their rent. The landlord, however, had the right to revise the rent on occasion so as to give him a fair share of the return from the land.

2. The right of the tenant to sell his interest in the farm if he desired to give it up. Here again, however, there was a correlative right on the part of the landlord to be consulted and not to be called upon to accept an unsuitable new tenant.

3. If the landlord resumed possession of the land, he was under liability to pay the tenant the fair value of his tenant right.

This tenant right custom had grown up on most of the estates in Ulster. Up to 1870 it had no legal sanction and was enforced solely by the pressure of public opinion.

During the first half of the 19th century the legal process for obtaining possession of a farm was considerably simplified. Prices were rising during a good part of this period and there was an incentive to landlords to use their power of ejection to secure increases in rent. The great increase in the population of the country led to a species of land hunger. In the forties of the last century the rural population of Ireland exceeded seven millions. The occupancy of a plot of land was the only source of livelihood for the mass of these people and wholly uneconomic rents were offered for land—rents which in many cases the tenant would subsequently find himself unable to pay.

During the century and a half from 1700 to 1847 the population of Ireland had increased enormously. Malthus estimates that the population was about 1,250,000 in 1700 and this is probably as accurate a figure as can be obtained. At the beginning of the nineteenth century the population had considerably more than trebled and was about four and a half millions. At the census of 1841 the number was 8,175,124 while in 1845 the maximum figure of 8,295,000 is estimated to have been reached. The population of England and Wales increased from about five and one-half millions to nearly sixteen millions between 1700 and 1841, or only about three-fold as compared with a six-fold increase in Ireland. Thus during a period when the industrial revolution was taking place in Great Britain and changing the country from an agricultural to a predominantly industrial one, Ireland, which remained unindustrialized and solely dependent upon agriculture for the livelihood of the vast bulk of her population showed a rate of increase fully twice as great as in England and Wales.

This increase in population was accompanied by the multiplication of agricultural holdings on a large scale. Other factors were also at work in the same direction. Foster's corn law which was passed by the Irish Parliament in 1785 and which gave a bounty on the exportation of Irish corn, the Napoleonic wars which shut off England from continental corn and, subsequently, the Corn Laws of 1815-1846, under which Ireland obtained a preference

for her cereals in Great Britain, all led to a big increase in tillage which was accompanied by a widespread sub-division of holdings. The absence of settlement laws, such as existed in England, allowed huts or mud cabins to be erected freely and to become the miserable dwellings of an army of cottiers. The tenant was entitled to sell or sub-let his farm to anyone he liked. In the case of year to year tenancies the landlord could, of course, if he had any objections to the new tenant or sub-tenant, get rid of him by a notice to quit. Especially on the large estates, however, there appears to have been little objection to sub-division of holdings, as, on account of the low electoral franchise in Ireland prior to 1829 an increase in the number of small freeholds on an estate

Table 1. Number of Holdings of Different Sizes and Number of Inhabited Houses of Various Classes in Ireland in 1841 and in 1851

Size of holding (acres)	*Number of holdings*		*Class of house*	*Number of houses*	
	1841	1851		1841	1851
Less than 1	134,314	35,728	First class	40,080	50,164
1–5	310,436	88,083	Second class	264,184	318,758
5–15	252,799	191,854	*Third class	533,297	541,712
15–30	79,342	141,311	**Fourth class	491,278	135,589
Over 30	48,625	149,090			
Total	825,516	606,066		1,328,839	1,046,223

* Mud houses with 2–4 rooms.
** Mud cabins of one room.

meant an increase in the political influence of the landlord since he controlled the votes of his tenants. For a short time between 1826-32 an act was in force making sub-division illegal unless carried out with the consent of the landlord, but the act was easily evaded and does not appear to have been much enforced.

At the census of 1841 there were no less than 825,516 holdings in the country. The Great Famine which occurred during the years 1845 to 1847 resulted in a great depopulation of the country. Between 1841 and 1851 the population of Ireland declined from 8,175,124 to 6,552,385 a decrease of 19.85 per cent. The decrease was naturally greatest in the rural districts, the population of which declined from 7,039,659 to 5,333,709 or by 24.23 per cent. During the five years from 1847 to 1851 no less than 1,066,803 Irish born persons left United Kingdom ports to make

their homes beyond the sea—principally in the United States. In addition, large numbers emigrated to Great Britain and helped to form the large Irish colonies which exist in cities such as Liverpool and Glasgow.

The effect of the depopulation of the years after 1846 was to remove from the land the very poorest class of tenants who had previously been living on the margin of subsistence. The reduction in the number of holdings and of inhabited houses between 1841 and 1851 is shown in table 1.

The reduction of 381,884 in the number of land holdings under fifteen acres in area is very similar to the decline of 355,689 in the number of single roomed mud cabins. With the removal of the poorer class of peasantry from the country, their holdings were consolidated into larger farms of more economic size and their dwellings levelled to the ground.

The famine of 1845-47 marked the beginning of the end of the old feudal or traditional system of Irish land tenure. The failure of the old Irish land system was due not to the oppression of the landlords but to their neglect. The landlords had been content to let the land to their tenants and then neglect it. It cannot fairly be said that rents on the whole had been excessive, or that the landlords had abused their power by wantonly evicting tenants who had obtained an equitable interest in their farms by virtue of the improvements they had made to them. The fault of the landlords was that in all too many cases they had permitted their estates to become subdivided into a mass of small farms upon which the standard of living was miserably low, and the standard of cultivation hopelessly inefficient. Judged by the test of commercial farming eight million souls could not expect to live in Ireland even on the barest margin of subsistence, especially where sustenance was largely dependent on a crop so subject to degeneracy diseases as the potato. For this state of affairs the old Irish landlords must be held responsible by virtue of their failure to exert any control over the management of their estates. They had stood aside while their estates were subdivided into a multitude of cottier holdings, their lands exhausted by inefficient cultivation and their tenantry reduced to a condition where they could be decimated by pestilence and famine. The famine years which wiped out some 350,000 cottier holdings also meant the ruination of many of the landlords. In many cases their estates

were already heavily encumbered, and they were quite incapable of carrying out any scheme of improvement to their lands. In 1848-1849 parliament passed acts facilitating the sale of encumbered estates. The object was to displace the old Irish landlord by a new order of owners who would develop their estates on English lines. "English and Scottish capital was to be attracted to Irish soil." An "Encumbered Estates Court" was set up and between 1849 and 1880 no less than 10,034 estates to the value of £54,000,000 were disposed of. Roughly, about one-sixth of the land of Ireland changed hands in this way.

In the sales of encumbered estates the rights of the tenants were ignored. There was no recognition of tenant right, and the new landlords were left free to deal with their estates as they liked. Sales were effected as though all the improvements on the farms included in the estate had been made by the landlord. In fact, Irish estates—upon which, as we have seen, the tenants had a definite interest which could not by any equitable standard be ignored—were treated exactly the same way as if they had been English estates upon which not only the freehold, but also everything pertaining to the freehold, belonged to the landlord. The era of free trade in land was thus begun.

THE PERIOD OF FREE TRADE IN LAND

It may be freely admitted that at the middle of the last century consolidation of farms was an urgent necessity, if any improvements in Irish agriculture were to be effected. To prove successful this policy required that large numbers of small holdings should be wiped out. The improving landlord was in many cases forced into the eviction of his cottier tenants in order to obtain land for the creation of economic sized farms. The Landlord and Tenant Act of 1860 "simplified and increased the remedies of the landlord for recovering possession of the land, and rendered efficient the law of ejectment for non-payment of rent, and on notice to quit." The act proceeded on the assumption—already implied by the Encumbered Estates Act—that the tenant possessed no interest in the land and that his relation with his landlord was simply a contractual one to pay a certain annual rent. It was specifically laid down in the act that "the relation of landlord and tenant shall be deemed to be founded on the express or implied contract of the parties and not upon tenure or service."

During the ten years following this act the position of the Irish tenant reached its worst.

If free trade in land, if a purely contractual relationship between landlord and tenant had been practicable, then the Act of 1860 was a fair one, "for the system as based on pure contract was strictly just, and the reforms in the law had been made distinctly in favour of the tenant." But the act ignored the whole past history of Irish land, and introduced a system of land tenure utterly unsuited to the needs of the country. "As between the landlord and the majority of the tenants, there was not, nor could be, any freedom of contract. The smaller tenants were not possessed of any capital, and lived poorly by their own labour upon their unimproved farms. If deprived of their farms they had no other means of livelihood; the demand for land so far exceeded the supply that they had no hope of establishing themselves elsewhere, and therefore the interest of a tenant in a farm fetched a price absurdly large as compared with the returns to be had from land. A tenant once turned out of his holding had no means of existence; to him and his family the loss of his tenancy meant starvation and death. When served with a notice to quit the farmer was willing to offer any rent for a new letting of his holding, regardless of his ability to pay it in subsequent years. From the very nature of the tenancy from year to year many farmers naturally regarded their farms as their own property, subject to the payment of the usual rent. Upon farms held under this tenure families had lived for generations; the land had been in many cases reclaimed and improved by them or their fathers; and when it had not been so they believed it had; easygoing and unenterprising, they never realized the possibility of a notice to quit, and when it was served upon them, it seemed an act of unjust oppression and sudden destruction."[1]

Even when actions for ejectment were brought with the definite object of improving the holdings their incidence was often harsh, while in many cases—especially where encumbered estates had been acquired by small local capitalists—they were with the object of reletting the land at a greatly enhanced rent. The majority of tenants were probably unaffected by the Act of 1860, but the number who were ejected or mulcted in excessively raised rents was sufficiently large to demonstrate clearly that the principle of

[1] Richey—The Irish Land Laws.

free trade in land had quite failed to improve agrarian conditions in Ireland.

STATE CONTROL

It was not until 1870 that even the most meagre recognition was given to tenant right in Irish land. Even then this right was not openly acknowledged but the rights of the landlords were restricted. The Land Act of 1870 did three things: (1) it gave compensation for disturbance, (2) compensation for improvements, and (3) recognized the Ulster Tenant Right Custom. The tenant obtained no right in his holding but if he was "disturbed" by his landlord he received compensation. A definite scale of maximum compensation was laid down by the act, depending upon the Poor Law Valuation. On holdings under £10 in valuation the maximum compensation was seven years' rent. The number of years' rent which could be granted as compensation progressively diminished as the valuation of the holding increased until in the case of holdings the valuation of which exceeded £100, the maximum was one year's rent. A tenant who sublet or divided his holding without written permission was not entitled to compensation for disturbance.

In practice the courts generally adopted the maximum figure allowed by the act as the basis for compensation. It is obvious that, administered in this way, numerous anomalies must have arisen. A tenant of a holding of which the Poor Law valuation was £10 could obtain seven times his rent in compensation if disturbed by his landlord. The maximum compensation to which a tenant of a holding valued at £10 was entitled was one year's rent. All too frequently these figures bore little or no relationship to the real value of the tenant's interest in the holding. Moreover, the compensation varied in inverse proportion to the value of the tenant's interest. On two holdings each valued at £10 and one rented at £5 and the other at £15 the presumption was that on the lower rented farm the tenant had done a good deal in the way of improvements to make it of the same valuation as the higher rented farm. Yet this tenant only obtained £35 if disturbed while his neighbour obtained £105.

Tenants evicted for non-payment of rent, or who voluntarily gave up their holdings, were not entitled to compensation for disturbance but obtained compensation for their improvements. There

were, however, a great number of exceptions to the conditions under which this right could be claimed.

Despite its limitations there can be no doubt that the Act of 1870 greatly improved the position of the Irish tenant. But the act was not a success for the simple reason that it left untouched the main objects for which the Irish tenantry were agitating. To quote Professor Richey again, "What the tenants wanted was to be left in quiet occupation of their holdings, to secure which they were willing to pay, and often did pay, high, nay, extravagant rents. The measure which they agitated for was that so long as they paid the rent they should not be disturbed in their possession; the act passed in 1870 merely made it expensive for the landlord to turn them out. The compensation for disturbance, and compensation for improvements, were not what the tenant wanted; this pecuniary compensation was nothing in comparison with the loss of his home, and the destruction of his business; a sum of money in hand was no adequate compensation to him for he knew only two modes of using it, either in stocking a farm or lodging it in a bank upon the security of a deposit receipt."[2]

These demands of the tenantry were conceded by the Act of 1881. To what extent this concession was the result of agrarian disturbance I do not propose to assess, but it is essential to state that agrarian crime had become very prevalent in Ireland during the preceding years.

The Land Act of 1881 conceded to Irish tenants "the three F's". They obtained the right to the free sale of their interest in their holding if through any cause they had to give it up; fixity of tenure so long as they continued to pay their rent; and finally the right to have fair rents for their holdings fixed by an independent tribunal. This tribunal might either be the county court or the newly formed Land Commission which was established to administer the act.

The most important feature of the Act of 1881 was undoubtedly the creation by the State of special machinery for the fixing of rents. Any landlord or tenant could go before the Land Commission and demand to have a fair rent fixed for any holding which was not held on lease. By an amending act in 1887 leaseholders were also brought within the scope of this fair rent legislation.

The majority of the fair rents which were fixed were dealt

[2] Richey—Irish Land Laws, p. 94.

with by the Land Commission. No definition of a fair rent was laid down and it is difficult to say that the Land Commission proceeded on any definite principles in assessing rents. In most cases these rents were fixed by sub-commissions composed of one legal commissioner and two laymen. The vast majority of rents was greatly reduced. Throughout the whole of its existence, indeed, the Irish Land Commission operated in the direction of reducing rents.

Fair rents were fixed in the first instance for a term of fifteen years. At the expiry of that period it was open to the tenant to come before the court again and have a new fair rent fixed. The proceedings under the Fair Rent Courts from 1881 to the 31st of March, 1920, are shown in table 2. Since then, proceedings have been negligible.

Table 2. Proceedings Under the Fair Rent Courts in Ireland, 1881 to March 31, 1920

Term	*Number of holdings*	*Number of acres*	*Former rent*	*Judicial rent*	*Percentage reduction*
First	382,975	11,389,757	£7,542,981	£5,984,354	20.7
Second	144,094	4,437,794	2,585,031[1]	2,086,111[3]	19.3
Third	6,032	195,302	100,017[2]	90,887[4]	9.1

[1] First term rent
[2] Second term rent
[3] Second judicial rent
[4] Third judicial rent

During the last two decades of the 19th century the course of rents in England and Wales was downward and there is little doubt that the rents which were prevalent in Ireland during the sixties and seventies—although probably not too high for a time of agricultural prosperity—were in need of a downward adjustment by the late eighties.

But if the first term reductions in rents imposed by the Land Commission can be defended on the grounds of agricultural depression and falling prices, it is difficult to urge the same arguments in respect of the almost equally large reduction which occurred in the case of second term rents. These rents were all fixed subsequent to 1896, and during the earlier part of this century it is generally admitted that the agricultural industry was enjoying a period of slowly increasing prosperity. Second term rents were fixed in respect of 144,094 holdings extending to 4,437,794 acres or about one quarter of the agricultural area of

Ireland (including grazed mountain land). The first term judicial rents had reduced the rental of these lands from £3,248,019 to £2,585,031 or by 20.4 per cent. A further reduction of 19.3 per cent from £2,585,031 to £2,086,111 occurred when second term rents came to be fixed. Altogether, therefore the rental of these lands was reduced by £1,161,908 or by 35.8 per cent.

The number of third term rents fixed was small but even in the case of these rents a reduction of over 9 per cent from the second term rent was shown, although all these rents were fixed after 1911 and many of them during the period of the war.

It was early recognized that the possibility of the Land Commission raising rents was remote. Moritz Boun, a German investigator of agrarian conditions in Ireland wrote in 1905: "It has become perfectly clear that the land courts may work away so long as all idea of a general raising of rents is barred out, but should anything of this kind ever take place, it would bring about an agrarian revolution against the State and its courts."

It has been seen that even allowing for the increasing prosperity of the first two decades of the present century, rents had been reduced by over 35 per cent since 1880. It is probable that during the depression of the past five years further considerable reductions in rent would have been agreed to, had proceedings for the fixation of rents been continued. But by this time Ireland had been turned almost completely into a land of owner-occupiers. It is necessary therefore to go back and outline the course of the land purchase proceedings which brought about this result.

PEASANT PROPRIETORSHIP

The beginning of land purchase took place in 1869 when the Irish Church was disestablished. Tenants of glebe land were given the opportunity of purchasing their holdings, two-thirds of the purchase money being advanced by the State. The Land Act of 1870 also contained clauses under which two-thirds of the purchase price could be advanced to tenants who bought out their holdings, while under the 1881 Act an advance of three-quarters of the purchase money could be made. Altogether some 7,665 tenants bought out under these acts—the majority under the Irish Church Disestablishment Act of 1869.

Real progress with land purchase was not made until the "Ashbourne Act" of 1885, which enabled the entire purchase money to

Table 3. Land Purchases in Ireland Under the Various Land Purchase Acts, 1870-1920

Land purchase act (year)	*No. of holdings purchased*	*Total acreage*	*Total purchase money*	*Cash lodged by purchasers*	*Amount of advances*
1870	877	52,906	£ 859,522	£ 344,986	£ 514,536
1881	731	30,657	355,594	114,793	240,801
1885–88	25,367	942,625	10,162,834	170,298	9,992,536
1891–96	46,834	1,482,749	13,401,226	254,334	13,146,892
1903	204,341	6,526,344	70,949,360	859,651	70,089,709
1909	18,658	625,213	5,538,341	153,348	5,384,993
Total	296,808	9,660,494	£101,266,877	£1,897,410	£99,369,467

be advanced by the State. Further acts for the same purpose were passed in 1888, 1891, 1896, 1903 (The Wyndham Act) and 1909 (Birrell Act). It is unnecessary to deal in detail with these various acts. The progress with land purchase which was made from 1870 up to 1920 is shown in table 3.

In addition some 6,057 tenants bought out when the Irish Church was disestablished, the amount of money advanced being £1,674,841.

This summary of the results of half a century of land purchase is an imposing one. But even more striking than the area and amounts involved are the conditions upon which land purchase was carried through. The terms on which advances were made under each of the acts from 1870 to 1909 are shown in table 4.

The number of years' purchase at which the tenant bought out generally meant that the annuity payment was considerably lower

Table 4. Terms on Which Advances Were Made Under Each of the Irish Land Purchase Acts

Land purchase act (year)	*Annuity rate (per cent)*	*Rate of interest in annuity (per cent)*	*Rate of sinking fund in annuity*	*Estimated number of years over which annuity is paid*
1870	5	$3\frac{1}{2}$	**	35*
1881	5	$3\frac{1}{2}$	**	35*
1885–88	4	$3\frac{1}{2}$	**	49*
1891–96	4	$2\frac{3}{4}$	$1\frac{1}{4}$	$42\frac{1}{4}$*
1903	$3\frac{1}{4}$	$2\frac{3}{4}$	$\frac{1}{2}$	$68\frac{1}{2}$
1909	$3\frac{1}{2}$	3	$\frac{1}{2}$	$65\frac{1}{2}$

* In these cases decadal revisions of annuities could be claimed. If revisions were taken in full it would add 30 years to the normal period of payment.

** Per cent residue after meeting interest liability.

than the former judicial rent. The average number of years' purchase at which holdings were sold under the acts of 1885-88 was 17, while in the case of the 1891-96 acts it was 17.7. Thus under the later act we may assume that a tennant with a rental of £100 bought out his farm for £1,770. At four per cent his annuity payment would be £70.16s.0d.—a reduction of over 29 per cent on his previous rent. Moreover, in 42½ years' time the farm became his own. In the case of the Wyndham Act of 1903 it was provided that if the former rent paid by the tenant was a first term one, then the annuity on purchase had to be at least 20 per cent, but not more than 40 per cent lower. In the case of a second term rent the reduction was to be between 10 and 30 per cent. Under such conditions, when it was cheaper to buy out one's farm by paying an annuity for a limited number of years, than to pay rent, it is not surprising that land purchase proved popular. All the acts from 1870 to 1909 were voluntary acts, however, and depended upon the willingness of the landlord to sell. Since a financial advantage was obtained by the bought-out tenant, it is not surprising that the demand arose, on the part of the tenants, for compulsory sale by the landlords. By the time of the division of Ireland in 1921 land purchase proceedings on a voluntary basis had considerably slowed down and in both Northern Ireland and the Irish Free State, acts have now been passed making it compulsory for the landlord to sell his estate.

In the Irish Free State the Land Act of 1923 provides that, with certain exceptions, all tenanted agricultural land shall be vested in the tenants subject to the payment of land annuities. "In the case of judicial tenants these annuities will give them a reduction of 30 per cent or 35 per cent on their judicial rents according as they had been fixed after or before the 15th of August 1911, and in the case of non-judicial tenants their annuities will give them such reductions as is agreed upon between them and their landlords, or is fixed by the Land Commission."[3]

In the Free State, therefore, tenants subject to second term rents who buy out under the 1923 Act will pay an annuity equal on the average to about 45 per cent of the rent which was formerly paid to the landlord before the introduction of judicial rents.

In Northern Ireland the standard purchase annuity was fixed by the Act of 1925 as a percentage of the judicial rent payable

[3] Report of Irish Land Commissioners, 1923-26.

in respect of the holding. This percentage varies with different counties. The standard annuity will, however, amount to from 70.2 to 74.1 per cent of first judicial rents, from 79.3 to 83.6 per cent of second judicial rents, and from 86.2 to 89.1 per cent of third judicial rents. Taking the reductions on second term rents as the standard, this means that the annuities payable in Northern Ireland under the 1925 Land Act will on the average be approximately 50 per cent of the rent payable before the establishment of the fair rent courts.

Within a few years practically the whole agricultural area of Ireland will be in the hands of a class of owner-occupiers, and we may now turn to a brief consideration of the success or failure of this, the present system of land tenure in Ireland, and its probable survival value.

Looked at from the point of view of the tenant who has bought out his farm the advantages of the present system are obvious. He is paying an annuity which is very considerably less than his former rent and in the course of years he or his son will become the absolute owner of the farm.

It is true that the bought-out tenants have been subjected to certain restrictions. They are not permitted to sub-divide nor sub-let their farms, nor to mortgage them for more than ten times the amount of the annual annuity payment, without the sanction of the land commission.[4] From the point of view of the individual farmer, however, these restrictions can scarcely be regarded as onerous in character.

When the present system is examined from the wider aspect of the general agricultural interest of the country, however, the conclusion is less favourable. Broadly speaking the effect of land purchase has been virtually to stabilize the land system of the country at the position arrived at towards the close of the last century. The following table shows the number of land holdings at each census date from 1881 to 1911. A change in the method of collecting the statistics occurred after that date which renders later figures—which are only available for the whole country up to 1917—difficult of direct comparison with the returns for earlier years.

It will be seen that no less than 216,708 holdings, or 42 per cent

[4] Under the Act of 1925 all restrictions on mortgaging have been removed in Northern Ireland.

of the total, were under fifteen acres in area in 1911. Unless in exceptional circumstances holdings under fifteen acres in size cannot be expected to afford a satisfactory livelihood for the farmer and must be regarded as uneconomic in character. Yet in 1909 approximately 8½ per cent of the area of crops and pasture in the Irish Free State was divided into farms less than 15 acres in size, while in Northern Ireland, in 1925, 14 per cent of the total area of crops and pasture was in holdings of less than 15 acres. Unfortunately, in all too many cases the standard of cultivation on these

Table 5. Number of Holdings of Different Sizes in Ireland, 1881-1911

Size of holding (acres)	*Number of holdings*			
	1881	1891	1901	1911
Less than 1	50,996	55,628	74,328	86,906
1–5	67,071	63,464	62,855	62,354
5–15	164,045	156,661	154,418	154,354
15–30	135,793	133,947	134,091	136,839
30–50	72,385	73,921	74,255	76,384
50–100	55,601	56,361	57,407	58,979
100–200	22,214	22,811	23,107	22,789
200–500	8,204	8,280	8,186	7,745
Over 500	1,430	1,567	1,528	1,610
Total over 1 acre	526,743	517,012	515,847	521,054

smaller farms is extremely poor. Yet apart from a number of counties in the west of Ireland which are dealt with by the Congested Districts Board there is no machinery for the consolidation of these smaller holdings into economic sized farms. The existing land laws, indeed, tend to perpetuate the existence of these smaller holdings, for farms which are subject to a land annuity cannot be sub-let without the sanction of the Land Commission. In 1920 only 42 applications for permission to sub-let were dealt with of which 41 were sanctioned and one refused.

As a consequence, the normal method of letting land is in con-acre, or on the eleven months system. Con-acre lettings are lettings of tillage land for the purpose of taking a particular crop, generally oats, potatoes or flax. This land is generally rented in the spring after the ground has been prepared for sowing, and is given back in November after the crop has been harvested. Grazing land is taken for a period of eleven months.

I made arrangements this year for the collection of statistics regarding the area of land let in this way in Northern Ireland.

The area returned was 123,249 acres, or a little over five per cent of the total area of crops and grass in the country. Cases are frequent in which the entire area of a small farm is let out for grazing year after year. In some instances the owner is out of the country; in many others it is found that the farm house is used as a dwelling by a farmer's widow or by aged people, and the land let.

The interest of the man who takes land in con-acre or on the eleven months' system is obviously to get as much out of it as possible. His tenancy is for a few months only and as the land will probably be put up for auction at the beginning of the following season he has no guarantee that he will be able to re-rent it at the same price. The danger of land being allowed to deteriorate is thus apparent, especially when several persons rent pieces of land on the same farm. Incidentally, it may be remarked that under this system the whole benefit of the de-rating scheme will go to the owner of the land and no advantage will accrue to the men who actually farm it.

One of the principal criticisms of the owner-occupier system, in all countries, has been that it tends to debar the man without capital from the opportunity of engaging in farming on his own account. This criticism applied with special force in Ireland for until recently farms subject to a land annuity could only be mortgaged to the extent of ten times the annuity payment. This restriction was particularly severe because in the purchase of a farm a great part of the price paid was always in respect of the tenant right. A farm subject to a land annuity of £20 or so might easily sell for £1,000 to £2,000 yet the new tenant was unable to execute a mortgage for more than £200 without the special sanction of the Land Commission. All too frequently the result has been that the purchaser has sunk too large a proportion of his resources in the free hold of his farm and has left himself short of working capital.

The owner-occupier system has also the disadvantage that it renders it difficult for the man who has done well on a small farm to transfer to a larger sized holding. He must first sell his own farm and then buy a larger one somewhere else, with all the heavy law costs involved. Yet on account of the difficulty of renting land for more than a year in Ireland, this is often the only way a larger farm can be obtained.

Alternatively, a farmer may buy up small holdings in his district when these come on the market. This frequently happens, and a well-to-do farmer is often ready to buy up a suitable small farm that falls vacant in his district partly with the object of getting permanent possession of additional land and partly in order to provide for a younger son since sub-division of farms is prohibited under the land purchase acts. Cases are frequently met with where a farmer is running two separate farms a mile or so apart. Many of these dual farms are managed very successfully but the system is obviously less economic than would be the case if some of the smaller farms could be consolidated into farms of reasonable size —say 50 to 75 acres.

The principal disadvantages of the present system of tenure may thus be summed up as:

1. The difficulty of securing the consolidation of the smaller holdings into economic sized holdings.
2. The unsatisfactory position in regard to the letting of land.
3. The question of the provision of credit for farmers the bulk of whose capital is sunk in their farms. Both in the Free State and in Northern Ireland this matter is being dealt with by the State and special credit facilities are now available.

The Irish agrarian problem of today is thus a problem of the distribution rather than of the tenure of land. In this respect Ireland is in the same position as the majority of European countries where the bulk of the land is in the hands of peasant proprietors. The future of this class of holding, in Ireland as elsewhere, will depend upon the success of the small farm as a social and economic unit for agricultural production.