

in determining prospectively what should be tenant's improvements. But it will be argued that it would be unjust to take past improvements into account and to raise thereby an equity for the tenant; and the changes will be rung on retrospective enactments without a clear perception of the subject. Yet the question really is, not of doing anything inherently unfair, which is the objection to retroactive laws, but of recognizing a vested right of property which ought to have been recognized long ago, and of giving it its legitimate *status*. In this sense many and noble precedents exist for measures of a retrospective character. The petition of Right, the Bill of Rights, the decisions which set copyholders free, which emancipate estates by common recoveries, and which vindicated for the mortgager his equity of redemption in the land—all these great and comprehensive reforms, which went to the very roots of society, interfered with an existing order of things, and necessarily had a relation to the past; and, in truth, every judgment of a Court which modifies a subsisting interest has, and must have, a similar tendency. Yet it will be seen that, under the plan I propose, though the Legislature would distinctly acknowledge the title of the occupier to past improvements, it might well happen that the intended tribunals would not often be called upon to inquire into rights of this kind, and thus to deal retrospectively with them, since these powers would not be called into being until a landlord assailed a tenant's interest. By what criterion to ascertain and measure the worth of claims of this class—of course, under just restrictions and safeguards—is certainly not a very easy question. It has been argued, with great ingenuity, that the true test would be the price of the goodwill which, subject to the existing rent, would be given by a purchaser to the occupier, adopting thus a Tenant Right standard. This would be one basis of calculation, and in many cases would be a sound one; but I am disposed to think it might be possible to arrive at a more exact conclusion, at least in a considerable number of instances. The tenant, provided his right were made out, should be entitled to charge for the existing value of what may be called apparent improvements—such as houses, farm buildings, and the like; and with respect to non-apparent improvements—such as reclaiming waste land, draining, or fencing—he should be entitled to charge for their value upon a scale determined by considering the benefit done to the estate for a certain period, regard being had to the mode of cultivation

he had pursued, and not to an ideal mode, and by taking into account his own outlay. After all, however, the question would be one of fact, degree, and reasonable evidence.

Such is the scheme I venture to submit for a reform of the system of occupation in Ireland. It is no doubt liable to the objection that it would create a novel jurisdiction, and I am conscious that it has other defects. Nevertheless, I think it is in the right direction, and I hope it will be not useless. I turn to consider the land system of Ireland upon the side of ownership. As we have seen already, it may be expedient to afford facilities for the voluntary alienation of a certain amount of landed property in Ireland. As we have seen, too, Mr. Bright's plan contains the germs of a good measure, though faulty in details of importance. Mr. Bright proposes that absentees should be encouraged to sell their estates; that the State should enter into the management of them, having first paid off the original owners, and that the tenants should ultimately acquire the fee by paying the purchase-money in instalments added to the rents. It would be, I think, unwise and invidious to restrict this measure to absentees, some of whom are exceedingly good landlords, or to make any distinction of class whatever; and it is obvious that Mr. Bright's plan exposes the Exchequer to serious loss, lays no conditions upon those who would derive a large prospective advantage, and does not give them the healthy stimulus to industry that would be so desirable. I would suggest that Mr. Bright's scheme ought to extend indifferently to all landlords who thought proper to avail themselves of it; and the result probably would be, that, by a kind of natural selection, Ireland would be gradually freed from those landlords unhappily of no use to her. I think, also, that in no instance ought the State to negotiate for an estate unless the tenantry were prepared to advance, say, one-fifth of the price; in order to give the nation security, to guarantee the payment of the rents that would be the fund to discharge the four-fifths advanced by the State to the former owner, and to quicken the energies of the tenant purchasers, who would prize doubly that which had cost them dearly. Nor would this operate as a serious check on the contemplated alienation of land, for the farmers of Ireland have millions idle that would be available for this purpose; nor, if necessary, would they find it difficult to borrow. Subject, however, to modifications like these, I believe that Mr. Bright's project for the formation of a pea-