

## TENANT RIGHT IN IRELAND.

(From the Times.)

When reasoning upon the important subject of Tenant Right in Ireland, many persons are apt to suppose that if they prove certain conduct to be impolitic and unjust they thereby establish its illegality, fancying, apparently, that it is within the power, and, therefore, it is the duty, of the law, to enforce in all cases wisdom and beneficence. But, unfortunately, the law has no such power. Many things must be left to the discretion and good feeling of individuals, and public opinion must step in and in some degree contribute to effect what the law is unable to accomplish.

There is also another fallacy in which persons are apt to indulge who talk on this subject, and that is, that land is held, according to the law and constitution of the United Kingdom, in trust, and that consequently a landowner is bound by law so to comport himself with respect to his land as to make it produce the greatest happiness to the greatest possible number.

In what text-book, in what legal decision this maxim is to be found, we confess ourselves wholly ignorant; and until some one will supply the world with a reference to the precise page of the record which contains this remarkable rule of law, we shall fearlessly assert that land is not, by the law of England or Ireland, considered as of necessity the subject of a trust. A man possessed of the fee simple of an estate may, if he pleases, let it run utterly to waste; he may refuse to let it; he may refuse to let it except under peculiar, and, if it so please him, unjust, and, as far as other men can judge, impolitic conditions; and although the land in such case produce benefit to no one, by law the owner cannot be forced to adopt a more rational line of conduct.

But is the law wise in allowing to any man such a power over the land? Our answer, derived from the experience of the whole annals of mankind, is—Certainly, the law does wisely in trusting to the working of individual interest rather than to the efficacy of a constant intermeddling with men's private affairs, and in believing that although some men through ignorance, some from whim, some from bad feeling, may throw away the means of doing good which fortune has conferred on them, yet, on the whole, the desire to benefit themselves and to turn the land to a good account will lead the proprietors to obtain from it a larger amount of produce than would be created by any other arrangement.

While we say this, and broadly assert that the law does wisely when it gives to the landowner this power, we are quite ready to stigmatise as mischievous what is really so, and to direct against it the public reprobation. While so doing, however, we are ever careful not to confound law and morality—not to mistake the true limits of the domain of law, and make them extend beyond the legitimate sphere of the law's action. Thus, while we entirely deny that the Irish landlord who lets his land for double its worth acts illegally—while we assert that the proposal of the Tenant Right League to apportion rent by operation of law is a most impolitic proposal, we are not blind to the evils that have resulted, and do still result, from the conduct of certain of the owners of land in Ireland; and we are not slow to denounce as unjust and cruel every act of oppression that is brought under our notice.

The destruction of the potato crop has made it impossible to maintain the present population of Ireland by means of small holdings; and the one grand recipe now for the ill of Ireland is to convert the wretched possessors of little holdings into laborers living by wages. And here we are crossed by another interest; and to this we now address ourselves. Giving to the Priesthood of Ireland every praise for the courage and devotedness with which they have stood by the poor in the hour of disease and death, still we must not hide from ourselves that there are strong feelings of interest—interest of class—on which depend power and personal consideration, which make the Priesthood ally themselves to the suffering poor in every dispute which may take place between them and the landlords. They even, when acting merely under the influence of benevolence, look only to the immediate and apparent result. They are little versed in the real business of life; of the great principles which determine the national welfare they are, of necessity, profoundly ignorant; and they seek in their mistaken zeal to convert the careless and not over scrupulous holder of a tenement into a martyr. They oppose themselves to change, because they are ignorant of the real working of the complex interests of every-day life. They dislike the proposal to make laborers of the little cottagers; and instead, therefore, of employing their great influence with their confiding flocks to convert the small farmer into a well-to-do day laborer, they erect themselves into the apostles of a new political economy, and, in fact, support with their wild talk a mischievous Socialism. Men possessed of their influence might do infinite service; but, alas! their power is not based upon the enlightenment of the people, neither are they themselves enlightened. They have, however, means of preventing good; and by advocating impossible theories they will continue that misery which began by their own debasement, thus again proving that an avenging Nemesis is always ready to work woe to those who have been guilty of injustice. The descendants of the real oppressors of Ireland are the victims of that ignorance and hate which the oppressions of their forefathers created and maintained.

The path of the legislator, however, is clearly defined. He must allow the ordinary principles which govern the acquisition and control of property to remain in full force. He must contribute in every way to the instruction of all classes of the people, and await the result in perfect confidence that instruction and publicity will eventually bring about that wise and fair dealing between the landlord and his tenant which will conduce to the welfare of both. From this wise forbearance and patient hope he must not be tempted by any talk, whether it be in a tone of fierce threats or denunciations, or of emphatic enunciation of high-sounding but unmeaning generalities.

## VALUATION AND FAIR RENTS.

(From the Nation.)

A correspondent, whose opinions upon the Irish Land Question have been frequently stated in *The Nation*, has carried his advocacy of the tenant's cause into the columns of some of the London journals. *The Weekly Chronicle* of Saturday contains a letter from the pen of "Agricola," exposing the fallacy of an article in *The Times*, and defending the principles of the Tenant League. The following are extracts:—

The *Times* sets out with a proposition which it assumes to be a truism, but which the tenant-farmers of

Ireland venture not to regard as such; and before further advancing to the consideration of the question, it will be necessary to examine how this matter stands.

"The landlord," says that journal, "we assume to have by-law full power over his land." Not so fast, good *Times*, say I; for, if such were the case, it would follow that the landlord might do with it just as he thought proper, and this right the interests of society make it obviously impossible to concede. "This assertion," it proceeds, though apparently a truism, is important, meaning, as it does, that at the time of his letting his land, and entering into a contract with any person as a tenant, both he and the tenant come to a mutual arrangement unfettered, and that such arrangement or contract is the result of a voluntary determination on each side."

Now, to examine the soundness of the conclusion at which the *Times* arrives, it becomes necessary to regard the whole of the agricultural population of Ireland as if they also constituted but one man. Dealing with them in this way, we see at once how very true is the proposition, that they come to the mutual arrangement unfettered. The tenant says—"This land is indispensable to my existence, and I must, therefore, consent to give you whatever you ask for it—that is to say, unless you are bound to give it to me at a fair rent." The Landlord answers—"I know it is indispensable to your existence, but I am not bound to give it to you at a fair rent. You must take it on my terms, or perish. I am myself under the screw of mortgagees and usurers, and I cannot support the style of an Irish aristocrat, unless I exact from you a preposterous rent." The Tenant replies—"Very well; I must consent; there is no alternative but the grave. By submitting to your terms, I may have, for a little time, a chance of life, and perhaps a chance of running away with the crops. By rejecting them, my family and myself will be instantly swept into the workhouse. You will, however, give me some security, that if I cultivate the lands, and expend the accumulation of my life's industry upon them, you will not turn me out, and appropriate my property at the end of the year."

The Landlord—"I'll give you no such security. I want to keep the lash over you, and to make you obedient and servile. Improve or not—just as you like. If you do not you will starve—if you do, I'll take good care that your improvements shall not be your own."

Yet (according to the *Times*) is the plainest possible truism that the landlord and tenant in Ireland come to the mutual arrangement unfettered, and that their contract is the result of a voluntary determination on each side.

Having disposed of these preliminary matters, I shall now proceed to state what the principles of the Tenant Right League are, and to support those principles by arguments which, I trust, will be found unanswerable.

The tenant farmers of Ireland—seek 1st. The fixing of a fair rent by means of a compulsory valuation. 2d. The periodical adjustment of the rent every seven years, so as to continue it at a fair rent. 3d. That so long as this fair rent shall be paid, the tenant shall not be disturbed in his possession. These are the great principles upon which the Tenant League seeks to have a new law founded.

In this letter I shall confine myself to the first of them—which seems to have come forth with the most startling effect upon the superstitious votaries of the sacred and inviolable rights of property.

In reference to this head, the propositions I propose to establish are these:—

1. That by a law requiring that the land should be let at a compulsory valuation, the sound maxims of commercial freedom would not be violated, but on the contrary carried out.

2. That even if they would—and if such a law would therefore be pernicious in reference to that portion of the empire which is in a sound condition, (as England) their violation is indispensably called for by the unsound and exceptional position of Ireland.

The grand object of commercial freedom I take to be this—the public benefit. If it has any definite meaning, it must mean that every article shall be emancipated in such a way from false and artificial props, that it shall bring its fair price in the market, and no more. This object may be accomplished either by direct or indirect means.

When accomplished by indirect means, it wears the aspect of freedom, though it is in effect compulsion. When it is accomplished by direct means, it wears the aspect of tyranny—whereas in substance and effect it is quite as much freedom as the other. In the first case it emancipates the commodity from the unjust pretensions of the owner by opening the market to other dealers in such goods (as in the case of corn). In the other, it emancipates the commodity from the unjust pretensions of the owner, by the only means which can be resorted to, viz., by directly compelling him to submit to a fair valuation, and to dispose of it on terms compatible with the requirements of society, (as in the case of land.)

When the two processes are thus examined, we at once perceive that there is quite as much compulsion in the one case as the other; for the owner of corn is compelled by competition to sell it at the fair market price; and the only matter which the tenant farmers of Ireland seek is that their landlords should be compelled to let land at the like fair market price, having reference to the value of lands in England, Scotland, and elsewhere. I shall now submit a few principles and propositions, which it may be well to impress upon the public mind, before proceeding to any discussion of this subject. I hold—

1. That as a general rule, it is wise and expedient that every owner of property should be permitted to dispose of it as he thinks proper, or to demand for it any price he can get.

2. That the wisdom and expediency of such general rule arise from the consideration that no great public evil is the result of such absence of restraint.

3. That wherever a great public evil would be the result of the absence of restraint, the case becomes an exception to the general rule; and so far from its being then either wise or expedient to allow the owner of property to dispose of it as he pleases, it would be unwise and inexpedient so to do.

4. That in the case of particular goods (such as wool or cotton) or particular money, (such as the money of any private individual) no permanent evil can arise from allowing the owner thereof to dispose of them on such terms as he may think proper, because a supply of such articles is easily attractable from other markets, and exorbitant demands would lead to superabundant supplies, so that the matter is self-regulating.

5. That it would, therefore, display an ignorance of natural results to compel the owner of such articles to dispose thereof upon reasonable terms.

6. That, even in the case of movable commodities, wherever the matter is not (as above) self-regulating, it becomes wise and expedient for the state to interfere by compulsory law for the benefit and protection of its subjects; as, for instance, when a single individual happens to have a monopoly of an article indispensable to the public health, which article cannot be procured from any other market.

7. That for such reason, if a party became the owner of the only spring of water within miles of a city, or of some particular drug, which was known to be a specific for some widely destructive epidemic, it would not be a violation of the maxims of commercial freedom (which are founded on common sense) to compel him to sell such articles at a fair price.

8. That whatever is indispensable to the existence of society, and limited to supply (be it movable or otherwise) may be considered as an exception to the general rule; that the owner of property may demand for it, or do with it whatever he thinks proper.

9. That the particular land within the geographical limits of any country is indispensable to the existence of the people of that country, and obviously limited in supply, and that such land may therefore be considered as an exception to the general rule.

10. That the landlords of England (owing to their comparatively unembarrassed circumstances) are enabled to let, and do let, their lands at a fair rent; but, if the case were otherwise, that it would then be no violation of sound constitutional means to compel them by law so to do.

11. That the ownership of land is always subject to the interests of the State, and of the community, and that there is between land and all other property this wide and striking distinction, that whilst the owners of any other article can give or dispose of it to a foreign State, the owner of land cannot deprive the State under which he lives of one acre of its territory, though (in a certain sense) his own property.

12. That all land is therefore held upon a great public trust, and that the owners thereof are mere trustees for the joint benefit of themselves, the State, and the public, and bound either duty to cultivate it themselves, or to let it to others on secure terms and at a fair rent.

13. That to affirm that the land of a country ought not to be regarded as an article limited in supply, involves the fallacious proposition that a great people may exist in prosperity without the cultivation of their own soil.

14. That as regards Ireland (which may be considered as an exclusively agricultural country) such a proposition is obviously absurd—whilst as regards England, it is fraught with the utmost peril to the State.

15. That in order to view the question of compulsory valuation in a true light, it is necessary to regard the whole Irish agricultural population as one great company who require the particular land comprised within the geographical limits of Ireland for public purposes, absolutely indispensable.

16. That viewed in such light, they resemble exactly a great railway company, who require a particular patch of ground, so absolutely indispensable to a public undertaking, of the utmost utility to the State.

17. That the principle of compulsory valuation is admitted in the case of the railway company, because the owner, taking advantage of the necessities of the company, might otherwise demand for it an exorbitant and ruinous price.

18. That if the principle be required in the case of the railway, it is still more imperatively required where the lives of millions, the safety of society, and the stability of the State depend upon its application.

19. That the condition of Ireland, after centuries of experience, proves to demonstration that the absence of compulsory principle, where the owners of land are in distress, is an evil of the most crushing and oppressive description.

20. That the prosperous condition of England, in the absence of such principle, is in a great measure attributable to the accidental circumstance that the owners of land in the country are not persons in distress.

21. That the tenant-farmers of England have (practically) the benefit of a voluntary periodical valuation and perpetuity of tenure, as appears from letters of several of the great landed proprietors, recently published.

22. From the foregoing considerations, it irresistibly appears that to compel the owners of land to let it after a fair rent, when they are indisposed or unable so to do, is no violation of the maxims of commercial freedom, but, on the contrary, a carrying out of those maxims by the only available means.

Having thus established my first main proposition, I shall now proceed to establish my second. To do this merely requires proof:—

1. That Ireland is in an universally unsound condition.

2. That its agricultural population are perishing from oppression—crushed to the earth by "preposterous" rents—and discouraged from improving the land by reason of the utter insecurity of their tenure.

3. That the Irish landlord, by reason of his overwhelming embarrassments, cannot afford to be just, even if he were so inclined.

4. That the Incumbered Estates Commission, though, no doubt, productive of very great good, can only have a partial operation, and has hitherto merely substituted one Irish landlord for another.

5. That there are but a few great proprietors, or landlords properly so called, in Ireland, and that all the improvements in that country are invariably made by the tenant.

6. That this being so, it is obviously just he should have some means of getting compensation for such improvements at the end of his tenancy.

7. That there is no possible way of getting him that compensation, except by means of such a law as the tenant-farmers seek.

These propositions require no proof. They have only to be stated to be admitted by every candid man in the community.—I am, Sir, &c.,

AGRICOLA.

We (*Dublin Nation*) have received this touching letter from an esteemed friend, the Rev. Thomas Langan, of Ardcaith:—

(To the Editor of the Nation.)

My dear Mr. Duffy,—We must hasten and organize the League. While we dally the people perish. Landlordism is crushing within its deadly folds the bone and sinew of our peasantry. Do any of your readers know Colonel Jones? I believe he is M. P. for some of the northern counties. Unhappily he is the proprietor of some lands in this parish. Here is a sample of the heartlessness of the class to which he belongs. Poor young Dempsey some 30 years ago took a farm of 20 acres from Col. Jones, at what was

then considered a rack-rent—two guineas an acre for a bad, unfenced, undrained farm. But Dempsey was then young and in the vigor of health—he was full of hope, recently married. The wife of his bosom was the sharer of his toil! Who could despair to fertilise a sand bank or extract the means of living from a desolate and stubborn soil, cheered in his labors by the prospect of the *domus et placens uxor*? For 28 years he labored—he literally watered every square foot of the farm by the sweat of his brow. Some few years since his landlord reduced his rent from two guineas to 38 shillings an acre! Times wore on, his coat became more threadbare; his wife at chapel on Sundays concealed the plainer materials of her cap, and shrouded her emaciated and careworn countenance beneath the faded hood of the once scarlet cloak; still the rent was paid honestly and punctually. The potatoes failed, and poor Dempsey was unable to pay his rent as punctually as usual. After four years of famine he owed two years' rent. His crop this year would nearly pay the arrears. But he was a failing man. He should make room for some bullock owner—his emaciated countenance should no longer scare the portly countenance of the Dublin agent. He and his wife and seven children were turned out by the road side last week—the landlord ordering him 15l. to assist in purchasing his passage to America. One of the most independent landowners in our part of the country, a most industrious and honest grazier, when offered Dempsey's farm valued it at 23 shillings an acre. That is, Dempsey was paying 15 shillings an acre more for the land than its real value. Now just let us calculate the amount of legal injustice suffered by poor Dempsey. Say he never paid more than his present rent, that would be on the 20 acres just 15l. a year more than its value—this sum multiplied by the number of years he occupied the farm (26) amounts to 300l.—the landlord now seizes all his permanent improvements, &c., and gives him and his family, nine in number, just 15l. to go to any place out of his sight. We must concentrate public opinion upon such injustice. We must hasten our organization, or else our people will be driven to madness or die like dogs by the road side.—Truly yours,

THOMAS LANGAN.

THE FIRST CONVICT.—The anxiety which the people and the personal friends have felt for the safety of John Mitchel, may now, it is to be hoped, be allayed. The arrival of the *Neptuné* at Hobart Town has been announced; and though no positive accounts of Mitchel have reached, we may expect that his family will speedily receive satisfactory communication from him. It would appear that the Hobart Town men, like the Cape colonists, have revolted against the drafting of British convicts to their doors; they will not, we presume, refuse to receive John Mitchel on the terms of residence which some of his friends accepted. What a meeting that will be after two years' separation, between the protomartyr of '48, and the man who fell in the same cause. What stormy grief for their failure—what burning tears for home and friends. What great hopes, too, will grow from the interchange of their enthusiasm—and what longing gaze of love and sorrow will watch the red sun setting in that far clime—

Because they think beyond

His glowing couch lies that Green Isle of which  
their hearts are fond;  
And memory brings old scenes of home into each  
welling eye,  
And thro' each breast pours many a thought that  
fills it like a sigh;  
'Tis then, oh, then! all warm with love they bend  
them down to pray  
For Irish homes, and kith and kin, poor exiles  
far away!"—Nation.

THE TEST.

[The following which we find in the *Catholic Instructor* of Philadelphia, refers to an anecdote that we have heard in private, and which deserves well to be recorded.—N. Y. Freeman's Journal.]

A French gentleman, and a particular friend of ours, was, not very long since, engaged in a conversational religious controversy with a Protestant acquaintance.—Having brought forward many cogent arguments to prove the truth of his own faith, and to expose the insecurity of the foundation on which rested the religious belief of his opponent, our friend proposed the following test:—"Suppose," said he, "an angel from heaven were to appear to-morrow, hovering over our city, and were to proclaim in a loud voice, that on a given day, every church in the city would surely and to a certainty fall to the ground, save and except those in which the *true faith* was taught. "What," asked our friend, "would be the consequence? Protestants would shrug their shoulders, and doubtingly remark, 'well, our creed may, after all, not be the true one; the founders of it may, possibly, have been in error in coming out of the ancient Church, and we, their followers, may be the silly dupes of a serious and a dangerous delusion, and perhaps our churches are doomed to destruction on the trial day designated. Under all these circumstances, we deem it expedient and also extremely prudent, to remain in our dwellings, rather than venture upon a test in which our security is not so firmly established in our minds, as, at so momentous a crisis were to be desired.'" "Accordingly," remarked our friend, "on that day, the Protestants would take good care to remain at home." "The Catholics," said he, "on the contrary, would flock to their churches and fill them to overflowing, resting perfectly satisfied that their temples would survive the ordeal gloriously, and that neither a stick, nor a stone, nor a brick would be discovered to have fallen the day after the trial." The Protestant disputant was at a loss how to meet the touchstone of confidence presented by his good-humored opponent, and postponed *sine die* the further discussion of the question of debate.

If the supposition of the ingenious and witty Frenchman were reduced to a reality, the city presenting such a phenomenon, would exhibit, we opine, all the Protestant churches therein located, wholly and entirely deserted; and suffered to stand the trial unaided and alone, those who formerly worshipped in them, watching and noting the result from safe and convenient distances.

Truth courts the test, no matter how severe,  
But error, awe struck, shrinks away in fear.