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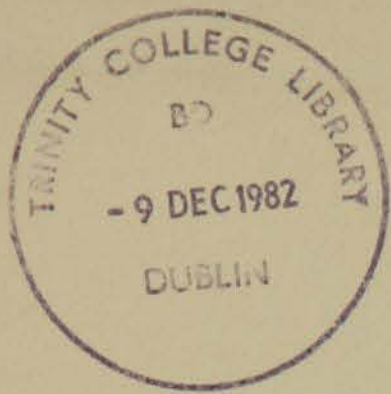
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ABSTRACT OF 'A STUDY OF LANDLORD AND TENANT RELATIONS IN IRELAND BETWEEN THE FAMINE AND THE LAND WAR, 1850-78' BY W. E. VAUGHAN.

This thesis is an examination of the traditional interpretations of landlord and tenant relations in Ireland between the Famine and the Land War. It is based largely on the records of individual estates and it is concerned mainly with rents, agricultural output, evictions, agrarian outrages and the tenant right custom of Ulster. Its main conclusions are:-

1. The traditional interpretations of landlord and tenant relations, which assumed that tenants were discontented because the law of landlord and tenant enabled landlords to increase rents and to evict tenants as they pleased, are open to question.
2. Rent increases were neither frequent nor large. Rents increased by about 20 per cent at a time when the value of agricultural output increased by over 40 per cent. Most landlords and agents preferred a rental free of arrears to one inflated by large rent increases. But landlords did not invest a large part of their rent-receipts in the improvement of their estates.
3. Evictions were not frequent after the early 1850s and, usually, only tenants who were in arrears were evicted. But the threat of eviction was used in the management of estates. Evictions were the main cause of agrarian outrages; arrears were the cause of evictions, and decreases in the value of agricultural output were the main cause of arrears. Therefore, friction between landlords and tenants was most acute in years of agricultural depression.
4. The tenant right custom of Ulster was a nebulous institution whose main characteristic was the practice of allowing tenants to sell or to transfer their 'interest' in their holdings. This 'interest' was the difference between the rent which the tenant paid and what his land was really worth.
5. The tenants' incomes increased greatly in this period, because rents lagged behind increases in the value of agricultural output. The tenants wanted changes in the law of landlord and tenant because such changes would have perpetuated the impotence of the landlords.
6. Irish estates were difficult to manage effectively, and landlords were not as powerful in practice as they were in theory. The impotence of the landlords was more important than their rapacity.

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A STUDY OF LANDLORD AND TENANT RELATIONS IN IRELAND
BETWEEN THE FAMINE AND THE LAND WAR,
1850-78

This thesis has been researched and written under the supervision of Professor T.W. Moody of Trinity College, Dublin. It has not been submitted as an exercise for a degree at this or any other university, and is completely my own work.

3 Sept. 1973

W. E. Vaughan

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LIST OF ABBREVIATIONS

<u>Ag. Hist. Rev.</u>	=	<u>Agricultural History Review</u>
<u>D.U.M.</u>	=	<u>Dublin University Magazine</u>
<u>Econ. Hist. Rev.</u>	=	<u>Economic History Review</u>
<u>E.H.R.</u>	=	<u>English Historical Review</u>
<u>Hist. Jn.</u>	=	<u>Historical Journal</u>
<u>I.H.S.</u>	=	<u>Irish Historical Studies</u>
<u>Jn. Royal Stat. Soc.</u>	=	<u>Journal of the Royal Statistical Society</u>
<u>Jn. R.A.S.E.</u>	=	<u>Journal of the Royal Agricultural Society of England</u>
<u>Jn. Stat. Soc. Ire.</u>	=	<u>Journal of the Statistical and Social Inquiry Society of Ireland</u>

INTRODUCTION

Landlord and tenant relations in Ireland in the period between the Famine and the Land War have not been examined systematically since 1930, when John Pomfret published The struggle for land in Ireland.¹ Other works which have dealt with the tenure of land have added little of substance,² and most recent research has been concentrated on aspects of rural society such as population trends, marriage customs and emigration.³ The only exception to this, the work of Miss Olive Robinson, has been concerned mainly with the management of the estates of the London Companies in Londonderry.⁴ But Miss Robinson does not attempt to describe landlord and tenant relations in the whole country.

Although there has been an increasingly strong interest among scholars in the social and economic history of nineteenth-century Ireland, and although these scholars have expressed opinions on landlord and tenant relations, the works of Hooker and Pomfret remain

1. John E. Pomfret, The struggle for land in Ireland, 1800-1923 (Princeton, 1930)

2. Elizabeth R. Hooker, Readjustments of agricultural tenure in Ireland (Chapel Hill, 1938); this work contains clear descriptions of the legislation which affected landlord and tenant relations in the nineteenth century.

3. For example, see S.H. Cousens, 'Emigration and demographic change in Ireland' in Econ. Hist. Rev., 2nd ser., xiv (1961), pp 275-88

4. Olive Robinson, 'The London Companies and tenant right in nineteenth-century Ireland' in Ag. Hist. Rev., xviii (1970), pp 54-63; 'The London Companies as progressive landlords in nineteenth-century Ireland' in Econ. Hist. Rev., 2nd ser., xv (1962), pp 103-18

the standard interpretation of landlord and tenant relations, and our understanding of the problem has advanced little in thirty years.

The traditional interpretation of landlord and tenant relations, which relies on the work of Pomfret and Hooker, assumes that they were embittered by high rents and evictions, and that the law of landlord and tenant was the main cause of Ireland's agrarian difficulties. The main problem seems to have been the freedom of action which the law conferred on landlords, and there has been much interest in the effects and, especially, the shortcomings of legislative solutions of the problem. The arguments on which the traditional interpretation rest fall into three parts. Firstly, the law permitted landlords to raise rents and to evict tenants as they pleased, and landlords used these powers vigorously. Secondly, Ireland was chronically poor because tenants did not improve their holdings, and they did not improve their holdings because the law, before 1870, presumed that tenants' improvements belonged to the landlord. And thirdly, the friction created by high rents and insecurity of tenure caused agrarian outrages which culminated in the Land War of the late 1870s and early 1880s.

The work of Pomfret and Hooker is based on information contained in the reports of official inquiries and the writings of interested contemporaries. A cursory

examination of some of this information explains why Hooker believed that rents were so high that the tenants' standard of living was eroded⁵, and why Pomfret wrote of the ceaseless demands for high rents, perennial notices to quit and cruel evictions.⁶ Not only are newspapers, pamphlets and articles in contemporary journals full of tenants' complaints, but the volumes of evidence collected by parliamentary inquiries and royal commissions contain many stories of landlords' rapacity. Strife seems to have been common, crime endemic and social relations unstable in rural Ireland. The ills of Irish rural society were formally recognized by the government because separate statistics of agrarian outrages, as opposed to 'ordinary' outrages, and returns of evictions were compiled in Ireland, but not in other parts of the United Kingdom. And, in most years, legislation which gave special powers of law enforcement to the Irish executive was on the statute book.⁷

The distribution of landed wealth and the conditions of tenure support this impression of a society composed of oppressed peasants and rapacious landlords. Most of the land was owned by the landlords, who let it in small parcels to tenants who held it on yearly contracts. In 1876, a return of the number of land owners showed that almost 80 per cent of the area of the country was owned by 4,000 landlords, the size of whose estates ranged from

5. Hooker, Readjustments of agricultural tenure, p. 31

6. Pomfret, The struggle for land in Ireland, pp 57-8

7. See G.L.T. Locker-Lampson, A consideration of the state of Ireland in the nineteenth century (London, 1907)

1,000 to 100,000 acres.⁸ But, by contrast, the tenants' holdings were very small. In 1876, there were over half a million holdings and 72 per cent of these were smaller than 30 acres.⁹ Most of these holdings were held on yearly contracts and the law permitted landlords to increase rents every year and to evict tenants on six months' notice to quit. Furthermore, before 1870, the law presumed that all permanent improvements, such as drains, belonged to the landlord, even if they were the work of the tenants. In theory, an evicted tenant had no claims to compensation for such improvements.

In this situation, it is easy to believe that the tenants wanted changes in the law. It was argued that the three F.s, fair rents, fixity of tenure and free sale, would satisfy the tenants. These demands were occasionally modified and presented as a demand for the extension, to the rest of Ireland, of the tenant right custom of Ulster, which was represented as giving the Ulster tenants the three F.s. The apparent prosperity and peace of Ulster appeared to give weight to these demands.

The landlords were depicted as the villains of rural society. One of the most remarkable descriptions of the land problem, Father Lavelle's The Irish landlord since the revolution,¹⁰ illustrates some of the most

8. Summary of the returns of owners of land in Ireland, H.C. 1876 (422), lxxx, 25

9. Agricultural statistics of Ireland, 1876 /c. 1749/, H.C. 1877, lxxxv, 7

10. Rev. Patrick Lavelle, The Irish landlord since the revolution (Dublin, 1870)

eccentric aspects of the polemics of the land question. According to Lavelle, landlord and tenant relations were on a footing of mutual murder and the tenants suffered a living death.¹¹ He gives examples of tenants who were evicted because they gave a priest shelter, and he is particularly concerned to illustrate what he considered an attempt to drive the remnants of the Celtic race from Ireland.¹²

The traditional interpretation of landlord and tenant relations seems plausible in the face of this mass of contemporary comment. But if one looks closely at contemporary comment, one realizes quickly that much of it should be treated cautiously. For example, parliamentary reports, in spite of their official provenance, were usually the outcome of the government's efforts to deal with a crisis or scandal. Naturally, witnesses who had some special point to make were summoned to give evidence. And contemporaries who wrote and published books on the land question were often 'interested' in more senses than one. On the one hand, much of the evidence is tendentious because the tenants and their advocates drew attention to bizarre and extreme examples of landlords' behaviour. On the other hand, some landlords and their agents were not innocent of the charge of special pleading. Consequently, contemporary comment is full of exaggerations and contradictions.

11. Lavelle, The Irish landlord since the revolution, pp 280, 293

12. Ibid., pp 272-3

Allegations were made by tenants and denied by landlords; landlords insisted that their behaviour had been correct, and this was denied by aggrieved tenants and their advocates.

There are so many contradictions and inconsistencies in the comments of contemporaries, that one is forced to conclude that a re-examination of landlord and tenant relations is desirable and that the problem cannot rest where Pomfret left it a generation ago. If such a re-examination is desirable, it is also possible because of the accumulation of archival material in public repositories during the last thirty years. The National Library of Ireland and, to a lesser extent, the Public Record Office of Ireland have acquired collections of estate papers. And the Public Record Office of Northern Ireland has made a speciality of estate papers. Its collections of estate correspondence, rentals and accounts are very full, and the larger collections are easy to use because the staff of the Office have compiled excellent guides and calendars.

Rentals and estate accounts illustrate the movements and level of rents, the incidence of evictions and the problems of estate management on individual estates and can, therefore, be used to answer the questions asked by contemporaries and historians. Furthermore, the archival character of this material guarantees its impartiality - a quality which seems to have been absent from many contemporary descriptions of landlord and tenant relations.

The manifestly tendentious character of many of the sources formerly used in the study of landlord and tenant relations, and the availability of sources, which are not tendentious and which have not been hitherto used by historians, justify a new study of landlord and tenant relations in this period. But the justification of such a study lies not only in the weakness of the sources which have been formerly used by historians, but also in changes in the intellectual climate of Ireland which have taken place in the last ten years.

Traditionally, the assumption of those who studied landlord and tenant relations was that a system of land tenure which separated the ownership of land from its occupation was inherently wrong, and that the existence of a landlord class, which owned the land but did not cultivate it, was socially undesirable. The practical alternative to this system, peasant proprietary, has been apparently justified in practice by the fact that the land question ceased to be a political question when the farmers became the owners of the land which they cultivated. But peasant proprietary is now so well and so long established that its defects have attracted searching criticism.¹³ Since we can look critically at peasant proprietary, we can look dispassionately at the system of land tenure which preceded it because the transition from landlordism to peasant proprietary need no longer be regarded as inevitable, desirable and logical.

The popular movement which had as its aim the reform of the system of land tenure was an integral part of the

13. Raymond Crotty, Irish agricultural output (Cork, 1966)

home-rule movement, and the wrongs of the Irish tenants have become a part of the nationalist myth : the evicted tenant is as much a part of the saga of the sufferings of the Irish people as the patriot on the scaffold.¹⁴

But this approach to the problem is too insular because it ignores the existence of a land problem in England and Scotland.¹⁵ The following description of landlord and tenant relations in England and Scotland could be applied to Ireland, if some of the grievances were omitted:¹⁶

lack of compensation for improvements, game damage, political pressure, hypothec, arbitrary raising of rent, all of these might be suffered in greater or lesser degree in various parts of the country, but the over-riding danger for the farmer was the same everywhere - lack of security of tenure.

The arguments in favour of a new study of landlord and tenant relations are strong, and in this thesis I shall

14. For a modern example of this attitude, see Proinsias O Gallchobhair, History of landlordism in County Donegal (Ballyshannon, 1962)

15. English novels of the nineteenth century contain many examples of landlord oppression. See, for example, Thomas Hardy, The woodlanders (Papermac ed., London, 1967); In Ireland, a characteristic of the polemics of the land question was the coining or adaptation of words, which had sinister implications, to describe certain incidents, e.g. grabbing, rack-renting, clearing. This custom was not peculiar to Ireland. In Sir Walter Scott's Guy Manner- ing (Everyman ed., London, 1968, p. 367), the lowland farmer, Dandie Dinmont, declared his dislike of 'whistling' which is defined in a note as 'when an individual gives such information to the proprietor, or his managers, as to occasion the rent of his neighbour's farms being raised, which, for obvious reasons, is held a very unpopular practice'.

16. C.S. Orwin and E.H. Whetham, History of British agriculture, 1846-1914 (London, 1964), p. 176

test some of the traditional assumptions about rents, evictions, agrarian outrages, tenant right and estate management by comparing contemporary descriptions with the evidence contained in estate papers and official statistics.

The thesis is divided into three sections. In the first section, I shall examine several aspects of rents. In the second section, I shall examine evictions and agrarian outrages. And in the third section, I shall examine the tenant right custom of Ulster. Finally, much detailed information is contained in fifteen appendices.

I have tried to approach these subjects without preconceived ideas and have regarded the period between the Famine and the Land War as intrinsically important, and not as a mere prelude to the Land War.

I

AGRICULTURAL RENTS IN IRELAND, 1850-81

In this section I shall examine various aspects of rents in Ireland between 1850 and 1881. The section is divided into eight parts:-

1. Contemporary descriptions of rents
2. Rents and manuscript sources
3. Rents and the distribution of agricultural output
4. The movement and level of rents on fifty-six estates, 1850-81
5. The fixing of rent increases
6. The payment of rents
7. Landlords' expenditure on estate management
8. Landlords' indebtedness

Although these topics are, to some extent, autonomous, they are related to each other because they are concerned with rents and describe conditions which influenced the movement and level of rents. From these descriptions I hope to construct a picture of rents which will modify the traditional picture of rack-renting landlords whose greed impoverished their tenants.

The parts of this section follow each other logically. The first three parts discuss contemporary descriptions of rents, their shortcomings and the possibility of a more systematic examination of rents based on estate papers and calculations of the value of agricultural output. The fourth part is a summary of an examination of the occurrence and size of

rent increases on fifty-six estates. The fifth part describes the way in which rent increases were determined. The sixth part describes the concern of landlords and agents with the collection of rents. The seventh part is concerned with landlords' expenditure on estate management and the eighth part describes the problem of paying the interest on large debts from rent-receipts.

In the course of these discussions, I shall argue that contemporary descriptions of rents, on which most interpretations have been based, were misleading because they exaggerate the predatory nature of landlordism. In fact, the rentals and accounts of individual estates show that most landlords were not greedy because (i) rents were low, (ii) rent increases were much smaller than economic conditions would have led one to expect and (iii) the share of agricultural output enjoyed by the tenants increased dramatically during this period. I shall argue that most landlords unambitiously preferred steady incomes, undiminished by arrears, to incomes inflated by rent increases. Furthermore, the discussion of expenditure on estate management shows that landlords did not spend a large part of their rent-receipts on the improvement of their estates. The picture of landlordism which emerges from these descriptions shows that landlords were unenterprising in the management of their estates and that they did not make the tenants pay as much as they could have paid.

1. Contemporary descriptions of rents

The subject of rents is the central problem of landlord and tenant relations in the period 1850-81. Such issues as evictions, the poverty of tenants and compensation for improvements, were related directly or indirectly to rents. Every discussion of the land problem in nineteenth-century Ireland has concentrated on rents. Contemporaries and scholars of a later age are at one in agreeing that rents had a great influence on landlord and tenant relations. Therefore, any study of landlord and tenant relations must begin with an examination of rents.

If one wants to discover anything about rents in Ireland after the Famine one must look first at the many official inquiries which were held from time to time and at the many books written by contemporaries. It is possible to construct a picture of the movement and level of rents by culling information from these sources. They are rich in examples of rent increases, in information on the frequency of rent increases and on the effects of rent increases on tenants' improvements. An examination of these sources will show that contemporaries were interested in four aspects of rents: (i) the frequency and occurrence of rent increases, (ii) the size of rent increases, (iii) the relationship of rents and the tenement valuation and (iv) the effects of rents on tenants' improvements. In this section I shall show how contemporaries answered these questions. This is not an exhaustive examination of all

the evidence in these sources: it is merely an outline of the sort of answers to be found there.

The answers contained in contemporary descriptions were often contradictory. According to contemporaries rent increases were frequent and infrequent, arbitrary and regular, exorbitant and trifling, grossly above and considerably under the tenement valuation. Some contemporaries believed that rent increases absorbed the value of tenants' improvements while others insisted that they did not.

The frequency of rent increases was often discussed. Some contemporaries claimed that rents were rarely or never increased, or increased only after long intervals. There were estates where rents were rarely increased and where rents were unchanged for thirty, forty, fifty and even sixty years.¹ There were estates where rents were increased only after substantial intervals. The rents of the Salters' Company in County Londonderry were unchanged from 1853 to 1878;² on the Blakiston-Houston estate, rents were unchanged from 1852 to 1876.³ On the other hand, it was alleged that there were estates where rents were increased three or four times between 1850 and 1881. For example, the Bessborough commission was told that Lord Gosford increased one tenant's rent three times in eight years,⁴ and on one townland on another estate rents were increased five times between 1865 and 1881.⁵

1. Report of H.M. commissioners of inquiry into the working of the Landlord and Tenant (Ireland) Act, 1870, and the acts amending the same. Vol. II. Minutes of evidence. Part I, pp xlvi, lii, lix, 215, 216, 243, 252, 254, 257, 259, 265, 281, 287, H.C. 1881 [2779-1], xviii (hereafter cited as Bessborough commission, pt. i)

2. Ibid., p. 324

3. Ibid., p. 256

4. Ibid., p. 212

5. Ibid., p. 168

The timing of rent increases seems to have varied. On the one hand there were estates where the rents were increased at regular intervals usually after the making of a valuation.⁶ After one of these increases the tenants were usually confident that their rents would not be increased again for a certain number of years.⁷ For example, when rents on the Arran estate were increased in 1860, Lord Arran's agent promised the tenants that their rents would not be increased again for twenty-one years.⁸ Indeed, some landlords argued that it was usual to increase rents only once every twenty or twenty-one years.⁹ However, on some estates rent increases were unpredictable and irregular. There were, it was argued, no fixed periods for a revaluation,¹⁰ and rents were put up 'just as the landlord or his agent take the whim into their head'.¹¹ Sometimes rents were increased on certain occasions such as the expiry of leases, or at changes of tenancy.¹² These occasions occurred irregularly but, at least, they were not arbitrary. On some estates rent increases on these occasions were a regular practice and, therefore, tenants knew what to expect.¹³ On the Downshire estates such increases were a 'general custom'¹⁴ and on Lord Lurgan's estates they were an 'invariable' custom.¹⁵ This practice was often refined to the tenants' advantage. For example, on an estate in Londonderry it was the 'rule' to increase the rent at changes of tenancy only if the rent had not been raised for twenty-one years.¹⁶ However, on many estates rents were not increased at changes of tenancy and it seems that tenants did

6. Reports from poor law inspectors in Ireland as to the existing relations between landlord and tenant in respect of improvements in farms, etc., pp 55, 98, 140, H.C. 1870 [c. 31], xiv (hereafter cited as Poor law inspectors' reports) and Bessborough commission, pt. i, pp liii, 305

7. Ibid., p. 298	8. Ibid., p. 487	9. Ibid., p. 214
10. Ibid., pp 194, 227, 245, 396		11. Ibid., p. 212
12. Ibid., pp 227, 232, 242, 248		
13. Ibid., pp xiv, 196, 289		14. Ibid., p. 224
15. Ibid., p. 187		16. Ibid., p. 325

not like these increases because sometimes rents were increased even if changes of tenancy followed each other within a few years.¹⁷

Evidence about the size of rent increases is as contradictory as evidence about the frequency of rent increases. On some estates average rent increases were moderate. On the Blakiston-Houston estate in 1876 rents were increased by 9 to 12 per cent.¹⁸ On another northern estate increases in 1874 were about 16 or 17 per cent on rents which had been unchanged for thirty years.¹⁹ However, there were also many examples of enormous rent increases. Rents were doubled, trebled or quadrupled in short periods.²⁰ The earl of Castlestuart was accused of increasing some rents by 500 per cent.²¹ On estates in Gweedore in the 1850s it was alleged that some landlords including Lord George Hill and Lord Leitrim increased rents enormously. Some of the increases were 38, 57, 66, 76, 81, 100, 140, 152 and 207 per cent.²² It is typical of the confusion created by evidence in official inquiries that Lord George Hill told the parliamentary committee which heard these complaints that 'I only know that a single tenant has never complained to me of his rent'.²³

17. Bessborough commission, pt. i, pp 204, 238-9, 289

18. Ibid., p. 256

19. Ibid., p. 215

20. Ibid., pp xlvi, xlix, 170, 233, 235, 297, 320; Poor law inspectors' reports, p. 15; Report from the select committee of the house of lords on the Landlord and Tenant (Ireland) Act, 1870; together with the proceedings of the committee, minutes of evidence, appendix and index, p. 240, H.L. 1872 (403), xi (hereafter cited as Lords' committee on the land act of 1870)

21. Bessborough commission, pt i, p. 206

22. Report from the select committee on destitution (Gweedore and Cloughaneely); together with the proceedings of the committee, minutes of evidence, appendix, and index, pp 8, 19, 57, 60-1, 66, 89, 126, 129, 136, H.C. 1857-8 (412), xiii (hereafter cited as Committee on destitution in Gweedore, 1857-8)

23. Ibid., p. 291

When contemporaries wanted to show that rents were either high or low they compared rents with the official tenement valuation which had been made by Sir Richard Griffith in the 1850s.²⁴ Evidence on the relationship between rents and the tenement valuation was conflicting. There were complaints of high rents on the Arran, Foster, Brooke and Murray Stewart estates²⁵ and there were examples of individual holdings whose rents were as much as 100 per cent above the tenement valuation.²⁶ But on some estates, it was claimed, rents were either close to the tenement valuation or below it.²⁷ For example, rents on the Downshire estates were thought to be 33 per cent below the tenement valuation;²⁸ rents on the Salters' estate were 16 per cent below²⁹ and rents on Lord Bangor's estate were about equal to the valuation.³⁰

However, the question which caused most dispute was the effects of rent increases on the value of tenants' improvements. It was argued that landlords increased the rents of tenants who improved their farms. According to some observers tenants feigned poverty to avoid rent increases³¹ and they bribed bailiffs not to report their improvements to the agent.³² Even landlords admitted that rent increases were sometimes put on tenants' improvements.³³ On the other hand, it was strongly asserted that rents were not increased because of improvements:³⁴

24. For a full discussion of the tenement valuation see appendix II, pp 359-75

25. Bessborough commission, pt. i, p. 401

26. Ibid., pp 233, 323, 328

27. Ibid., pp 221, 264 and Poor law inspectors' reports, p. 130-1

28. James Godkin, The land war in Ireland (London, 1869), p. 315

29. Bessborough commission, pt. i, p. 324

30. Ibid., p. 254

31. Lords committee on the land act of 1870, p. 272

32. Peter MacLagan, Land tenure and land culture in Ireland. The results of observations during a recent tour in Ireland (Edinburgh, Dublin and London, 1869), p. 38

33. Poor law inspectors' reports, p. 38

it is CERTAINLY NOT the usual practice on any well-regulated estate in my district to increase the annual rent in consequence of these [improvements], except upon the expiration of leases.

This strong statement was made by a poor law inspector, who may be assumed to be an impartial observer. Some of his colleagues were equally certain that it was not usual for landlords to take advantage of tenants' improvements by increasing rents.³⁵ Other contemporaries were equally emphatic on this point.³⁶

Contemporary reports contain information about other aspects of rents. For example, it was argued that rents in Ulster were lower than in the rest of Ireland³⁷ but it was also argued that there was no difference between rents in Ulster and the rest of Ireland.³⁸

Englishmen who came to Ireland to study the land question often had insights into Irish conditions which were denied to Irishmen. Men who knew something of English agriculture could compare rents in England and Ireland. Two visitors, in the 1860s, believed that rents in Ireland were lower than in England. Samuelson believed that if Irish rents were re-valued by a disinterested authority they would be increased by as much as 30 per cent.³⁹ Thompson believed that the ratio between rents in Ireland and England was about 5:8.⁴⁰ Samuelson also believed that the level of rents varied 'incredibly', that the rents of adjoining farms under the same landlord varied by as much as 15s. or 20s. an acre, and that the variations could not be explained on 'economical' grounds.⁴¹

34. Poor law inspectors' reports, p. 96

35. Ibid., pp 37, 70, 140

36. Bessborough commission, pt. i, pp xlviii, 200, 215, 220, 255

37. Report from the select committee on the Tenure and Improvement of Land (Ireland) Act; together with the proceedings of the committee, minutes of evidence, appendix and index,

This short description of the evidence about rents to be found in contemporary printed sources shows that there was little agreement about rents among contemporaries. They disagreed about the frequency of rent increases, the size of rent increases, the level of rents and about the effects of rent increases on tenants' improvements. Of course, different men had different experiences, and much of their evidence is not internally contradictory because it does not refer to the same situations. However, there is plenty of disagreement about specific situations like the effects of landlords' innovations in Gweedore.

The only fact which emerges clearly from many of the printed sources is that Irish landlords and tenants were, as classes, either contentious and wrong-headed or mendacious. The historian who tries to use these sources without any preconceptions of what he will find in them is faced with many problems of fact. To establish the truth or falseness of many statements would need much research and much sifting of contradictory statements. And when one had sorted out the more contentious issues, one would be left with a feeling of uneasiness about statements which were not disputed. Were landlords

p. 51, H.C. 1865 (402), xi (hereafter cited as Select committee on tenure, 1865); B. Samuelson, Studies of the land and tenantry of Ireland (London, 1870), p. 33

38. Poor law inspectors' reports, p. 103

39. Samuelson, op.cit. p. 28

40. H.S. Thompson, Ireland in 1839 and 1869 (Dublin and London, 1870), p. 46

41. Samuelson, op. cit., p. 27

telling the truth when they said that their rent increases were moderate? Were their statements unchallenged because their tenants were afraid to challenge them or too ignorant to state their case? Were tenants exaggerating when they told of enormous rent increases? Did they tell the whole story? Were their landlords too proud or too negligent to come into the marketplace to bandy words with their tenants? There are no certain answers to any of these questions but it should be remembered that only a small number of landlords and tenants made their voices heard at official and unofficial inquiries.

Of course, the historian who uses these sources as a quarry from which to hew illustrations of this or that point of view is in a more happy position. For example, if one approaches landlord and tenant relations with the belief that the problem was the legal powers of the landlords, the statements of contemporaries are invaluable because they give many examples of landlords' excesses. The fact that these same sources show that many landlords behaved reasonably is, in this context, irrelevant because these landlords were not part of the problem. This is a perfectly legitimate approach and is suited to the nature of the sources. However, one might want to go further than this, if only because reasonable landlords were often victims of the conflict which began in 1879. Or, one might want to discover something neutral like the movement and level of rents as a whole in this period. But if one wants to go further than illustrating the harshness of landlords untrammelled by law and sentiment, contemporary reports present difficulties because of their nature and origin. Evidence of this kind has, I think, three weaknesses which make it difficult to use on its own. Firstly, much of the information in contemporary reports is tendentious either in its presentation or selection.

Secondly, much of the evidence in contemporary reports is only general comment which is difficult to use. Thirdly, there is no way of testing and analysing the information collected by contemporaries.

Much of the evidence of contemporary reports is tendentious because they were the results of official and unofficial inquiries. Royal commissions and select committees were set up to investigate conditions which were exceptional or controversial, and they did not go out of their way to examine witnesses who did not have something special to say. The same witnesses appear again and again and they say almost the same thing each time they appear. The same examples of hardship and the same outrages are repeated again and again. Assertion and counter-assertion are as common as bland, uncontradicted platitudes. On the one hand, the tenants and their spokesmen emphasize gross and extreme aspects of landlordism and, on the other hand, landlords and agents point to their own generosity and to the contentment of their tenants. There were exceptions to this rule. Some landlords were quick enough to criticize their neighbours, and there were tenants who were almost fulsome in praise of their landlords.

Much contemporary comment is tendentious and much of it consists of general comment only. Though useful as the starting point for any inquiry into rents it is too generalized: not much can be made of statements which merely say that rents were 'rising' or 'stable'. There is no way of comparing these statements with each other or even of assessing their particular significance.

Although contemporary reports contain much information about the actual size of rent increases as percentages, there is no way of testing or analysing them. It is true that one could accumulate a mass of information on the size of rent increases, treat these as a sample, reduce them to a frequency distribution table, and calculate their average value. This would be an interesting exercise but the results would be unreliable for two reasons. Firstly, there is no way of establishing the competence, impartiality and credibility of the sources from which the observations were taken. Secondly, this method would give equal weight to statistical observations which varied in quality. An average based on a good sample would have the same weight as an average which was a wild assertion. Even if one could exclude the latter one would still be forced to give a carefully calculated result the same weight as a shrewd but opinionated guess. The final result would be based on observations which were like and unlike and credible and incredible. Such a sample would have neither internal unity nor consistency.

Therefore, contemporary reports have weaknesses which make them unsuitable for a detailed and impartial study of the movement and level of rents. However, before discussing the use of other sources such as rentals and estate accounts, it is worth saying that contemporary reports have their uses. They suggest useful questions which might be investigated more fully. For example, how frequent were large increases of rent and how often were rents increased? They lay down limits to more detailed investigations: the results of an examination of the manuscript sources should conform generally to the results obtained from the printed sources.

Finally, this discussion of the information about rents in contemporary reports can be concluded by saying that the picture is contradictory. According to contemporaries some rents were high and others were low; some rent increases were large and some were low; some rents were increased often while others were unchanged for a long period. Also, contemporaries disagreed about the effects of rent increases on tenants' improvements. It should be added that some English observers believed that rents in Ireland were lower than in England and that the level of rents was very uneven.

2. Rents and manuscript sources

The inadequacies of contemporary reports are such that they cannot provide a reliable answer to the question: how great and how frequent were rent increases in the period, 1850-81? Therefore one must turn to other sources which include estate papers which have survived and are readily available. Such papers fall into five classes: (i) correspondence, (ii) leases and other deeds, (iii) rentals, (iv) estate accounts and (v) maps, surveys and valuations. All of these give information on rents, but the third class, the rentals, is by far the most important. Rentals vary in quality and scope. Some series of rentals are continuous and cover the whole thirty-year period but there are broken series which cover only parts of the period. The quality of the handwriting, the

arrangement of the items, the precision of the accounting and the amount of marginal explanation vary greatly. A usable series of rentals should give (i) the name of the tenants, (ii) the amount of rent due from the tenants, (iii) the amount of rent paid and the amount of arrears, and (iv) the series should not be too discontinuous. Large gaps in a series make comparisons difficult. The ideal series should be continuous for the whole thirty-year period, be clearly written, have the entries arranged in a systematic way which is maintained from year to year, and give details of changes of rents or the size of holdings. There are over fifty collections which are usable. Some of these collections are impressive. The papers of a large, well-run estate such as the Erne estate in County Fermanagh or the Gosford estates in Armagh and Cavan comprise about thirty leather-bound volumes in which each transaction between landlord and tenant is carefully and clearly recorded from year to year. But other collections comprise nothing more than a few sheets of paper which are neither complete nor well-arranged. However, with a little care and some guess-work the latter can be persuaded to yield as much information as the former.

The estate papers are a more reliable guide to the size and frequency of rent increases than contemporary reports. The estate papers were archives and landlords had no reason for tampering with them for the sake of public display. The same methods of sampling and processing can be applied to all of the rentals and the results will be roughly comparable. The collections of estate papers enable one to study estates for their own sake and not just because their owners or tenants were articulate enough to give evidence at official inquiries. Finally, they make it possible to follow the fortunes of individual holdings and to get behind the generalizations in

Although the estate papers can be made to give reliable results how does one evaluate the results? How can one answer such questions as: (i) what was the effect of rent increases on landlord and tenant relations and (ii) were the increases 'fair' or were they extortionate. There are three ways of answering these questions. Firstly, one could take contemporary expressions of opinion and formulate standards based on them. Secondly, one could approach the problem in terms of the relative shares of total agricultural output which went to landlords and tenants. Thirdly, one could use the tenement valuation as a standard against which to measure rent increases.

Expressions of contemporary opinion could be used to show that rent increases of, say, 25 per cent did not disturb tenants but large increases of, say, 60 per cent caused discontent. This method is apparently simple because most of the information necessary to use it can be found in the printed sources. But it has certain weaknesses. It is easy to show that some tenants paid moderate increases without disturbance and that some tenants resisted large increases. But not all tenants behaved so predictably. There were tenants who paid large increases without resistance and there were tenants who committed outrages when their rents were increased by a few per cent. For example, a landlord in Westmeath was shot at because he tried to increase a rent from £1. 2s. 11d. to £1. 6s..¹ Also, it is difficult to use the conclusions based on this method as an actual standard of measurement. Suppose that after much laborious sifting and the heavy use of qualifying statements one came to the

1. Report from the select committee on Westmeath etc. (unlawful combinations); together with the proceedings of the committee, minutes of evidence, appendix and index, p. 69, H.C. 1871, xiii (hereafter cited as Report on outrages in Westmeath)

conclusion that tenants accepted quietly and even gratefully increases of 20 per cent and that increases of 100 per cent caused outrages. How can one use this conclusion? At what point between 20 per cent and 100 per cent did acquiescence give way to grumbling, and grumbling to threatening notices and threatening notices to assaults and murders? Would an increase of 35 per cent cause grumbling and an increase of 50 per cent bring forth a threatening notice. I could labour this point further but I think that this method is more useful as a cautionary tale on the dangers of quantifying social movements than as standard of measurement.

Furthermore, contemporaries failed to agree on what they meant by fair rents. They neither defined the idea nor gave a quantitative statement of the size and frequency of 'fair' rent increases. It seems that a 'fair' rent was a rent which was substantially less than that which the landlord could force the tenant to pay if he threatened the tenant with eviction. Advocates of fair rents tried to distinguish between rents which were determined by economic factors like agricultural prices, and rents which were inflated by land hunger. A 'fair' rent was the rent which a tenant who was secure and comfortable in his holding would pay for a piece of land which might be offered to him. An 'unfair' rent was the rent which a tenant could be forced to pay if he were threatened with eviction from his own holding. This is a fine distinction and some contemporaries affected to see no difference between the two rents: they argued that there was only one kind of fair rent and that was the rent which the tenant would pay sooner than give up his holding. There is something to be said for both of these definitions.

Contemporary comments are too contradictory, too difficult to interpret and too vague to be used as a way of assessing the significance of rent movements. Therefore, it is probably better to approach the problem in a different way and to ignore, for the time being, the chimaera of fair rents and the body of contemporary opinion contained in the reports of official inquiries and interested observers. The alternative is to attempt to answer two simple questions: how was the value of agricultural output divided between landlords and tenants and how did changes in rent affect the relative shares of these two groups. Instead of coming to loose conclusions about the fairness of rents and the feelings of tenants one will come to one of three simple conclusions about the effects of rent increases in the period 1850-81: (i) the share of the landlords increased, (ii) the share of the tenants increased and (iii) the shares of both groups remained the same. This approach is conceptually simple, ethically neutral, and empirically verifiable. However, this creates certain practical problems. Firstly, one has to calculate the annual value of agricultural output and, secondly, one has to establish how the value of agricultural output was distributed between landlords, tenants and labourers.

The first of these problems is a formidable one involving many agricultural products and numerous, tedious calculations. However, I have attempted to do this and I am fairly confident that the results will serve my purposes.

* The second problem was easier to solve because the value of agricultural output in Ireland divided for the most part in two ways: one part went to the landlords as rent and the other part went to the tenants as wages and profits. Of course,

in agricultural production, the three factors of production, land, labour and capital, are more inextricably combined than in any other form of production. And the rewards of the three factors, rent, wages and interest, could be distributed in a most complicated way. For instance, a farmer might own some land of his own, rent land from a landlord and let some of his land to a neighbour; his capital might be borrowed, provided by the landlord or come from his own savings; and, finally, he might work in his own fields with his family or he might hire labourers. Therefore, a farmer might earn, at the same time, rent, wages and interest and he might pay rent, wages and interest to others. However, in Ireland the situation was fairly simple.

Most of the land was owned by landlords who let it out to tenants in parcels of different sizes. In 1870, 14,000 proprietors of estates of more than 100 acres owned 99 per cent of the land and there were more than half a million agricultural holdings.² Therefore, if all the proprietors were farmers (which is doubtful because only 44.3 per cent of them lived on their properties) they could account for only a fraction of the agricultural holdings.³ Therefore, the pattern of land ownership in Ireland was simple: a small group owned most of the land and collected rents from a large number of tenants. The ownership of capital was also simple because most of it was provided by the tenants. In a later

2. For numbers of holdings and occupiers see Agricultural statistics of Ireland for the year 1870 [c. 463], H.C. 1872, lxiii, 299

3. Return for the year 1870, of the number of landed proprietors in each county classed according to residence, pp 2-8, H.C. 1872 (167), xlvii

section I shall discuss the landlords' investment in agriculture and show that most of them spent little on improvements.⁴ Therefore, the costs of stock, implements, fixtures and running expenses were paid for by the tenants.

Labour came from two sources: (i) a class of landless labourers and (ii) the tenants and their families. It is difficult to define these two groups because many of the landless labourers were probably members of the farmers' families. The returns in the census books are confused because many men who returned themselves as farmers were either farmers' sons or small-holders who were little better than labourers. However, the smallness of most holdings suggests that the typical farm was worked by the farmer and his family. If these farmers employed labourers it was usually only for short periods at harvest or other busy times of the year.

Therefore, the main characteristic of Irish agricultural production was a sharp division between the ownership of land and the ownership of capital and labour. The tenants were the entrepreneurs of the system. They used land, labour and capital to produce commodities which they sold, and from the proceeds they paid rent to the landlords and kept the balance for themselves. The value of agricultural output was divided between two groups: (i) the landlords who owned the land but not the capital and (ii) a large group of tenants who combined in their own persons the roles of labourer, capitalist and entrepreneur. Of course, there were landlords who farmed on a large scale and there were farmers who owned their

4. For a view of landlord investment which is favourable to the landlords see George F. Trench, Are the landlords worth preserving? or, forty years' management of an Irish estate (Dublin and London, 1881), p. 50; see below pp 100-22

own land. Also, there were large tenants who were entrepreneurs in the purest sense of that word. But these groups were exceptional and their existence merely blurs but does not nullify the sharp distinction between the ownership of land and the ownership of labour and capital.

This simple two-way division of Irish agricultural output simplifies the arithmetic of estimating the effects of rent increases on the shares of agricultural output which went to landlords and tenants. If one knows (i) the percentage changes in output and (ii) the percentage changes in rents, one can tell whether the position of landlords and tenants changed or remained the same. If rents increased more quickly than output, the share of the landlords increased at the expense of the tenants. If rent increases lagged behind increases in output, the share of the tenants increased at the expense of the landlords. If rents and output increased and decreased in step with each other the shares of landlords and tenants remained the same.

Therefore, this method of assessing the effects of rent increases is more promising than the use of contemporary opinion as a measure of the effects of rent increases. It avoids complicated subjective issues like 'fair' rents, it is easy to use, and gives very simple but significant results. After all, behind the discussion of 'fair' rents and the feelings of tenants lies the reality of the income enjoyed by the tenants, and this method goes straight to the heart of that question.

3) The third method of assessing the significance of rent

increases is to compare rents with the tenement valuation. The tenement valuation was a systematic attempt, supervised by Sir Richard Griffith, to estimate what rents should have been if prices, wages and return on capital conformed to certain standards. However, it went out date quickly but I have devised an index table which shows how the valuation should be increased to bring it into line with changes in agricultural output.⁵ This index is based on the assumption that rents, wages and interest increased at the same rate as agricultural output. The valuation index shows the levels rents should have reached in any year after 1853 if rents were to keep in step with agricultural output and if the relative shares of landlords and tenants were to remain the same.

The valuation is a useful supplement to the method of measuring rents against agricultural output because it makes it possible to compare the movement and level of rents on different estates. For example, let us compare rents on two estates in the early 1850s. The rents on one estate were, according to the tenement valuation, 50 per cent higher than rents on the other estate. In the course of the next thirty years the rents on the first estate were not increased but the rents on the second estate were increased by 50 per cent. If one did not know that the levels of rents on the two estates were different one would conclude that the tenants on the first estate fared much better than the tenants on the second estate. In fact, in the end there was little difference between them because at the end of the period

5. For a full discussion of the tenement valuation see appendix II, pp 359-75

rents on the two estates must have been almost equal.

The similarity of rent levels on these two estates would not have been revealed by comparing rents with agricultural output, but comparisons with the tenement valuation would have made clear the similarity.

The tenement valuation is useful for another reason: it enables one to use series of rentals which do not cover the 1850s and 1860s. For example, the rentals of one estate cover the whole period 1850-81 and the rentals of another estate cover the period 1865-81. In 1860 rents on the first estate were 20 per cent above the tenement valuation and in 1863 a general increase in rents over the whole estate made rents 40 per cent above the valuation. If I compare rents on the second estate in 1865 with the valuation and find that they are also 40 per cent above the valuation then I can be sure that rents on both estates were almost the same. Any subsequent increases on either estate can be related to each other and compared.

In conclusion, the movement and level of rents may be most usefully analysed by studying the effects of rent increases on the two-way distribution of agricultural output between landlords and tenants and by comparing rents with the tenement valuation. The simple two-way distribution of agricultural output between landlords and tenants makes this operation easier. Before discussing the results of my calculations of agricultural output I shall sum up the main conclusions in this section.

Firstly, rentals and estate accounts are a more reliable guide to the movement of rents than contemporary reports.

Secondly, the mass of comment in contemporary reports is too vague to be used to evaluate information from the rentals and some other means of answering questions about the effects of rent increases must be found.

Thirdly, the effects of rent increases may be assessed by comparing them with changes in the value of agricultural output. Fourthly, this comparison was made easier by the two-way division of agricultural output between landlords and tenants which was one of the main characteristics of Irish agricultural production. Fifthly, comparisons between the movement of rents on different estates can be refined by comparing rents with the tenement valuation.

3. Rents and the distribution of agricultural output

In this section I shall discuss (i) changes in the annual value of agricultural output, (ii) the conditions which influenced its distribution between landlords and tenants and (iii) the pattern of rent increases which the influence of these conditions might lead one to expect.

The following table shows my calculations of gross agricultural output.¹

1. The methods of calculation which I have used and a definition of agricultural output will be found in appendix I, pp 336-58

1.1 Gross agricultural output

1851-82

(£ million)

1851	21.3	1859	32.8	1867	32.6	1875	41.2
1852	20.6	1860	32.9	1868	35.0	1876	42.6
1853	27.6	1861	29.8	1869	35.3	1877	38.9
1854	32.4	1862	27.5	1870	36.9	1878	38.8
1855	35.0	1863	28.5	1871	37.7	1879	33.9
1856	31.6	1864	31.7	1872	38.9	1880	35.5
1857	31.5	1865	37.2	1873	38.5	1881	35.3
1858	31.8	1866	40.5	1874	40.6	1882	37.3

This table shows the movement of agricultural output. It increased very sharply in the early 1850s, fell slightly in 1856 but maintained its level until 1861-3 when it fell sharply. In 1864 it began to rise again and continued to rise steadily until 1876 when it reached the unprecedented value of £42.6 millions. After 1876 the value of output began to decline and there was a striking fall between 1878 and 1879. In 1880 there was a slight improvement which was sustained in 1881 and 1882. However, the value of output in 1882 was well below the peak value of 42.6 millions in 1876. In general, there was a steady increase in the value of output between the early 1850s and the mid-1870s.

Three points in particular should be noted about these changes in the value of output. Firstly, there was a steady annual improvement in the value of output between the early 1850s and 1876 and the steadiness of this trend was interrupted by relatively poor years in the early 1860s and by exceptionally good years in 1855, 1865 and 1866. Secondly, the annual rate of the improvement was most dramatic in the early 1850s and most steady and substantial in the period 1867-76. Thirdly, the fall in the value of output after 1876 was striking but it was striking only in the light of the good years of the

1870s, and in the worst of these years, 1879, the value of output fell only to the level it had reached in 1867.

The upward and downward movement of agricultural output is more clearly shown if the above table is reduced to a series of index numbers.²

1.2 Index numbers of agricultural output

1851-82

(Base : £25 millions)

1851	85	1859	131	1867	130	1875	165
1852	82	1860	132	1868	140	1876	170
1853	110	1861	119	1869	141	1877	155
1854	130	1862	110	1870	148	1878	155
1855	140	1863	114	1871	151	1879	131
1856	126	1864	127	1872	156	1880	142
1857	126	1865	149	1873	154	1881	141
1858	127	1866	162	1874	162	1882	149

This table shows how much the value of agricultural output in any particular year was above the value of output in the early 1850s. For example, it shows that output in the late 1850s was about 30 per cent above output in the early 1850s and that output in the late 1860s and mid-1870s was about 40 and 60 per cent above output in the early 1850s.

2. It is difficult to choose a base year for the series because agricultural prices in the early 1850s were exceptional; in 1851 and 1852 the prices of all agricultural products except mutton, potatoes and flax were lower than in the 1840s but in 1853 all prices except butter prices were above the level of the 1840s; therefore, prices in the three years 1851-3 were not typical of the prices which determined the level of rents in the early 1850s; the average annual value of agricultural output for the three years 1851-3 was £23 millions but this sum is biased towards the two years with low prices so I have decided that a base of £25 millions would be a more realistic base than a base of £23 millions. For the movement of agricultural prices see Thomas Barrington, 'A review of Irish agricultural prices' in Jn. Stat. Soc. Ire., xv, pt. ci (Oct. 1927), pp 249-80

Furthermore, the table shows, at a glance, the size of rent increases which would have kept in equilibrium the shares of agricultural output which went to landlords and tenants. For example, rent increases of 30 per cent in the late 1850s would have allowed the shares of landlords and tenants to increase by the same amount because the annual value of output increased by 30 per cent in the 1850s. Likewise, by the mid-1870s rent increases of 60 per cent would have kept the shares of landlords and tenants in equilibrium. Of course, there is no reason why rents and output should have moved together because such a coincidence presupposes that landlords and tenants were in equal bargaining positions. Although such a distribution seems a reasonable thing and has the advantage of allowing both parties to share equally in changes in the value of agricultural output, there is no reason to believe that such a thing happened. At this point I shall discuss some of the factors which influenced the distribution of agricultural output between landlords and tenants.

The way in which the produce of the soil was divided depended on the supply and demand of the factors of production, and it seems that land was in a more powerful bargaining position than labour and capital. There were five reasons for this: (i) land was the source of most of the materials used in agricultural production, (ii) labour was plentiful, (iii) production was not labour-intensive, (iv) the supply of land limited the application of labour and capital and (v) individual tenants were in a weak position vis-a-vis landlords.

Most of the raw materials of farming came from the land. Fodder for animals, manure and fertilisers, stone and wood for buildings and fences were produced at home. Imports of fodder,

artificial fertilisers, seeds and animals were negligible in this period. Therefore, those who owned the land owned the source of some of the farmers' most valuable materials.

On the other hand, there was a plentiful supply of labour. Not only was there a numerous class of landless labourers but there was a surplus of labour among the tenants because their holdings were small. In 1866 more than half of the holdings were less than 15 acres and over 20 per cent of all holdings were less than 5 acres.³ Even a farmer who specialised in tillage production and ignored grass and hay would not have been fully employed for a whole year on a farm of less than 15 acres.

1.3 Number of man-days needed to produce an acre of certain crops in County Wicklow in the 1860s (4)

potatoes	44	man-days
turnips	26	"
wheat	14	"
oats	20	"
barley	14	"
Total	118	"

This table shows that a farm of 5 acres would employ one man for only one third of a year even if he specialised in tillage. But in the 1850s and 1860s livestock production was more lucrative than tillage and farmers tended to concentrate on keeping animals and to cultivate only as much land as they

3. Agricultural statistics of Ireland for 1866 /3958-II/ H.C. 1867-8, lxx, 255

4. Richard M. Barrington, 'The prices of some agricultural produce and the cost of farm labour for the past fifty years' in Jn. Stat. Soc. Ire., ix, pt. lxx (1886-7), p. 149

needed to produce fodder. Therefore, on small family farms where the farmer could use the labour of his family there must have been a labour surplus.

Agricultural production was not capital-intensive and agricultural capital was dispersed into a multitude of small units. The bulk of agricultural capital consisted of the farmers' livestock and crops and it was created by the producers from the land. The average farmer either did not use or did not have access to capital other than his own savings. Furthermore, capital was not concentrated for the construction of large plant or the purchase of expensive machinery.

1.4 The number of agriculture machines in Ireland in 1865 and 1875 (5)

	1865	1875
horse-driven	21,085	35,212
water-driven	612	602
steam-driven	453	566
<u>Total</u>	<u>22,150</u>	<u>36,380</u>

These statistics are not impressive when it is remembered that there was over half a million holdings in Ireland at this time.

Therefore, of the three factors of production land seems to have been the most powerful factor. Land was the only source of certain indispensable raw materials and the supply of labour was plentiful and capital was not concentrated into powerful units. Moreover, the supply of land is

5. Agricultural statistics of Ireland for the year 1875, p. 10
[c. 1568], H.C. 1876, lxxviii

crucially important in agricultural production because it limits the application of labour and capital. Even if a farmer has plenty of capital and labour he cannot manage them usefully if he does not have enough land. As we have seen, the smallness of the farms limited the amount of labour which a tenant could use. The same applied to capital because capital consisted mainly of livestock, and in an agricultural economy where most of the fodder is produced locally overstocking is a risky business.

Labour and capital were in a weaker position than land, but the bargaining position of individual tenants was further weakened by other circumstances. The tenants were a multitude of small men bargaining with a landed oligopoly. Most of the land was owned by a few thousand landlords but there was over half a million tenants. On the face of it, the landlords were in a stronger position than the tenants, and in the land market a few men of large resources confronted a multitude of farmers with few resources. The tenants' position was further weakened because they did not have alternative outlets for their labour and capital. Local industry was declining or non-existent and farmers could not easily give up farming and stay in Ireland. Furthermore, the land law before 1870 put the tenant in a weak position vis-a-vis the landlords. Most tenants were only yearly tenants and, in theory, landlords could increase rents and evict at will. Finally, the tenantry were not organised in a way which would have enabled them to create a 'countervailing' power to temper the landlords' oligopoly. Peasant organisation before 1879 was sporadic, violent and incoherent. Those who were interested in the tenants' case thought only of changing the law and did not think of organising the tenants

into combinations or unions.

This description of the conditions which influenced the bargaining position of landlords and tenants is a very generalized one and could be qualified in many ways.⁶ But I think that the picture is a true one, that is, those who owned the land were in an apparently better bargaining position than those who used their labour and capital to cultivate it. Therefore, when one measures increases of rent against increases in the value of agricultural output one would expect rents to increase more in proportion than output.

Before considering the results of my examination of the movement of rents on individual estates one should ask the question: what pattern of rent increases should one expect given the powerful bargaining position of the landlords and the increase in the value of agricultural output which took place between the early 1850s and the mid-1870s.

In the early 1850s annual agricultural output was worth about £25 millions and the rental of Ireland was about £11 millions.⁷ Therefore, the tenants' share of agricultural output must have been worth about £14 millions. Between the early 1850s and the mid-1870s the value of agricultural output increased by 60 per cent or £15 millions. How was this extra £15 millions divided between the landlords and the tenants? How much of it was added to the tenants' original share of £14 millions and how much of it was added to the landlords share of £11 millions? If the landlords were in a powerful bargaining position they should have been able to appropriate most of the extra £15 millions, that is, they should have increased

6. One of the clearest descriptions of Irish agricultural production is to be found in Raymond Crotty, Irish agricultural production (Cork, 1966)

their rents by more than 100 per cent.

In fact, they should have been able to take more than the increase of £15 millions because the farmers' costs of production must have declined during this period. The number of producers declined between 1851 and 1881⁸, and the costs of production declined because tillage production declined while livestock increased.. For example, Sir Richard Griffith estimated the relative costs of tillage production and grassland management,

1.5 Production costs as a percentage of the value of gross agricultural output in the 1850s(9)

per cent

tillage	61
dairy land	42
finishing land	50
hay	34

The foregoing implies an extreme view of the situation because it assumes that the tenants would have put up with rent increases which deprived them of any share in ^{increased} agricultural income. At the very least, one would have expected the landlords to have allowed the tenants some increase in income to cover increases in the cost of living. The Statist-Sauerbeck index of wholesale prices shows that prices increased by about 30 per cent between the early 1850s and the mid-1870s.¹⁰ Therefore, the income of the tenants should have increased by 30 per cent, that is, by about £4 millions. In other words the landlords could have appropriated £11 millions of the extra £15 millions of output. In theory, they could have doubled the original rental of £11 millions. In practice,

7. According to the tenement valuation the value of land in the 1850s was about £9 millions and rents were about 20 per cent above the valuation so it seems that the gross rental of Ireland in the 1850s was about £11 millions a year.

8. Census of Ireland for 1851. Part II. Returns of agricultural produce in 1851 /1589/, H.C. 1852-3,xciii, 1, and Agricultural

of course, such increases would have required great energy and ruthlessness on the part of the landlords, and the results might not have been worth the effort. However, it should be remembered that large rent increases were an economic possibility.

It is tempting to speculate about possibilities at this stage, although such speculations anticipate detailed results. In the following section where I shall discuss the results of an examination of rents on individual estates I shall attempt to answer two questions: (i) did the share of output going to landlords and tenants remain the same, or (ii) did the share of one party increase at the expense of the share of the other? Therefore, what pattern of rent increases would have divided increases in output proportionately between landlords and tenants?

Landlords could increase rents in one of three ways: (i) they could increase rents gradually and frequently as the value of output increased, (ii) they could have increased sporadically individual rents and (iii) they could effect, from time to time, general increases of most of the rents on their estates. The first of these methods would have enabled landlords to have increased rents by 60 per cent between the early 1850s and the mid-1870s, the tenants' share of output increasing at the same time and by the same percentage. However, if landlords wanted to operate such a system fairly they would have had to adjust rents

statistics of Ireland for the year 1881 [c. 3332], H.C. 1882, lxxiv, 93

9. Sir Richard Griffith, Instructions to the valuers and surveyors appointed under the 15th and 16th Vict., cap. 63 for the uniform valuation of lands and tenements in Ireland (Dublin, 1853), pp 28-33

10. See Thomas Barrington, 'A review of Irish agricultural prices' in Jn. Stat. Soc. Ire., xv, pt. ci (Oct. 1927), pp 249-80

at intervals of four or five years. Rents would have moved upwards and downwards as the value of output fluctuated. They would have increased in the 1850s, fallen back slightly in the early 1860s, risen steadily after 1865 and continued to rise until the mid-1870s when they would have begun to fall. And by the mid-1870s a series of multiple rent-increases would have left the rents about 60 per cent above their level in the early 1850s. This system would have maximized the incomes of the landlords while allowing the tenants a full share of increases in agricultural output and some reward for increasing productivity.

A system of fluctuating rents would have permitted the landlords to increase rents by 60 per cent, but suppose that landlords increased rents only occasionally and that these occasional increases were permanent and did not respond to fluctuations in agricultural output. In this case the limiting rent increase would be lower than 60 per cent because the good years of the 1870s should be balanced by the poorer years of the 1860s. The agricultural output index shows that the average increase in the value of output between 1854 and 1876, taking one year with another, was about 40 per cent. Therefore, rent increases of 40 per cent imposed sporadically between the early 1850s and the mid-1870s would have given landlords and tenants proportionate shares in the increase in output.

If the landlords increased their rents by simultaneous rounds of increases the limits of the increases would have depended on when the increases were made. Rent increases in the mid-1850s should have been about 20 or 30 per cent if

the increases in output were to be distributed proportionately between landlords and tenants. If rents were increased in this way only once in the thirty-year period it should be remembered that increases in the 1850s and 1860s might exceed the appropriate ceiling suggested by the agricultural output index but they would have fallen beneath the higher ceilings which prevailed after the mid-1860s. Furthermore, landlords could have imposed two rounds of simultaneous increases in the thirty-year period. For example, a general increase of 30 per cent in the 1850s and another increase of 30 per cent in 1876 would have increased rents by 70 per cent and brought them into line with increases in output between the early 1850s and 1876.

Therefore, the pattern of rent increases determined the size of rent increases which divided increases in agricultural output proportionately between landlords and tenants. Fluctuating rents would have allowed landlords to increase rents by 60 per cent without giving them more than a proportionate share of increases in output. Sporadic increases of individual rents would have allowed increases of 40 per cent without giving landlords more than a proportionate share of increases in output. And the size of general increases of rent would have depended on when they were made and on how often they were made.

This section may be summed up by saying that (i) the value of agricultural output increased steadily and substantially between the early 1850s and the late 1870s, (ii) the landlords were in a superior bargaining position, (iii)

the landlords could have doubled their rents because they were in a superior bargaining position and (iv) the size of rent increases which would have allowed landlords and tenants to increase their incomes at the same rate depended on the pattern of rent increases.

Although this section has been concerned mainly with the movement of agricultural output and its distribution between landlords and tenants, the tenement valuation can be used as the basis of an index for measuring how increases in agricultural output were divided between landlords and tenants. The following table shows how the valuation would have increased if the price scale of the valuation had been modified to keep in line with increasing agricultural prices and if the costs of production, that is, the share of the tenants, had been increased at the same rate as agricultural prices.¹¹

1.6 Index showing the relationship between the value of agricultural output at Griffith's prices and its value at current prices (100 = value of output at Griffith's prices)

1852	104	1859	148	1865	175	1871	168
1853	128	1860	152	1866	177	1872	177
1854	140	1861	150	1867	147	1873	181
1855	160	1862	145	1868	168	1874	186
1856	152	1863	143	1869	164	1875	183
1857	146	1864	150	1870	162	1876	185
1858	141						

This table shows that the actual valuation was relatively low

11. For a full discussion of the tenement valuation and of the assumptions on which this table is constructed, see appendix II, pp 372-5

for the whole period, and by the 1870s the discrepancy between the value of output at Griffith's prices and its value at current prices reached its height. The average difference between the two estimates for the years 1852-76 was about 60 per cent. If Griffith had made his valuation on a scale of prices based on actual prices current in any group of years after the early 1850s, his estimates of the net value of land would have been much higher.

With this series of index numbers the tenement valuation can be used as a test of the level of rents at any point in this period. For example, in the late 1850s, rents which were about 140 per cent of the tenement valuation would have distributed increases in the value of output proportionately between landlords and tenants. At any point in the period the index gives a ceiling for the level of rents, e.g. 150 per cent of the valuation would have been a reasonable ceiling for the early 1860s while 170 per cent of the valuation would have been a reasonable ceiling for the mid-1870s.

The index can be used as a base-line, a bench-mark and an ultimate ceiling for the evaluation of rent levels. For example, if rents were 120 per cent of the valuation in the 1850s they would have been rather low. If a series of sporadic rent increases had inflated the level to 160 per cent of the valuation by the 1870s the rents would still have been reasonable, or in other words, the landlords and tenants would have shared in the increases in agricultural output, but the landlords would have been slightly behind.

4. The movement and level of rents
on fifty-six estates, 1850-81

In this section I shall summarise the results of an analysis of the movement and level of rents on fifty-six estates in the period 1850-81. (A detailed examination of rents on these estates will be found in the appendices where the estates are examined in small groups.)¹ I have examined four aspects of rents: (i) the frequency and timing of rent increases, (ii) the size of rent increases, (iii) the level of rents compared with the tenement valuation and (iv) the size of rent increases and the level of rents on holdings of different sizes. Also, I have compared the size of rent increases with changes in the value of agricultural output and the level of rents with the tenement valuation index. The aim of this examination of rents is to see if increases in the value of agricultural output were distributed evenly between landlords and tenants and to see if landlords took advantage of their superior bargaining position.

Rent increases were not frequent on most of the estates which I examined. On fifteen of the fifty-six estates which I examined rents were unchanged, or practically unchanged, for most of the periods covered by their rentals. On the remaining forty-one estates most rents were increased only once in the period covered by their rentals. There were some examples of rents which were increased more than once in twenty or thirty years but these were exceptional; they were out-numbered by the rents which were unchanged for

1. See below pp 382-491

long periods.

The timing of rent increases varied from estate to estate. There were general increases of rent on some estates e.g. on the Murray Stewart estate in County Donegal and on the Strafford estate in County Londonderry in the late 1850s and early 1860s. But, on most of these estates, increases were made sporadically. Rents were increased when leases fell in, when changes in occupancy took place, when the tenancy passed from father to son or when the agent decided that a rent increase was due. There seems to have been no rule about the timing of rent increases : on some estates the different tenurial occasions were used indiscriminately as opportunities for increasing the rents. However, the tenurial occasions were often allowed to pass without a rent increase. But one thing is clear : when a rent was increased it usually remained stable for a long period afterwards. The pattern of rent increases on Irish estates was not elastic and rents did not move up and down regularly as the value of agricultural output fluctuated. Rent increases were, on the whole, sporadic, occurred only once in twenty or thirty years, and after the increase they remained stable for long periods.

Rent increases of 40 per cent between the early 1850s and the mid-1870s would have allowed landlords and tenants to share equally in increases of agricultural output.^{1 a} The following cumulative frequency distribution table shows that average and median rent increases on most of the forty-one estates were less than 40 per cent.^{1 b}

1a. See above pp 35, 42-4

1b. See below pp 387, 403, 417, 430, 441, 451, 465, 476, 486

1.7 Cumulative frequency distribution table of average and
and median rent increases on forty-one estates,
1850-81

size of increase (%)	number of estates	
	averages	medians
less than 10 per cent	0	4
" " 20 " "	12	18
" " 30 " "	28	31
" " 40 " "	35	34
" " 50 " "	38	38
" " 60 " "	40	
" " 70 " "	41	
" " 80 " "		

This table shows that rent increases on thirty-five estates were less than 40 per cent, that rent increases on six of the estates were more than 40 per cent and that rent increases on only one estate were greater than 60 per cent. The table also shows that average rent increases on twelve estates and median rent increases on eighteen estates was less than 20 per cent, that is, the rent increases were less than half of the amount which would have given landlords and tenants equal shares of increases in the value of agricultural output. The average increase on the whole group of forty-one estates was 27 per cent but if the fifteen estates whose rents were not increased is included the average increase for the whole group of fifty-six estates is about 20 per cent. And it should be remembered that there were many holdings whose rents were not increased in the first group of forty-one estates. Therefore, the over-all average was probably less than 20 per cent.

The table shows that there were six estates whose average rent increases were more than 40 per cent.

1.8 Six estates whose average rent increases were greater than 40 per cent, 1850-81

Ashtown (Galway)	43 per cent
Gosford (Armagh)	50 " "
Hall	44 " "
Leitrim (Donegal)	60 " "
Leitrim (Leitrim)	53 " "
Loughrea	44 " "

The average rent increases on three of these estates (the Ashtown, Hall and Loughrea estates) were only slightly above the ceiling increase of 40 per cent which would have distributed equally increases of agricultural output between landlords and tenants. The Gosford average of 50 per cent looks extreme but it is misleading because only a fraction of the rents on this estate were increased. In fact, rents as a whole on this estate rose by only 10 per cent. Therefore, only the rent increases on the Leitrim estates went beyond the point which would have given the tenants a proportionate share of increases in agricultural output. Since the rent increases on the Leitrim estates took place before 1870 they went well beyond the point which would have been fair to the tenants. The Leitrim results are interesting because they show that a determined landlord could increase rents by an amount which was well beyond the average on other estates and which absorbed more than the landlord's proportionate share of increases in agricultural output.

The results of this analysis of average and median rent increases on individual estates show that most average and median rent increases were less than 40 per cent, and that the general average increase was less than 20 per cent which was well below the ceiling of 40 per cent. However, average rent increases on seven estates were between 30 and 40 per cent

and on three estates average rent increases were slightly over 40 per cent. Therefore rent increases on only ten estates approached the ceiling of 40 per cent while rent increases on thirty estates were well below the ceiling. It seems, therefore that landlords, as a whole, were not able to increase their rents to a point which would have given them a proportionate share of increases in agricultural output. Only one landlord, Lord Leitrim, succeeded in increasing his rents by an amount which the superior bargaining position of the landlords would have led one to expect. The fact that one landlord could increase his rents by 53 and 60 per cent in the 1850s and 1860s shows that there was a reservoir of agricultural income at the disposal of a vigorous landlord. His success throws into contrast the failure of other landlords to increase their rents by large amounts.

However, average and median rent increases conceal many rent increases which were large.^{1c}

1.9 Cumulative frequency distribution table showing the percentage of individual rent increases which were greater than 40 and 60 per cent, 1850-81

(%) of rent increases	number of estates	
	+40%	+60%
more than 10 per cent	28	15
" " 20 " "	20	5
" " 30 " "	12	4
" " 40 " "	7	1
" " 50 " "	6	
" " 60 " "	3	
" " 70 " "	1	

This table shows that there were many individual rent increases

1c. See below pp 386, 401, 415, 429, 440, 450, 464, 475, 485

which were greater than 40 and 60 per cent. On twenty estates at least 20 per cent of rent increases were greater than 40 per cent and on fifteen estates at least 10 per cent of rent increases were greater than 60 per cent. The frequency distribution tables in the appendices and the ranges of rent increases which I have quoted there will emphasize this point by showing that there were some very large increases on most estates.² Therefore, behind many moderate average increases of rent there were large increases on individual holdings. The burden of rent increases fell unevenly: on some holdings rents were not increased at all but on others rents were increased enormously. Landlords were able to impose swingeing increases on some tenants and to absorb a substantial amount of the increase in agricultural output. The coincidence of large individual rent increases with generally moderate rent increases helps to explain why contemporary descriptions of rents were contradictory. However, the statistical importance of large, individual rent increases must not be exaggerated: they were greatly out-numbered by increases which were either small or negligible.

An examination of the level of rents shows that most rents were below the ceilings suggested by the valuation index. The following table shows the results of an analysis of the level of rents on fifty-six estates in the 1850s and 1860s:^{2a}

2. See below pp 386, 401, 415, 429, 440, 450, 464, 475, 485
2a. See below pp 391, 406, 420, 433, 443, 454, 468, 479, 488

1.10 Cumulative frequency distribution table of average and median rent levels on fifty-six estates, 1850-81

level of rents	number of estates	
	averages	medians
less than 100 per cent of the valuation	1	4
" " 110 " " " "	12	14
" " 120 " " " "	29	26
" " 130 " " " "	42	41
" " 140 " " " "	47	45
" " 150 " " " "	52	49
" " 160 " " " "	55	52
" " 170 " " " "	56	53

These results refer to the period between 1850 and 1865 when the tenement valuation index ranged from 104 per cent to 170 per cent of the valuation.³ The average level for the fifteen year period was about 130 per cent and 140 per cent. This table shows that the average level of rents on forty-two estates was less than 130 per cent of the valuation and that levels on forty-seven estates was less than 140 per cent. Nine of the averages were above 140 per cent and four of these were above 150 per cent of the valuation. However, it should be noted that just over half of the averages were below 120 per cent of the valuation and were, therefore, relatively low for the 1850s and 1860s.

The averages ranged from 99 per cent to 168 per cent of the valuation and the over-all average for the whole group of fifty-six estates was 122 per cent. If one takes the estates as a whole the average level of rents was well below the ceilings suggested by the valuation index. The tenants seem to have retained more than their proportionate share of increases in agricultural output in the 1850s and 1860s. If rents had increased in proportion with agricultural

3. See above pp 45-6

output, the level of rents would have been higher than 122 per cent of the valuation. In other words, the tenants were enjoying a larger share of the increases in output than Griffith's valuation would have given them if it had been based on a more realistic scale of prices.

The level of rents was, on average, low except on nine estates where rent levels were over 140 per cent of the valuation. On some estates there were individual holdings whose rents were very high.^{3a}

1.11 Cumulative frequency distribution table showing the percentage of individual rent levels which were above 160 and 180 per cent of the tenement valuation

(<u>%</u>) of holdings	number of estates	
	+160%	+180%
more than 10 per cent	18	13
" " 20 " "	12	4
" " 30 " "	5	1
" " 40 " "	2	
" " 50 " "	1	

The table shows that on eighteen of the estates more than 10 per cent of the holdings were higher than 160 per cent of the valuation and on thirteen estates more than 10 per cent of the rents were higher than 180 per cent of the valuation. Rents which were higher than 160 per cent of the valuation were above the average suggested by the valuation index for the whole period, 1850-76, and rents which were above 180 per cent of the valuation were above the high levels which would have been appropriate for the good years of the mid-1870s.

The group of eighteen estates on which more than 10 per

3a. See below pp 390, 405, 418, 432, 442, 452, 467, 477, 487

cent of the holdings had rents which were higher than 160 per cent of the valuation includes the nine estates whose average rents were above 140 per cent of the valuation.

The eighteen estates fall into two groups: (i) estates where rents were relatively high in the 1850s and 1860s but remained unchanged after the rents were compared with the valuation and (ii) estates where the high level of rents was caused by rent increases.

The first group includes eight estates such as the Filgate, St George, Butler and Paul estates, and on all of them the level of rents fell below the index valuation ceiling after a year or two. For example, on the St George estates in the counties of Leitrim and Roscommon, the level of rents in the early 1860s was 144 per cent above the valuation; rents were stable on this estate after rents were compared with the valuation. Therefore, in the 1860s the level of rents on this estate fell well below the ceilings suggested by the valuation index. The relatively high level of rents on these estates can be ignored because the stability of their rents meant that tenants were able to absorb all subsequent increases in the value of agricultural output. The starting point on these estates may have been unfavourable to the tenants but the subsequent stability of rents on these estates was favourable to them.

The second group of estates falls into two parts. Firstly, there were estates where the rents were high at the beginning of the period and whose rents were inflated by moderate increases of rent. Secondly, there were estates where rents

were low at the beginning of the period but were inflated by large increases of rent. Two of these ten estates were the two estates of Lord Leitrim which we have already looked at.⁴ Here are the remaining eight estates:

1.12 Eight estates whose rent levels were high, 1850-81

	level	rent increase	ultimate level
Ashtown (Galway)	123	43	180
Ashtown (Limerick)	144	24	175
Crosbie	168	27	200
Deane	132	25	164
Inchiquin	125	33	150
Loughrea	136	44	166
Murray Stewart	118	29	150
Trench	146	24	160

The ultimate level of rents on the estates ranged from 150 per cent to 200 per cent of the valuation. However, 160 per cent of the valuation was the average ceiling for the period 1852-76 suggested by the valuation index. Therefore, the ultimate level of rents on five of these estates (the Deane, Inchiquin, Loughrea, Murray Stewart and Trench estates) was fairly close to the average ceiling of 160 per cent. Also, the ultimate level of rents on these estates would have fallen below the high annual ceilings in the late 1860s and 1870s. Furthermore, although the tenants on these estates were more highly rented than tenants on other estates the actual increases of rent on these estates were less than 40 per cent (except on the Loughrea and Ashtown (Galway) estates.⁴

4. See above p. 50

This leaves three estates where the ultimate level of rents was above not only the average ceiling for the period, 1852-76 but also the high ceilings of the 1870s. However, on two of these estates the rent increases were moderate but on the third estate, the Ashtown (Galway) estate, the average rent increase was 43 per cent. If the two estates of Lord Leitrim are added to these three estates there are five estates where rents reached high levels.

This examination of the level of rents on fifty-six estates shows three things about the level of rents. Firstly, rents were, on average, low. The over-all average on the estates was 122 per cent of the valuation which was well below the ceilings suggested by the valuation index. Secondly, rents on ten estates were relatively high although rents were absolutely high on only five of these. For example, on the Crosbie estate rents were 168 per cent above the valuation in the early 1850s: rents on this estate were higher in the 1850s than they were on most estates in the 1870s. Thirdly, there was an enormous variation in the level of rents. Rents were on the whole low but the level of rents on many individual holdings was very high: on thirteen estates more than 10 per cent of the levels were above 180 per cent of the valuation.

An examination of the level of rents and the size of rent increases on holdings of different sizes shows that there was a tendency for the smallest holdings to pay the highest rents and the highest rent increases. On forty out of fifty-two estates the smallest holdings paid higher rents than average. The highest rents on twenty-seven out of fifty-two estates were paid by the smallest holdings and on forty-three estates the smallest holdings paid higher rents

than the largest holdings. On the thirty-seven estates where rents were increased and where it is possible to examine individual rent increases the smallest holdings paid rent increases which were higher than average on twenty-eight estates. On twenty-four estates they paid the largest increases and on thirty-one estates they paid larger increases than the largest holdings.^{4a}

This examination of the movement and level of rents on fifty-six estates leads to four conclusions about rents: (i) rent increases were neither frequent nor large, (ii) the level of rents was, on average, low, (iii) the smallest holdings tended to pay the highest rents and the largest rent increases and (iv) the distribution of the rent burden, even on the same estate, was riddled with inconsistencies. Some rents were increased while others remained unchanged for long periods; some rent increases were enormous while others were trifling; some rents were high while others were low. And the smallest holdings paid the highest rents and the largest rent increases. Contemporary accounts which alluded to the irregularities of rents revealed one of the most significant characteristics of Irish rents.

Increases of agricultural output would have supported large increases of rent and increases of 40 per cent would only have shared increases in the value of output proportionately between landlords and tenants. But the average increase in rents over the whole group of estates was only about 20 per cent and most individual rent increases were less than 40 per cent. Average rent increases were greater than 40 per cent on only six estates, and Lord Leitrim was the only landlord who pushed his rents beyond the point which

4a. See below pp 393-4, 408-9, 422-3, 435-6, 446-7, 458-9, 470-1, 481-2, 490-1

would have divided increases in output proportionately between himself and his tenants. The average level of rents was about 120 per cent of the valuation which was well below the point which would have distributed proportionately increases in output. A close examination of estates which had either high rents or large rent increases shows that only five of them had rents which went beyond the point at which increases in output divided proportionately.

Since rents lagged behind increases in agricultural output two things happened to the distribution of agricultural output: (i) the incomes of tenants increased between 1850 and 1876 and (ii) the share of increased output which went to the tenants increased at the expense of the landlords' share. The change in the balance between the earnings of land and the earnings of labour and capital was dramatic.

Agricultural output in the early 1850s was worth about £25 millions a year and the total rental of Ireland was about £11 millions. By the mid-1870s output was worth about £40 millions a year while rents had increased by 20 per cent to £13.2 millions.⁵ Therefore, the tenants' income in the 1850s was about £14 millions a year and in the mid-1870s it was about £26.8 millions. These changes expressed as percentage shares of total output show this more clearly.

1.13 Landlords' and tenants' shares of agricultural output in the 1850s and 1870s

	1850s	1870s
landlords' share	44 per cent	33 per cent
tenants' "	56 " "	67 " "

The landlords' share fell by 11 per cent, while the tenants'

5. See above pp 34, 41

share increased by by 11 per cent.

1.14 Increases in landlords' and tenants' shares of agricultural output in the 1850s and 1870s

	£ millions		
	1850s	1870s	Increase (%)
landlords' share	£11.0	£13.2	20 per cent
tenants' " "	£14.0	£26.8	92 per cent
Total	£25.0	£40.0	60 per cent

This table shows that the tenants' income increased by more than four times as much as the landlords' share. This is a striking discrepancy and even if one takes a more conservative basis for the calculations of the differences the discrepancy is still striking. The total of £40 millions for output represents the halcyon years of the 1870s but the average annual output for the years 1854-76, taking the good years with the bad, is about £35 millions.

1.15 Revised estimates of increases in landlords' and tenants' shares of agricultural output in the 1850s and 1870s

	£ millions		
	1850s	1870s	Increase (%)
landlord' share	£11.0	£13.2	20 per cent
tenants' " "	£14.0	£21.8	56 per cent
Total	£25.0	£35.0	40 per cent

If rents lagged behind increases in the value of output, and if the share of the tenants increased so strikingly, why were rents so controversial in this period?

There are four reasons why rents were controversial: (i) the burden of rent was distributed unevenly, (ii) the legal status and bargaining position of the tenants made their gains insecure, (iii) the gross rental of Ireland was a large share of agricultural output and (iv) tenants' income was sensitive to changes in total output.

Although the tenants as a whole did well the fortunes of individual tenants varied enormously. Tenants living side by side on the same estate often paid rent increases of different sizes and rents at different levels. The publication of the tenement valuation was a standing reproach to landlords whose rents were fixed irregularly. Furthermore, the smallest tenants usually paid the highest rents and the largest rent increases. The timing and incidence of rent increases were arbitrary, unpredictable and sporadic. Hindsight enables us to see that rent increases were not frequent but the tenants did not have the consolation of hindsight : they did not know that a great wave of rent increases would not absorb their gains. The unevenness of rents and the irregularity of rent increases nurtured grievances amongst the tenants and invited attacks from outsiders who were interested in the land question. Any system of extracting money which is riddled by inconsistencies will cause friction which has nothing to do with the amount of money extracted.

The tenants' income increased greatly but their legal and economic position was precarious. As we have seen, Lord Leitrim increased his rents well beyond the point reached by rents on other estates and beyond the point where increases in output were divided proportionately. That other landlords

did not follow Lord Leitrim's example was due either to their caution or indifference. But only the landlords' want of energy and will stood between the tenants and their gains because the law, even after 1870, did not prevent landlords from increasing their rents. And paradoxically, the steady increase in the value of agricultural output and the striking increase in the tenants' income probably intensified their fears. In the end, the only secure tenant was the tenant who paid the full economic rent for his farm : the rack-rented tenant had nothing to lose, he could pay no more and he had nothing to fear except penury. However, most tenants were not rack-rented and prosperity and fear of dispossession are always bed-fellows. Therefore, the prosperity of the tenants probably made them more aggressive. The Irish tenant, for all his fear of the landlord, was not disposed to sit in the ashes of his desolation and piously say, 'the Lord gave, and the Lord taketh away, blessed be the name of the Lord'.

The share of agricultural output which went as rent to land as a factor of production was always large. In the 1850s, it was 44 per cent of total output and in the 1870s it was 33 per cent. It might have been larger without any unfairness to the tenants because land gave them food, shelter, income and a position in rural society. Even if tenants were reluctant to give a third of their income for the land which they held, it could be argued that they would have paid much more for land under a different system of land tenure.

Although land as a natural resource was worth what was paid for it, can the same thing be said of the class who owned the land and received the rents? As I shall show in a later section, landlords did not contribute generously to agricultural production. Also, as individuals they were well-off compared with their tenants. It was natural that tenants should look to them for indulgence in bad years and for leniency in good years.

Since rents absorbed a large part of the tenants' income and since rents were more or less inflexible, the tenants' share of output was sensitive to changes in total output. For example, if the tenants' share of output in 1876 was £29.4 millions it would have fallen to £20.7 millions in 1879 if there had been no abatements of rent.⁶ It is hardly surprising that the tenants wanted abatements of 25 per cent because their income had fallen by £8 millions or 30 per cent since 1876. And this demand was not unreasonable because an abatement of 25 per cent was worth only £3.3 millions and so the landlords were asked to bear only a portion of the loss. On the other hand, the landlords must have felt that any abatement was unreasonable because rent increases had been so moderate.

The irony of the effects of rent increases on landlord and tenant relations is that if the landlords had taken more and if they had taken it systematically and regularly they would have been better able to meet the tenants' needs in bad years. The pattern of rent increases which the landlords imposed was probably convenient for them but it made rational

6. See above pp 34, 60

adjustments of rent difficult. An unforeseen increase of rent put strains on the tenants' resources and the nearer the increase came to the full economic rent the harder it was for the tenants to absorb it. Suppose that the gross income of a tenant is £50 and that his rent is £20. If the landlord suddenly increased the rent by 40 per cent, that is, by £8 the tenant's net income will fall from £30 to £22, that is, by 30 per cent in one year. Such a reduction in income in one year was a severe shock to the tenant. A tenant in Donegal reacted violently to such an increase:⁷

the increase was announced to him on a day when he was from home; he was a very irritable man, and he fell into a passion, and I believe suddenly died.

In England and Scotland many rents were not increased sporadically but moved up and down as the value of agricultural produce fluctuated.⁸ Half of the tenant's rent was fixed and the other half was increased or decreased according to the level of prices in the previous year.⁹ To make the system more predictable maximum and minimum prices were agreed beforehand. It was thought that this method of adjusting rents was suited to mixed farming and, therefore, it would have suited many parts of Ireland.

If Irish landlords had used this system they would have removed many sources of friction and uncertainty from their relations with the tenants. The tenement valuation was an excellent foundation for this system because rents could have been brought to the level of the valuation and allowed to move upwards as prices increased.

7. Committee on destitution in Gweedore, 1857-8, p. 61 /1846-1914

8. C.S. Orwin and E.H. Whetham, History of British agriculture / (London, 1964), p. 167

9. John M. Wilson (ed.), The rural cyclopedia, or a general dictionary of agriculture (Edinburgh, 1851), iv, pp 38-9

Finally, the system of rent increases imposed by the landlords caused friction not because it was burdensome but because its incidence was uncertain. The inertia of the landlords caused more problems than their greed. They did not increase their rents to a point which would have distributed increases in agricultural output proportionately between landlords and tenants. But their forbearance probably inspired feelings of uncertainty rather than gratitude. The traditional picture of Irish landlords as a class of grasping social vultures must be modified because they were not, on the whole, grasping. Landlords were men who received a large share of the value of agricultural output but they did not make many efforts to increase their share. In this period the balance of economic power tipped towards the tenants but this change seemed to be threatened by the legal powers of the landlords. The gains of the tenants were made bitter because the system of land tenure which allowed them their gains was riddled with inconsistencies and dominated by uncertainty. It is hardly surprising, therefore, that contemporary reports are full of tenants' complaints and landlords' protestations of innocence: there was something to be said on both sides.

5. The fixing of rent increases

The previous section showed the importance of the pattern of rent increases. Rents were not increased frequently and

the size of the increases favoured the tenants but the actual timing of rent increases was unpredictable. Landlords did not allow rents to fluctuate with the value of agricultural output but they increased rents sporadically. As I have already pointed out, unforeseen rent increases put a strain on the tenants' resources. In this section I shall describe how the size of rent increases was determined. It is possible that landlords did not increase their rents according to any particular system but it seems that most landlords determined the size of rent increases in one or other of three ways: (i) by proposal, (ii) by valuation and (iii) by an obscure, mimetic, rule-of-thumb method of which little is known.

The first two methods can be described but the third method is, of its nature, almost indescribable. The most that can be said of it is that there was a feeling that rents on neighbouring estates should resemble each other and that rent increases on different estates should keep in step. A conversation between an agent and a landlord in George Bermingham's novel, The Bad Times, shows how this idea influenced agents. The agent, Mr Manders, is talking to one of his masters, Lord Daintree, about Stephen Butler's estate:¹

It's awkward for me having a property under-rented alongside of yours, Lord Daintree, and Snell's bit of land.... Your property is set at about its proper value.... I've told

1. George A. Bermingham, The Bad Times (London, 1914), p. 40

the trustees, Stephen Butler's trustees, you know, fifty times that the rents could be raised thirty per cent all round. The beggars could pay it if they had to. Your fellows pay all right, Lord Daintree, so do Snell's who really are a bit racked. But those Belfast Quakers were as obstinate as mules.... The result is that the man across the fence, your man, Lord Daintree, is for ever grumbling because he sees the other fellow getting his land for less than its proper value. And as for Snell's people, who have to pay more than they can well manage — It's the devil managing the three properties as they stand.

The idea that rents on neighbouring estates should resemble each other, expressed by this agent, probably lay behind the statement of a witness who told a select committee that rents 'were rather fixed by custom than by competition and commercial considerations.'² However, it is impossible to say what this custom amounted to and how it changed to meet new conditions.

The letting of farms by proposal was often used when a holding fell vacant. It is often thought that landlords accepted proposals from outsiders for farms which were occupied but I have found no evidence of this practice on the estates which I have examined. When a farm fell vacant interested parties submitted offers to the agent. Sometimes the farm was advertised in the newspapers but, usually, the news of the vacancy was spread by rumour.³ The number of applicants varied considerably. On Lord Powerscourt's estate in County Wicklow there were fifteen applicants for a farm in Ballyman and the rents offered ranged from £2 to £2. 13s. Od. an Irish acre. On the other hand, there were farms

2. Report from the select committee on valuation, etc. (Ireland); together with the proceedings of the committee, minutes of evidence, and appendix, p. 178, H.C. 1868-9 (362)

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3. Rentals of the estate of Lord Ashtown, 1852 (N.L.I., MS 1765) and Rentals of the estate of Charles M. St. George, 1863 (N.L.I., MS 4013)

4. Minute book of tenants' requests submitted to the guardians of

which remained vacant for long periods because nobody would take them.⁵ The proposals were often complicated transactions, involving the future rent, past arrears, improvements, tenure and the payment of local taxes.⁶ However, some applicants made proposals which were neither detailed nor complicated. A tenant on the Powerscourt estate simply stated:⁷

Proposes for Wingfield Burton's farm. Will pay the same rent he did -- or whatever rent the guardians approve of.

The grounds on which landlords accepted or rejected proposals varied. Undoubtedly, there were landlords who always accepted the highest bidder but some landlords preferred reliable tenants. The following extract from the Powerscourt papers shows how the agent approached the problem of deciding which applicant to accept:⁸

Having to decide which of the several candidates for this valuable farm should be chosen as the tenant, Lord Powerscourt's guardians have had regard to the character and solvency of the parties making application rather than to the amount of the several offers for same. Two most respectable old tenants offered less rent than had been heretofore paid, and also than Messrs Brassington and Gale's valuation. Two others the same rent as paid by Darlington. Two others a larger sum than any of the others, but who are not well known and Mr John Sutton of Blackditch who proposed the largest

of Lord Powerscourt, 1852-6 (N.L.I., MS 16,378, no. 788)

5. See Rentals and accounts of the estates of Lord Ashtown, 1859 (N.L.I., MS 1766); the agent occupied the farm until a tenant was found.

6. See Minute book of tenants' requests submitted to the guardians of Lord Powerscourt, 1850-2 (N.L.I., MS 16,377, no. 682); Memorandum book of Ralph Lawrenson and Frederick Ponsonby, agents of the estates of Lord Fitzwilliam in the counties of Wicklow and Wexford, 1874 (N.L.I., MS 5996)

7. Minute book of tenants' requests submitted to the guardians of Lord Powerscourt, 1850-2 (N.L.I., MS 16,377, no. 537)

8. Ibid., 1852-6 (N.L.I., MS 16,378, no. 1249)

rent of any except the two last mentioned. Mr Sutton's offer being thought a good one, and his references being unexceptionable is declared the tenant for Kilmacanogue farm.

Landlords such as Lord Fitzwilliam and Lord Powerscourt preferred men who lived on their estates or men whose background they knew and approved of. A man's address could weigh against him when he applied for a farm:⁹

he writes from Rathnew which is not a very tempting place to get a tenant from.

If the applicant had a farm near the vacant holding or was related to the late tenant this might help his case:¹⁰

George Cullen being the brother-in-law to the late tenant and the land applied for being the nearest to his holding and he having undertaken to pay the arrears is selected as the tenant.

However, on the Fitzwilliam estate there was one class of outsider who was welcome:¹¹

I am very sorry that there is not a farm on this property that judging from your letter I should think you would like. Lord Fitzwilliam would approve of letting a farm to an Englishman of capital and skill and could now let one of light land well adapted for sheep and that grows good turnips.

Sometimes a landlord refused an applicant on what appeared

9. Robert Chaloner to Robert Owen, 29 May 1852 in Letter book of Robert Chaloner, agent of the Fitzwilliam estates, 1842-53 (N.L.I., MS 3987)

10. Minute book of tenants' requests submitted to the guardians of Lord Powerscourt, 1850-2 (N.L.I., MS 16,377, no. 583)

11. Letter book of Robert Chaloner, agent of the Fitzwilliam estates, 1842-53 (N.L.I., MS 3987)

to be philanthropic grounds:¹²

Lord Fitzwilliam objects to letting Leighlin farm to you and your brother on the ground that it would be consigning you to ruin.

The letting of farms by proposal was based on competition. The applicants competed with each other but the farm did not always go to the man who offered the highest rent. Ability, character, consanguinity and contiguity were also considered by the landlords. However, competition was the main characteristic of letting farms by proposal and the level of rents and the size of rent increases were determined by the applicants' willingness to pay. But, on the other hand, the fixing of rents by valuation was an attempt to remove the competition from rent increases by setting up an objective standard for rent fixing. Rents fixed by valuation ignored the greed, optimism and ability of individual tenants. At the same time, the fixing of rents by valuation checked the vagaries of landlords and agents. In the remainder of this section I shall discuss the fixing of rents by valuation. It should be remembered that the fixing of rents by valuation was not incompatible with the letting of farms by proposal because, strictly speaking, tenants could propose to take farms at a rent fixed by valuation.

There were three reasons for making a valuation of an estate : (i) to increase the rents immediately, (ii) to re-distribute the burden of rents and (iii) to set a standard for future rent increases.

12. Robert Chaloner to William Revell, 18 May 1850 in Letter book of Robert Chaloner, agent of the Fitzwilliam estates, 1842-53 (N.L.I., MS 3987). However, Lord Fitzwilliam changed

A general valuation of an estate was usually followed by an increase of rent. General increases of rent followed valuations on the Dungannon School estate in 1859¹³ and on the Gosford estate in County Cavan in 1866.¹⁴ However, a general valuation was not always followed by increases of rent. For example, rents on the Powerscourt estate in County Wicklow were not increased after 1853, when the whole estate was surveyed and valued by Brassington and Gale.¹⁵ Although a valuation was carried out with an eye to increasing the rents this was not always so because a valuation might be followed by reductions of rent : it seems that some landlords wanted to distribute more evenly the burden of rents. For example, the valuation of Lord Fitzwilliam's estates in 1851 led to many reductions of rents:¹⁶

the valuation of the out-lease property was decided on with a view of lowering such farms as were too high — those persons that [were] lowerered say nothing while those that have been raised speak loudly — but no man can say that his improvements have been taken advantage of.

Therefore, it seems that general valuations were used to set a standard for future lettings and rent increases and to make rents more even as well as to increase rents immediately. However, general valuations went out of date and, when this happened, the agent employed a valuer to value individual holdings whose rent was to be increased. For example, rents on the Gosford estate in Armagh were based on Greig's

his mind and let the farm to the Revells; two years later the farm was re-let to a Dublin coachmaker. His lordship seems to have been a sound judge of farms and farmers. See Letter book of Robert Chaloner, agent of the Fitzwilliam estates, 1842-53 (N.L.I., MS 3987, p. 393)

13. Copy letter book of William Wann, 1854-70 (P.R.O.N.I., D 1606/5/4, pp 39, 80, 93, 96, 99-100)

14. Rentals of the estate of the earl of Gosford in County Cavan, 1851-76 (P.R.O.N.I., D 1606/7C/36-61)

/see over/

valuation which had been made in the 1830s, but rent increases in the 1850s and 1860s were determined by an Armagh valuer called Richmond.

The valuers seem to have been professional men who were employed, from time to time, by landlords and agents. Some of the valuers were partners in professional firms who valued estates in all parts of Ireland. The firm of Brassington and Gale was, perhaps, the most famous of these partnerships. They valued estates as far apart as Lord Powerscourt's estate in Wicklow and Lord Gosford's estate in Cavan. Other valuers seem to have worked in certain areas only: Richmond, who valued the Dungannon School estate and holdings on Lord Gosford's estate in Armagh, seems to have worked in Armagh, Down and Fermanagh.¹⁷ However, on some estates the agent valued farms himself. For example, the agent of the Crosbie estate in Kerry valued farms himself.¹⁸ On Lord Leitrim's estate in Donegal, the agent valued farms under the supervision of Leitrim himself.¹⁹

On Tuesday ... I was through the townland of Cottian and part of Mainreagh and made field notes of my valuation of the different holdings — a copy of which I will forward to your lordship.

15. Valuation of the estate of the Lord Viscount Powerscourt in the counties of Dublin and Wicklow by Brassington and Gale, 1853 (N.L.I., MS 2740)

16. Chaloner to William Ellis, 28 April 1852 in Letter book of Robert Chaloner, agent of the Fitzwilliam estates, 1842-53 (N.L.I., MS 3987)

17. Copy letter book of William Wann, 1854-70 (P.R.O.N.I., D 1606/5/4, p. 109)

18. George F. Trench, Are the landlords worth preserving, or forty years' management of an Irish estate (Dublin, 1881), pp 29-31

19. Weekly report of J.S. Murray to Lord Leitrim, 18 Oct. 1864 (N.L.I., MS 13,339 [67])

The professional valuers seem to have built up their clientele by recommendations from one agent to another:²⁰

Mr Nicholson was recommended to me by Mr Griffith of the Board of Works as a valuator and he is now engaged for the first time for Lord Fitzwilliam which is all that I know about him.

The cost of a general valuation was considerable. Nicholson, who valued the Fitzwilliam estate, received 3 per cent of the annual rental as a fee.²¹ And the valuer of the Bateson estate in Londonderry charged 1s. 9d. an acre.²²

Agents were careful to leave the valuers to their own devices to do their work. William Wann protested that:²³

It is true I kept aloof from the valuation. Richmond being a professional man I in no way interfered with him. My feeling is that the agent of an estate should not be its valuator.

The independence of the valuer seems to have caused embarrassment to Wann on at least one occasion:²⁴

you have placed me in a very awkward position as to the valuation of Baleek bogs. I merely wanted you to view such [land] as had been partly cut away and reduce accordingly. But I find you have gone over all and made very large abatements. This I had no orders from Lord Gosford to do and I cannot know what to say to him.... I intended after I got your valuation not to make such a sweeping reduction but this I could not do as every man seemed to know exactly what you had put on his lot.

20. Chaloner to Frederick Ellis, 18 Feb. 1850 in Letter book of Robert Chaloner, 1842-53 (N.L.I., MS 3987)

21. Ibid., Chaloner to Samuel Nicholson, 9 Nov. 1850

22. Alexander Spotswood to Sir Thomas Bateson, 12 Dec. 1866 in Copy letter book of Alexander Spotswood, 1860-76 (P.R.O.N.I., D 1062/1/8A)

23. William Wann to William C. Kyle, 23 Oct. 1861 in Copy letter book of William Wann, 1854-70 (P.R.O.N.I., D 1606/5/4)

The aim of Wann's aloofness, which contrasts with the involve-
of Lord Leitrim and George F. Trench, was to enhance the
impariality of the valuation and to thwart tenants who
complained: ²⁵

I was told by them [tenants who complained] that I sent
Richmond back secondly to revalue some of their holdings
and that he then raised it — nothing could be more untrue,
I was not aware of any tenant's valuation till I got the
reference book from Mr Richmond for all — It is not the
poorest that grumble most.

And Richmond supported Wann by declaring that 'the valuation
of the entire estate is my own act without being prejudiced
by any person.' ²⁶

The principles on which the valuers made their calculations
are obscure. The agent of the Crosbie estate who valued
farms himself had a system based on the tenement valuation
and increases in the prices of agricultural prices. ²⁷

However, the methods of professional valuers seem to have
been obscure. One professional valuer was indignant when
a landlord asked him how he carried out his valuation: ²⁸

In reply to yours of yesterday's date asking to see the
basis of my valuation of your estate I beg to inform you

24. Wann to Richmond, 22 May 1851 in Letters from William
Wann to Lord Gosford, 1848-56 (P.R.O.N.I., D 1606/5A/1)

25. Wann to Kyle, 19 Dec. 1860 in Copy letter book of
William Wann, 1854-70 (P.R.O.N.I., D 1606/5/4)

26. Ibid., Richmond to Wann, 25 Feb. 1861

27. George F. Trench, Are the landlords worth preserving
(Dublin, 1881), pp 29-31

28. Thomas Fitzgerald to Sir Charles Domvile, 9 May 1872
(N.L.I., Domvile papers, MS 11,305)

that the basis on which I make a valuation is the knowledge which I have acquired after five and twenty years of practice and experience in every county in Ireland. I have never tabulated it and cannot therefore comply with your request. I may add that I did not make a detailed valuation.

It is probable that the valuers used the same methods as Griffith's staff. There seems to have been a close resemblance between professional valuations carried out in the 1850s and the official tenement valuation. For example, Nicholson's valuation of the Fitzwilliam estates was only 9 per cent above the tenement valuation²⁹ and Brassington and Gale's valuation of the Powerscourt estate was almost equal to the tenement valuation.³⁰ However, the valuing of land is a notoriously intuitive business and it is possible that every valuer had his own methods.

Different landlords took advantage of different circumstances as pretexts for increasing rents. William Wann explained his reasons for ordering a re-valuation of Lord Gosford's estate in County Cavan in a letter to the estate solicitor:³¹

when a suitable time had arrived I think his [the late Lord Gosford] intention was a re-valuation of the Arva estate as I have no doubt it is capable of a considerable rise — their markets are now as good as ours and they have a railway not far distant. Still these last few years was not the time to make an increase and only for the flax crop difficulty would have been [found] in collecting the rents — it will not be necessary to make a survey as we have a most excellent one in fields by Richmond in 1838

29. Valuation of the estates of Lord Fitzwilliam by Samuel Nicholson, 1851 (N.L.I., 4977); Tenement valuation of the of the union of Baltinglass, County Wicklow (Dublin, 1854), pp 2-5; T.V. of the union of Rathdrum, County Wicklow (Dublin, 1854), pp 12-14, 32-6, 51-2, 131, 145-6, 155, 211-19; /see over/

This letter shows that Wann was careful to choose a propitious moment to increase the rents. On Lord Gosford's estate in Armagh, Wann ordered the re-valuation of holdings which fell out of lease or which he considered were too cheaply let.³²

Wann's reasons for re-valuing the Dungannon School estate were more complex as this letter shows:³³

Considering that there is a good quantity of ground held by the tenants in Derrylaghan, Derrytresk and some in Aughamullan 'given' to them better than twenty years ago at a very small rent for the purpose of reclaiming and that much of this is now reclaimed, it strikes me that the commissioners could with every fairness now expect an increase of rent for such ground.... This combined with the recent tax on the property for drainage.... Also the sum of money expended on the bridges in Derrytresk induces me to suggest that Mr Richmond who originally valued the property may again be employed to re-value Derrytresk, Derrylaghan and Aughamullan taking into his account the matters I have ... named.

These letters show that one agent, at least, was careful not to increase rent until he was sure that it was worth his while. These letters give a rough idea of the conditions which encouraged landlords to carry out re-valuations:

(i) better markets, (ii) the progress of the railways, (iii) a run of good years, (iv) expenditure on improvements by the landlord and (v) the simple fact that rents had not been increased for a long period. Although it seems that \angle some \swarrow

T.V. of the union of Shillelagh (Dublin, 1853), pp 5-7, 9, 22-9, 31-79

30. Valuation of the estate of the Lord Viscount Powerscourt in the counties of Dublin and Wicklow by Brassington and Gale, 1853 (N.L.I., MS 2740); T.V. of the barony of Rathdown (Dublin, 1852), pp 19-20, 31-5

31. Wann to Leonard Dobbin, 20 Oct. 1864 in Letters from William Wann to Lord Gosford, 1857-65 (P.R.O.N.I., D 1606/5A/2)

32. Ibid., Wann to Lord Gosford, 7 May 1859

33. Wann to William C. Kyle, 15 June 1859 in Copy letter book of William Wann, 1854-70 (P.R.O.N.I., D 1606/5/4)

some landlords decided on a general increase of rent only after some thought, other landlords were content to wait for some of their neighbours to take the first step. One landlord took the first step and the others followed : in this respect, as in many others, landlords preferred imitation to innovation. For example, Sir Thomas Bateson ordered a re-valuation of his estate:³⁴

as the Salters' company have lately increased their rental Sir Thomas Bateson is of the opinion that the present is a suitable occasion to have the work done.

Although the aim of increasing rents by valuation was to protect tenants from the effects of rent-competition careful preparations were made to forestall opposition. As Wann sagely remarked:³⁵

it is not incorrect to suppose that tenants don't like an increase of rent no matter how fair it might be.

The agents were careful to conceal the details of the new valuation until after the gale-day immediately preceding the gale-day when they hoped to collect the new rents.³⁶ This was done to prevent the tenants letting their rents fall into arrears as an excuse for not paying increased rents. Also, the agent looked around for concessions which might

34. Alexander Spotswood to John Thompson, 29 Oct. 1866 in Copy letter book of Alexander Spotswood, 1860-76 (P.R.O.N.I., D 1062/1/8A)

35. Wann to William C. Kyle, 19 Dec. 1859 in Copy letter book of William Wann, 1854-70 (P.R.O.N.I., D 1606/5/4)

36. Wann to Leonard Dobbin, 19 Nov. 1864 in Letters from William Wann to Lord Gosford, 1857-65 (P.R.O.N.I., D 1606/5A/2)

sweeten the pill of increased rents. Wann suggested giving the tenants on the Dungannon School estate a guarantee that the board would in future pay all poor rates due on the estate.³⁷ However, the agent's main weapon for preventing opposition was to serve notices to quit before the increased rents were opposed.³⁸

The opposition of the tenants could take many forms. Assaults on the landlord or the agent might take place but on some estates the opposition went no further than grumbling and protests. However, the amount of grumbling varied. There were few complaints about the new valuation on the Fitzwilliam estates and on the Gosford estate in County Cavan, the opposition was half-hearted because in 1867 Wann reported:³⁹

I am just home from Cavan and on the whole I cannot grumble as to the tenants paying the rise rent tho' many of them declared most strongly that Mr Gale 'had not a foot on their land'. I got the old rental and £250 into the new.

However, Wann met more persistent opposition on the Dungannon School estate. Some of the tenants impugned the integrity of Richmond, the valuer, memorialized the board and, finally, Wann was forced to have some of the holdings re-valued by another valuer. When this was done, other tenants demanded a re-valuation of their holdings. Although Wann reduced many of the increased rents and refunded to the tenants the amount which they had over-paid in 1860 and the dispute dragged on for three years. In the end, the opposition died down,

37. Wann to Kyle, 19 Dec. 1859 in Copy letter book of William Wann, 1854-70 (P.R.O.N.I., D 1606/5/4)

38. See below pp 174-5

or rather, concentrated on other grievances.⁴⁰ Wann, who was a sensitive if somewhat punctilious man, was troubled by this opposition:⁴¹

I would consider myself unworthy of the confidence of the board, did I do anything wearing the semblance of injustice to any of the tenants, but truth compels me to say that many of them are not by any means a satisfactory class of men to deal with and their veracity is not the most accurate.

A valuation carried out over the whole estate was bound to cause some trouble. The valuation of individual holdings caused less trouble because the tenants were affected only one at a time. For example, there are fewer complaints about rent increases in Wann's letter books for the Armagh estate of Lord Gosford than in his letter books for the Dungannon School estate. However, a determined tenant, even if he stood alone, could cause trouble. In the Public Record Office in Belfast there is a box of papers, most of which were written by or about the affairs of one tenant, James Gilmore, whose rent was increased after a valuation. Gilmore made the usual complaint that his farm had been carelessly valued but he went further : he appealed to the religious scruples of the agent. One of his letters, which is typical of many, ends with an exegetical flourish

39. Wann to Leonard Dobbin, 10 Jan. 1867 in Letters from William Wann to Lord Gosford, 1865-75 (P.R.O.N.I., D 1606/5A/3)

40. For the correspondence dealing with this dispute see Copy letter book of William Wann, 1854-70 (P.R.O.N.I., D 1606/5/4, pp 79, 97-8, 104, 109, 131, 137, 140, 158, 161, 169, 171-2, 195-6, 198)

41. Ibid., William Wann to William C. Kyle, 13 Nov. 1861

worthy of Oliver Cromwell:⁴²

this may be simply a turn of Providence like that given to the Church of Thyatira. Read Revelation 11 v. 18-21.

Most of his letters were vague, rambling and querulous⁴³ but, in the end, he resigned himself to bear the consequences of man's fallen nature:⁴⁴

there is no other devil than man's fallen nature leading him at all times astray, fixing his affections on everything but what they ought to be engaged with, and preventing them from being attached to their proper centre.

Gilmore was brought to heel in time, but the correspondence between him and the agent shows that his complaints had to be answered. The letters of a prolific, prolix and angry tenant had to be read and answered before they found their way into the newspapers.

When a general re-valuation had been made or when individual holdings were re-valued the tenants made frequent appeals for reductions of rent based on the valuation. For example, on the Powerscourt estate in Wicklow there were many requests for reductions of rent after the estate was valued by Brassington and Gale.⁴⁵ Valuations were appealed to years after they were made and when they were out of date. A tenant on the Gosford estate in Armagh asked to have his rent fixed at Greig's valuation more than twenty years after

42. James Gilmore to Robert Knox, 20 Aug. 1863 in Correspondence of Robert Knox, agent of the Alexander estate, mid-1860s (P.R.O.N.I., D 668/Box 10)

43. Ibid., Gilmore to Knox, 30 Jan. 1863

44. Ibid., Gilmore to Knox, n.d., 1867

45. Minute book of tenants' requests submitted to the guardians
/see over/

that valuation was made:⁴⁶

Your humble petitioner to your lordship humbly sheweth that petitioner being a poor worn slave might for the third time pray of your most benign lordship to enquire seriously into the matter of his case wherein petitioner is confident you shall find grievances for the redress of which petitioner your humble supplicant ... implores your lordship's most humane protection, hoping ... that the benefit of Gregg's [sic] valuation should at least be now awarded me ... which might assist in restoring the energies of the poor old slave your humble petitioner who shall always esteem it his greatest happiness to pay rent to the most noble earl and still pray many happy days and more titles to the name of Gosford.

This tenant's epistolary efforts were rewarded because Wann sent Richmond to re-value the farm. The tenement valuation of the farm was £9. 10s. and Greig's valuation was £9. 14s. 11d. Richmond re-valued the farm at £9. 14s. 5d. which must have pleased the tenant. On Lord Fitzwilliam's estates, rent increases in the 1870s were made according to Nicholson's valuation which must have been out of date at that time.⁴⁷ When a tenant based his case for a reduction of rent by referring to a valuation he had a good chance of getting some consideration. For example, on Lord Powerscourt's estate a tenant's rent was reduced from £10 to £5. 14s. when he applied for a reduction of rent in 1854.⁴⁸ However, it should be remembered that re-valuations usually led to rent increases

of Lord Powerscourt, 1847-50 (N.L.I., MS 16,376, nos 191-9); Ibid., 1852-6 (N.L.I., MS 16,378, nos 979, 1010, 1062, 1130)
46. Francis McDonnell to Lord Gosford, Jan. 1850 in Memoranda of the Gosford estates, 1849-51 (P.R.O.N.I., D 1606/12/7/305)
47. Memorandum book of Ralph Lawrenson and Frederick Ponsonby, agents of the estates of Lord Fitzwilliam in the counties of Wexford and Wicklow, 12 April 1873 (N.L.I., MS 5994)
48. Minute book of tenants' requests submitted to the guardians of Lord Powerscourt, 1852-6 (N.L.I., MS 16,378, no. 1094)

and some agents were unwilling to permit the tenants to think otherwise:⁴⁹

some few holdings in upper lands ... showed by recent valuation a trifling reduction but as Mr Richmond went ostensibly to increase the rents I made no change in them.

Although valuations made privately were used to fix rents, the official tenement valuation was often referred to in disputes about rent increases. It seems that both landlords and tenants accepted that the tenement valuation was authoritative.⁵⁰ Also, the tenement valuation was used to check the work of the private valuers.⁵¹

This examination of methods of fixing rents shows four things about rent increases on Irish estates (i) rent increases could be determined either by proposal or by valuation, (ii) landlords were reluctant to let competition inflate rents, (iii) the valuation of estates was complicated and expensive and (iv) rent increases caused friction between landlords and tenants.

The most interesting thing about rent increases was the friction which any attempt to change them caused. At the end of the last section, I pointed out that landlords tolerated a system of rent increases and rent levels whose inconsistencies caused discontent among the tenants. The difficulties which agents encountered when they tried to increase rents goes some way to explaining why landlords were reluctant to adjust rents in a rational way. As we have seen some landlords went to great pains to assess rents systematically by valuations, but, despite this, the tenants complained. The experience of William Wann

49. Wann to William C. Kyle, 22 Nov. 1860 in Copy letter book of William Wann, 1854-70 (P.R.O.N.I., D 1606/5/4) /see over/

on the Dungannon School estate shows that even a well-intentioned agent could run into trouble. The landlord's power to issue notices to quit was not always effective because legal complications could arise as this letter from Wann shows:⁵²

I am a little puzzled how to act with those parties at Arva who have not agreed to pay the new valuation ... I have served some notices to quit and in case ejectments are necessary, serving these notices with a new rent would be a fatal bar — please oblige me with a hint how to act.

Where a landlord tried to make rents fall more evenly on individual tenants, there were disputes. As the agent of Lord Fitzwilliam observed:⁵³

those persons that were lowered say nothing while those that have been increased speak loudly.

A system of extracting money which was riddled with inconsistencies caused friction but it also created a vested interest in the status quo. An agent who tampered with rents was subjected to threats, pleas couched in verbose and obscure language, and to intrigue because the tenants could go to the landlord behind the agent's back. That the opposition to rent increases was merely ritualistic grumbling was little comfort to a harassed agent who might

50. Copy letter book of William Wann, 1852-70 (P.R.O.N.I., D 1606/5/4, p. 200)

51. Spotswood to Sir Thomas Bateson, 23 Mar. 1872 in Copy letter book of Alexander Spotswood, 1860-76 (P.R.O.N.I., D 1062/1/8A)

52. Wann to Leonard Dobbin, 1 Oct. 1866 in Letters from William Wann to Lord Gosford, 1865-75 (P.R.O.N.I., D 1606/5A/3)

53. Chaloner to William Ellis, 28 April 1852 in Letter book of Robert Chaloner, agent of the Fitzwilliam estates, 1842-53 (N.L.I., MS 3987)

have to manage three or four estates. For instance, William Wann was a reasonable, mild-mannered man but an insurance company refused to insure his life because he was an agent.⁵⁴ From the agent's point of view, rent increases were vexatious, invidious and, often, dangerous. They caused disputes which exacerbated old quarrels and embittered relations with the tenants for years to come. It is easy to see why agents preferred a gradual increasing of rents and why sporadic rent increases on individual holdings were more common than general rent increases. One gets the impression that an agent such as Wann would have been happier if there had been no rent increases on any of the estates which he managed. Wann seems to have learnt to be cautious about rent increases. In the mid-1870s, Wann became agent for a small estate in County Armagh but when it was suggested to him that the rents on that estate should be increased he replied:⁵⁵

I think you would have no chance of an increase on the present rents. They are, I apprehend, at their full value [and] though I am not a valuator, I always find some pressure necessary to realize the present rents.

If Wann's experience was typical it shows that rack-renting would have been a time-consuming business. Few landlords and fewer agents had any stomach for such a business.

54. Wann to George Paine, 18 June 1852 in Letter book of William Wann, 1846-54 (P.R.O.N.I., D 1606/5/3)

55. Wann to John Thacker, 21 Mar. 1878 in Copy letter book of William Wann, 1870-81 (P.R.O.N.I., D 1606/5/5)

Rack-renting was straightforward but fluctuating rents, moving up and down with the value of agricultural output, were not straightforward. Such a system would have worked only if landlords and tenants were tactful, far-sighted and capable of bargaining and compromising. The landlords, on their part, could have supplied these qualities by employing agents who were experienced managers. But it is doubtful if the tenants could have responded to a system of fluctuating rents because such a system would have called for collective bargaining to become a permanent characteristic^{of} landlord and tenant relations. And collective bargaining by the tenants would have had to take a difficult course between the sychophancy of tenants such as Lord Gosford's 'poor old slave' and the truculency of the tenants on the Dungannon School estate.

In the previous section I showed that rents did not keep in step with agricultural output and, in this section, I have suggested some reasons why landlords were not more exacting. Although landlords went to some trouble to make rent increases fall evenly on the tenants they always seem to have met some opposition. On the whole, a prudent agent preferred to increase the rents of individual holdings and to increase them infrequently. This policy kept friction to a minimum and isolated potential trouble-makers.

There seems to be a contradiction between the theoretical and practical power of the landlords. A large measure of the landlords' theoretical power was founded on the smallness of the tenants' holdings. But, paradoxically,

it was the smallness and multiplicity of farms which gave the tenants strength. A large number of small farmers could, in the end, cause more trouble than a handful of large farmers. When a large number of small farmers combined to threaten and complain, the agent was overwhelmed with threats and complaints. But the main strength which the smallness of their farms gave the tenants was the difficulty of collecting rents from a multitude of small farmers. The agent of an Irish estate found it more difficult to collect his rents than an agent on an English estate. On a large estate in England or Scotland, the agent had to collect rents from, perhaps, only a hundred tenants. In Ireland, on an estate of the same size, an agent might have to deal with a thousand small accounts.⁵⁶ Of course, the fragmentation of the rental of Irish estates added to the work and worry of the agents. Agents were probably more concerned about collecting rents than about increasing them because rent increases made the collection of rents more difficult. As we have seen, tenants tried to fall into arrears when they thought that their rents were going to be increased. Certainly, Wann thought that a rental clear of arrears was better than a rental swollen with rent increases:⁵⁷

I honestly feel it better for a landlord to let his lands at a moderate rent and be paid than subject them to sharper figure and render the payments uncertain.

56. For a comparison of the numbers of tenants and the amounts of rents paid which has an immediate visual impact, See Rent receipts and disbursements in respect of the estates of H. G. Murray Stewart in Scotland and County Donegal, 1857-69 (N.L.I., MSS 5477-5478)

57. Wann to Francis Meade, 13 April 1855 in Copy letter book of William Wann, 1852-70 (P.R.O.N.I., D 1606/5/4)

6. The payment of rents

As I have already pointed out, at least one agent, William Wann, was more concerned with the punctual collection of rents than with increasing them. In this section I shall examine arrears and the payment of rents because they had an important influence on landlord and tenant relations. In a later section, I shall argue that arrears were one of the main causes of ejectments, and ejectments were one of the main causes of friction between landlords and tenants. I have produced two tables to show how arrears and rent-receipts on eight estates fluctuated between the early 1850s and the late 1870s.

The first table shows the amount of arrears as a percentage of the annual rent and the second table shows rent-receipts as a percentage of the annual rent. The first table shows that there was a common pattern of fluctuations of arrears on the eight estates. In the early 1850s arrears were high but they fell dramatically by the mid-1850s. In the early 1860s arrears increased again but fell steadily thereafter. In the late 1860s and until the mid-1870s arrears were either low or negligible. In the late 1870s they increased and, on some estates, they were as high as in the early 1850s.

These fluctuations coincided roughly with fluctuations

Table 1.16. Arrears as a percentage of annual rents on eight estates, 1850-81 (1)

	Erne (Donegal)	Erne (Mayo)	Gosford	Hall	Inchiquin	Knox	Manchester	Murray Stewart	
1850	77				26	49	98	148	1850
1851	71				19	97	91	133	1851
1852	66	60	24	264	19	69	64	-	1852
1853	40	55	17	295	14	68	36	-	1853
1854	40	56	8	191	13	57	20	-	1854
1855	32	55	7	179	9	-	2	31	1855
1856	17		4	169	8	-	-	22	1856
1857	10	0	6	165	5	56	4	17	1857
1858	11	0	1	155	4	56	7	8	1858
1859	7	0	0	148	4	50	4	-	1859
1860	10	0	0	149	4	-	-	5	1860
1861	46	0	2	145	5	100	17	-	1861
1862	11	0	5	151	7	104	31	-	1862
1863	5	3	2	142	8	75	33	67	1863
1864	2	6	1	113	5	85	35	-	1864
1865	1		2	29	6	86	23	33	1865
1866	0	0	1	24	6	86	15	17	1866
1867	4	3	1	27	5	86	31	14	1867
1868	4	6	1	23	5	40	14	11	1868
1869	7	19	1	28	6	1	37	10	1869
1870	-	51	0	26	5	1	46	-	1870
1871	-	82	0	-	5	1	39	5	1871
1872	7		1	-	-	0	41		1872
1873	4	1	3	50	4	1	50		1873
1874	4	1	0	47	3	0	48		1874
1875	4	0	0		3	0			1875
1876	2	0	0		3	0			1876
1877	1	0	1		3	0			1877
1878	3	0	1		2	1			1878
1879	4		3		10	5			1879
1880	9		8		22	13			1880
1881	11				24	57			1881

1. Rentals of the estate of the earl of Erne in County Donegal, 1848-54 and 1868-87 (P.R.O.I., ID. 6. 181-2); Rentals of the estates of the earl of Erne in the counties of Mayo and Sligo, 1848-79 (P.R.O.N.I., D 1939/10/2-3); Rentals of the estates of the earl of Gosford in County Armagh, 1848-81 (P.R.O.N.I., D 1606/7A/54-84); Rent ledgers of the Narrowater and Mullaglass estates of the Hall family in the counties of Armagh and Down, 1846-74 (P.R.O.N.I., D 2090/2/2-3 and D 2090/3/1, 7-28); Rentals and accounts of the estates of Sir Lucius O'Brien, 13th baron of Inchiquin, in County Clare, 1850-89 (N.L.I., MSS 14,522-14,562); Rentals of the estate of Francis Blake Knox and Edward Ernest Knox in County Roscommon, 1849-86 (N.L.I., MS 3178); Rentals of the estates of the duke of Manchester in County Armagh, 1850-80 (P.R.O.N.I., D 1248/R/15-43); Rentals of the estates of H.G. Murray Stewart in County Donegal, 1850-2, 1856, 1858-9, 1862-9, 1871 (N.L.I., MSS 5472-5484); Rentals of the estates of H.G. Murray Stewart in County Donegal, 1855-8, 1860, 1863, 1865-9 (N.L.I., MSS 5893-5903)

Table 1.17. Rent-receipts as a percentage of annual rents on five estates, 1850-81

	Erne (Donegal)	Hall	Inchiquin	Knox	Murray Stewart	
1850	107		100	91	104	1850
1851	100		101	66	109	1851
1852	105		99	61	-	1852
1853	128	99	119	98	-	1853
1854	97	114	110	93	-	1854
1855	109	119	109	-	115	1855
1856	107	108	110	-	108	1856
1857	107	96	102	120	104	1857
1858	98	108	101	102	108	1858
1859	102	106	101	101	-	1859
1860	97	95	100	-	99	1860
1861	105	89	99	100	-	1861
1862	94	90	98	97	-	1862
1863	106	115	99	129	96	1863
1864	102	129	102	90	-	1864
1865	101	127	100	99	127	1865
1866	100	105	101	100	116	1866
1867	96	97	100	100	103	1867
1868	100	104	100	-	103	1868
1869	97	98	100	137	101	1869
1870	-	103	101	100	-	1870
1871	-	-	102	100	102	1871
1872	99	-	-	101	-	1872
1873	103	87	103	99	-	1873
1874	100	103	100	101	-	1874
1875	100		100	100	-	1875
1876	102		101	100	-	1876
1877	101		99	100	-	1877
1878	97		101	99	-	1878
1879	98		92	96	-	1879
1880	95		88	91	-	1880
1881	98		98	56	-	1881

in the value of agricultural output.^{1a} The sharp fall in arrears in the 1850s coincided with the sharp increase in the value of agricultural output. Likewise, the increase in arrears in the early 1860s coincided with a temporary recession in agricultural output. The generally low arrears of the late 1860s and early and mid-1870s coincided with the great increases in agricultural output in those years. The table showing the fluctuations of rent-receipts confirms this pattern of coincidence.

The pattern is clear to the eye and a more sophisticated analysis, using graphs and correlation coefficients, could hardly elucidate the pattern further. However, the coincidence between arrears and output is a rough one, but it should be remembered that two factors prevented an exact coincidence: (i) there was a time-lag between fluctuations in output and the payment of rents and (ii) fluctuations in output had different effects in the different regions of the country.

However, the pattern of arrears and receipts varied from estate to estate. The size of arrears varied from estate to estate. For example, the Gosford and Inchiquin arrears were consistently low while the Hall and Knox arrears were relatively high. The degree of fluctuation varied from estate to estate. On the one hand, arrears on the Gosford and Inchiquin estates increased only slightly in the early 1860s and late 1870s. On the other hand, arrears increased sharply¹ on the Knox and Manchester estates.

1a. See above p. 34

in the 1860s. The exact year in which the sharpest changes in arrears and receipts took place was not the same on all eight estates. For example, in the early 1860s, the sharpest increase of arrears on the Erne (Donegal) estate occurred in 1861 but on the Manchester estate arrears did not reach their peak until 1864. Also, there were some irregular fluctuations on individual estates. For example, there were increases in arrears on the Erne (Mayo) estate and on the Manchester estate in the late 1860s but increases at this time are hardly perceptible on other estates.

However, neither differences between individual estates nor slight differences between the timing of fluctuations in arrears contradicts the apparent common pattern of arrears on all eight estates and the rough coincidence between fluctuations in arrears and the value of agricultural output.

This description of the tables suggests three conclusions about arrears on Irish estates: (i) arrears were not great at any time on these estates, (ii) rent receipts coincided roughly with fluctuations in the value of agricultural output, and (iii) an arrear inherited from the 1850s enabled landlords to absorb some of the increases which took place in agricultural output.

It was once commonly thought that Irish landlords allowed tenants to fall into arrears because the 'hanging gale' (as it was ominously called) put the tenants into the landlords' power. For example, the infamous Valentine

M^rClutchy believed that the tenants should be allowed to fall into arrears because this gave the landlord more power over them. The solvency of the Ballyracket tenantry disturbed him: ²

Such is the condition of the Ballyracket tenantry. They are not in arrears and you may consequently guess at the wretched state of their moral feelings.

It is true that some landlords may have favoured this method of controlling their tenants but it should be remembered that such a method was supererogatory because tenants were, before 1870, in the landlord's power even if they paid their rents. However the table on arrears shows that it was not common to allow arrears to accumulate. If all the tenants on an estate were one year in arrear, arrears would have equalled or exceeded 100 per cent of the annual rental. On none of these estates did arrears exceed 100 per cent for more than a few years. Only on the Hall and Knox estates did arrears exceed 100 per cent for more than a few years in the 1850s. When one remembers the enormous and disastrous effects of the Famine, it is surprising to find that rents were not more than one year in arrear on most of these estates in the 1850s.

The table on rent receipts shows that rents were punctually paid after the early 1850s and that annual receipts rarely fell below 90 per cent of the annual

2. William Carleton, Valentine M^rClutchy, the Irish agent; or, the chronicles of Castle Cumber (Dublin, 1847), p. 68

rent. The table on rent receipts contradicts sharply the idea that tenants could not pay their rents because they were too high. For example, a modern scholar who studied the milk industry in nineteenth century Ireland stated:³

Thus up to 1870 prices continued to rise generally, forcing rent up to levels beyond the tenants' ability to pay.

Such a statement is not only theoretically questionable but it is also empirically questionable. In fact, the table on rent receipts shows that rents were punctually paid even on those estates where rents were relatively high. For example, rents on the Inchiquin and Murray Stewart estates were relatively high but they were paid punctually. On the Murray Stewart estate rents were paid punctually and a considerable arrear was gradually paid off.

Landlords were often willing to help their tenants to pay off large arrears. For example, Lord Erne seems to have cancelled the arrears on his Mayo estate in 1856. Other landlords made arrangements with individual tenants who had fallen heavily into arrears. For example, on the Deane estate in County Kildare a tenant owed arrears of £122 in 1854. In that year his rent was increased from £24 to £36 but there is a note in the rental of 1871 to the effect that his rent:⁴

3. D.I. Fitzpatrick, 'Dairying in the Irish agricultural economy' (Dublin University Ph.D thesis, n.d.)

4. Rental of the estate of J.W. Deane in County Kildare, 1871 (N.L.I., MS 14,282)

... was raised in 1854 to £36 but in consequence of the large amount of his arrear, a sick wife, [a] large young family and losses in cattle etc. his rent was abated to £24 a year on the terms of his paying £36 a year until the arrear was all cleared, after which he was to pay the full rent of £36 a year. He has cleared up to 1st May last.

The difference between what the landlord received between 1855 and 1871 and what he would have received if he had forced the tenant to pay the increased rent and the arrears was about £200.

William Wann was opposed to the practice of accommodating the tenants by allowing them to pay their rents six months after they were due because a clear rental encouraged the tenants to pay punctually:⁵

I think it would be advisable to try and collect the dead or hanging half year as my experience is when a man is paid to the day he will endeavour to keep so and not fall back again.

Wann was so opposed to this modest arrear that he gave a discount to tenants who paid it off:⁶

I return the memorial signed by twenty-two of the Armagh School estate tenants requesting they would not be pressed for the dead half year - forty tenants have already paid it and received the discount of 10 per cent thereon.

Landlords and agents were anxious to collect arrears and to prevent them from accumulating. For example, a landlord in County Antrim wrote a sharp letter to

5. Wann to William C. Kyle, 2 May 1874 in Copy letter book of William Wann, 1870-81 (P.R.O.N.I. D 1606/5/5)

6. Ibid., Wann to Kyle, 21 Jan. 1875

his bailiff to remind him of his duty: ⁷

I hope you are getting in the rents. You must not allow one penny to remain unpaid. There is no excuse now, with plenty of potatoes.

William Wann was less sharp than this landlord but his correspondence shows that the punctual collection of rents was one of his most pressing concerns. Every year, after the gale-days, he wrote to his employers to explain his success or otherwise in collecting the rents. ⁸

When he finally cleared off all arrears on the estates of Lord Gosford in Armagh and Cavan he wrote to the estate solicitor with more than a modest air of triumph: ⁹

I am just closing my year's accounts for Lord Gosford and will have news for him that I don't believe his family heard for half a century : Armagh and Cavan tenants every man paid up to last November. Only three ejectments brought into court and these were against parties who have always been lazy in their payments.

Other agents were equally obsessed with the punctual collection of rents. For example, the agents of the Ashtown ¹⁰ and Hodson ¹¹ estates were as busy as Wann

7. Edward Benn to Hugh O'Rawe, 8 Oct. 1855 (MS in the possession of Dr J. O'Loan, Broughshane, Kilmacud rd., Dublin, 14)

8. For examples of Wann's concern with the punctual collection of rents, see Letters from William Wann to Lord Gosford, 1857-65 (P.R.O.N.I., D 1606/5A/2, pp 96, 251); Copy letter book of William Wann, 1846-54 (P.R.O.N.I., D 1606/5/3, pp 131-2, 134, 136-7, 178-9); Copy letter book of William Wann, 1854-70 (P.R.O.N.I., D 1606/5/4, pp 16, 173, 225, 269, 309, 356, 357); Copy letter book of William Wann, 1870-81 (P.R.O.N.I., D 1606/5/5, pp 230, 236, 268, 270)

9. Wann to Dobbin, 26 April 1871 in Copy letter book of William Wann, 1870-81 (P.R.O.N.I., D 1606/5/5)

10. Rentals and accounts of the estates of Lord Ashtown, 1872-4 (N.L.I., MSS 5826-5827)

11. Rentals, accounts and agents' reports of the estate of Sir George Hodson in County Cavan, 1861-7 (N.L.I. MS 16,419)

in the collection of rents and when rents fell, even slightly, they felt obliged to explain themselves to their employers. For example, the agents of the Hodson estate felt that it was necessary to explain why rent receipts fell slightly in 1862:¹²

We regret being obliged to return a largely increased ^{arrears;} this time last year it amounted to £125. 4s. 4d., now it is £260. 19s. 7d. We made every exertion to collect the rents, and in some cases where we thought the tenants were able to pay proceedings were taken, but the result is that many are still in arrear. Most of these arrears will be paid after the harvest.

If the arrears persisted the agent's explanations usually became more detailed. For example, the agent of the Hodson estate was still worried about arrears in 1863:¹³

Owing to the heavy, retentive nature of the soil, the three past years have tried your tenants very much. Stock have declined with them as with others in quantity and quality. Were it not for the price obtained for flax they would have been in a much worse position. Some tenants are so reduced that they will, we are satisfied, be unable to hold on.

Although agents tried to keep arrears as low as possible they accepted that seasons and prices influenced the tenants' ability to pay. For example, Captain Cranfield, the agent of the Powerscourt estate in Tyrone, asked for indulgence for the tenants in the early 1850s because crops were poor and prices were low.¹⁴ Wann was

12. Rentals, accounts and agents' reports of the estate of Sir George Hodson, 1861-7 (N.L.I., MS 16,419, p. 33)

13. Ibid., p. 84

14. Minute book of tenants' requests submitted to the guardians of Lord Powerscourt, 1852-6 (N.L.I., MS 16,378, no. 839).

always quick to anticipate difficulties (to exculpate himself?):¹⁵

markets have got a tumble with us owing to the screw having been so closely applied by the banks. Farmers will be slow in bringing out their produce and I fear we may look for late rent paying this season.

He seems to have grasped clearly enough that rent receipts depended on the value of agricultural output and that bad seasons and low prices had a cumulative effect on the tenants' ability to pay their rents:¹⁶

... there is no doubt from the wetness of this season considerable difficulty with some loss has been experienced by many farmers in getting their produce safely stored and with small farmers who are too frequently late in getting in their crops waiting for the larger ones for their horses it would be peculiarly severe. When the tenants have had flax this year no difficulty whatever should be found in paying the rents. But pork and oats do not produce the same returns as of late years. I don't think the potato disease is so extensive as stated but the crop is not as prolific as formerly.

However, Wann became less indulgent as the years passed, and appeals for grace or reductions of rent were treated with scepticism. For example, the tenants of the Dungannon School estate presented a memorial requesting a reduction of rent in 1869 but Wann dismissed it as factitious:¹⁷

I have made enquiry from a number of adjoining proprietors whose lands are set as high if not higher than the School lands and in no case have I found that a reduction was asked for nor any intention of granting one. In one case, it is the closest to the School lands, the proprietor writes me he has already received three fourths of his rents and expects the balance soon. Taking all matters into account, I don't see that a general or unusual reduction is required.... I have some reason to believe that this affair has been got up by a few who went through the estate. Some names are to it and the parties in their graves.

15. Wann to Dobbin, 14 Nov. 1857 in Letters from William Wann to Lord Gosford, 1857-65 (P.R.O.N.I., D 1606/5A/2) /see over

Finally, the two tables show that there was an inter-action between the accumulation of arrears and rent-receipts. On estates where there were large arrears, rent-receipts in good years were usually greater than the annual rental. This process was noticeable on the Hall and Knox estates where arrears accumulated. For example, rent-receipts were substantially larger than the annual rental on the Erne estate in 1853, on the Inchiquin estate in the same year and on the Hall and Murray Stewart estates in the mid-1860s. Therefore, it seems that landlords were able to absorb some of the increases in the value of agricultural output which took place in the early 1850s and in the mid-1860s. In other words, the debts which the tenants contracted in bad years enabled the landlords to take the cream of the good years. To some extent, therefore, the flexibility of arrears and rent-receipts gave rents that elasticity which estate management seemed to deny them. My examination of the movement of rents showed that rents were inelastic and that they were increased only sporadically. However, these two tables show that landlords were forced to allow rents to move up and down : in bad years they allowed the tenants to fall into arrears but, in good years, they made good their losses.

16. Wann to Kyle, 28 Nov. 1862 in Copy letter book of William Wann, 1854-70 (P.R.O.N.I., D 1606/5/4)
17. Ibid., Wann to Kyle, 18 Nov. 1869

This examination of arrears and rent-receipts on eight estates shows five things about the payment of rents. Firstly, the payment of rents was influenced by fluctuations in the value of agricultural output. Secondly, arrears were not large at any time and it does not seem that landlords deliberately allowed their tenants to fall into arrears. Thirdly, rents were punctually paid even on estates where rents were relatively high, which suggests that rents were not fixed at a point which strained tenants' resources. Fourthly, landlords liked a clear rental, tried to keep arrears low, and agents responded to this pressure from their employers. Finally, the fluctuation of arrears and receipts gave rents an elasticity which was denied them by the system of rent increases pursued on most estates.

Although this examination of arrears and rent-receipts has an intrinsic value it is also valuable because it adds, in two ways, to arguments developed in previous sections. Firstly, the fact that most tenants could pay their rents, even in poor years, supports my conclusions about the lowness of rents and the change in the shares of agricultural output which took place in these years. And the fact that tenants could pay more than the annual rental in good or fair years supports further these conclusions. Secondly, the fluctuation of arrears and receipts, slight though they were, helps to explain why landlords and agents were concerned about rent collection.

7. Landlords' expenditure on estate management

In this section I shall examine the way landlords disposed of the rents which they collected. Although I shall examine most of the ways in which landlords spent their incomes I shall be interested mainly in the share of rents spent on improvements.

There are two ways of ascertaining how landlords disposed of their rents: (i) from printed sources and (ii) from estate accounts. Printed sources often give descriptions of landlords' improvements but they rarely give a quantitative breakdown of the costs of improvements or of the other costs of estate management. At best, they are an introduction to a more detailed examination of estate management based on estate accounts.¹ The estate accounts, which are double-entry accounts at the end of each rental, give a clear picture of monies disposed of by the agent in the running of the estate. I have used these because they seem to be reliable and because they give a precise idea of how much money was spent on the estates. But they have one weakness: they show how the agent disposed of the money which he received but they do not show how the landlord disposed of the remittances which he received from the agent.

These remittances usually accounted for more than half of the rents collected and from these the landlord usually paid for the up-keep of his house and family. Some of the

1. Printed sources often give information which cannot be found in the manuscript sources. For example, the Reynell family kept a herd of hereford cattle at Killynon for the improvement of farmers' stock but the Reynell rentals do not mention them. See Rent ledger in respect of the estate of the Reynell family of Killynon, 1835-1902 (N.L.I. MS 5990) and R.O. Pringle, 'A review of Irish agriculture' in Jn. R.A.S.E., 2nd series, viii, no. 33, p. 5

accounts show that the agent was responsible for running the landlord's household. Other accounts do not mention household expenses. The inclusion of household expenses depended on the relationship between the agent and the landlord. If the agent was a member of the landlord's family or a resident agent he usually controlled this part of the landlord's expenditure. If the agent was a member of a professional firm or non-resident he did not control household expenditure. Therefore, estate accounts do not give a complete picture of how landlords spent most of their rent-receipts but they do give a clear picture of how much was spent on the actual running of the estate. Estate expenditure by the agent usually fell under seven headings: (i) taxes and fixed charges, (ii) subscriptions and donations, (iii) the costs of management, (iv) improvements, (v) allowances to tenants, (vi) the payment of interest on mortgages and (vii) remittances to the landlord or trustees of the estate. Of course, there were miscellaneous items like election expenses but these rarely appear in the estate accounts. For example, in the accounts of Lord Erne's Lifford estate in 1864-5 the sum of £ 100. 2s. 7d. was entered as the 'balance due on Donegal election expenses.'² Also, there were notes of money spent on buying land or paying off mortgages. But, on the whole, the accounts were divided into

2. Rentals of the estate of the earl of Erne in County Donegal, 1848-78 (P.R.O.N.I., D 1939/8/2-3)

the seven classes which I have named. For the sake of making comparisons between estates I have decided to divide estate expenditure into these seven classes. To make the divisions clearer and to give some idea of how estates were managed I shall describe ^{FOUR} five of the classes in more detail: (i) taxes and fixed charges, (ii) subscriptions and donations, (iii) management, (iv) improvements and allowances.

The remaining two classes, interest and remittances, are easy to describe. The former was the interest on estate debts paid directly by the agent and the latter was the balance due to the landlord after all expenses had been paid.

(i) Taxes and fixed charges

This class includes tithe rentcharge, county cess, poor law rates, income tax, head rents and quit rents. On the estates which I have examined it seems that the agents were always responsible for paying these charges as they became due. There is only one problem here: income tax. It is not clear whether the agent paid all the income tax due or whether the beneficiaries of the estate paid their own income tax. But income tax was a very small item and did not influence much the total picture.

(ii) subscriptions and donations

The charity of the landlords found four main outlets. Firstly, they gave money to local schools. Lord Erne made regular

payments to the Lifford and Ballindrait schools on his Donegal estate and Sir George Hodson contributed to the costs of building, maintenance and teaching in three schools on his estate in County Cavan. Lord Inchiquin paid the salary of the teacher of an 'industrial class' on one of his estates. Secondly, they subscribed to local organizations and charities. Lord Ranfurly gave annual subscriptions of £ 3 to the Y.M.C.A., £ 5. 10s. to the Tyrone Protestant Orphan Society, £ 3 to the cricket field committee and £ 5 to the parish church choir. Thirdly, some landlords gave generously to the Church of Ireland after disestablishment. The Archdale accounts in 1877 include a sum of £ 141 for the Church Sustenance Fund, which was twice as much as was spent on schools and 'gratuities' in that year. Fourthly, landlords were subjected to all kinds of petitions for help. For example, in the St. George accounts there is a note that £ 2 was give to the widow Canthill 'in consideration of the long and expensive illness of her late husband, Nicholas Canthill, deceased, late tenant of the lands of West Ashtown.'³ The benevolence of the very richest landlords like Lord Fitzwilliam seems to have gone beyond the human race because there is a note to the effect that 'food must be allowed for William Thomas's pigeon - vetches etc. or damaged corn.'⁴ Some of these requests were

3. Rentals of the estates of Charles M. St. George in the counties of Leitrim and Roscommon, 1854-5 (N.L.I., MS 4010)

4. Memoranda book in respect of the estates of Earl Fitzwilliam in County Wicklow, 1861 (N.L.I., MS 4991, p. 60); this note was signed by Lord Fitzwilliam himself.

were very strange. The trustees of the Powerscourt estate were petitioned by Samuel Manly who wanted an elastic stocking. They bought him the stocking and paid 6s. 6d. for it.⁵

Also, landlords sometimes rewarded those who had given loyal service. Lord Ashtown gave £15 to three men 'who took Nolan the man who beat Mr Sharp.'⁶ Sometimes landlords celebrated family occasions by some act of conspicuous generosity. Lord Ashtown spent £89 on coal for the poor, when his son came of age. However, this generosity should be seen in its context because there is a note in the same account that he spent £60 on redeeming the young man's pawn tickets.⁷

However, it should be remembered that the estate accounts do not necessarily give the whole picture of landlords' charity. It is possible that landlords gave more to charity than was noted in the estate accounts. For example, I have found no notes of subscriptions to fox hunting in the accounts which I have examined. The estate accounts probably give only the customary and public subscriptions expected of landlords.

(iii) management

The costs of management included the agent's fees or salary, the bailiffs' wages, law costs, stationery and postage, and bank charges for short overdrafts. The agent's fees were

5. Minute book of tenants' requests submitted to the guardians of Lord Powerscourt, 1850-2 (N.L.I., MS 16,377, no. 616)

6. Rental and accounts of the estates of Lord Ashtown in County Galway, 1859 (N.L.I., MS 1766)

7. Rentals and accounts of the estates of Lord Ashtown, 1872-4 (N.L.I., MSS 5826-7)

usually a fixed percentage of the rents which he collected. For example, the agent of the Hodson estate in County Cavan received 5 per cent. of rents collected in 1861 but in 1862 this was reduced to 4 per cent.⁸ Some agents were paid a fixed salary. For example, Lord Erne's agent in Donegal was paid a salary of £400 a year which was, in practice, about 4 per cent. of the rental.⁹ The establishment run by the agent often included a hierarchy of bailiffs, under-bailiffs, bog rangers, gamekeepers and clerks. There were four bailiffs on the Archdale estates; five bailiffs on the Inchiquin estates and four bailiffs, a writer and an under-agent on the Murray Stewart estates in County Donegal. The law costs incurred in the management of estates were usually for ejectments and distrains. This routine business was usually given to local solicitors but family affairs and the more difficult cases were usually referred to solicitors in Dublin. This was the practice on the Gosford estate but the practice may have varied from estate to estate.

(iv) improvements and allowances

The term 'agricultural improvement' covered a large number of operations in post-Famine Ireland. An improving landlord could encourage agricultural improvement by building or repairing dwelling houses and out-offices, by building

8. Rentals, accounts and agents' reports of the estate of Sir George Hodson in County Cavan, 1861-7 (N.L.I., MS 16,419, pp 48, 72)

9. Rentals of the estate of the earl of Erne in County Donegal, 1848-78 (P.R.O.N.I., D 1939/8/2-3)

fences and supplying gates, by building farm roads and by carrying out drainage works. Also, he might keep pedigree stock to improve the tenants' stock, employ an agriculturist,¹⁰ supply his tenants with high quality seeds, keep a model farm, give premiums for good husbandry, encourage agricultural shows and exhort and bully his tenantry to undertake a proper course of crop rotation and to keep down weeds.¹¹ Occasionally, 'improvements' included works like the building of demesne walls and the laying out of ornamental gardens which were not of much agricultural value.

Landlords could finance improvements in one or more ways. They could pay for all the material and labour used or they could supply the materials free and the tenants would supply the labour. On the Fitzwilliam and Powerscourt estates, the landlords gave timber and slates to tenants who were willing to renovate their houses.¹² On the Hodson estate in County Cavan, the tenants were supplied with iron gates, slates, and timber. Occasionally, Sir George Hodson paid for thorough drainage and for the erection of fences. It seems that landlords

10. The work of the agriculturist was often idealised by contemporaries. R.O. Pringle described the work of the agriculturist on the Gosford estate in the following glowing terms: 'the agriculturist lived amongst the tenantry, went about among them from day to day; talked to them familiarly as they worked in their fields, and discussed the operations they were engaged upon.' In fact, the agriculturist was a continual nuisance to William Wann because his familiarity with the tenants turned him into a drunkard. See R.O. Pringle, 'A review of Irish agriculture' in *Jn. R.A.S.E.*, 2nd series, viii, no. 33, p. 34

11. Robert E. Brown, The book of the landed estate (Edinburgh and London, 1869), pp x-xiii

12. For many examples of landlords giving tenants raw materials see Memoranda books of Ralph Lawrenson and Frederick Ponsonby, relating to the Fitzwilliam estates in the counties of Wicklow and Wexford, 1871-6 (N.L.I., MSS 5992-5999) and Minute books of tenants' requests submitted to the guardians of Lord Powerscourt, 1852-6 (N.L.I., MS 16,377, nos 778, 782, 796, 868, 1088, 1304)

could buy raw materials cheaply because they bought in large quantities and they passed these benefits on to the tenants.¹³

Some landlords paid for improvements by giving the tenants 'allowances', that is, they allowed the tenants to deduct from their rents the value of improvements which they had done themselves. Other landlords gave tenants loans at low rates of interest. On the Grocers' estate in County Londonderry the tenants could borrow money for improvements at 5 per cent,¹⁴ and the tenants on the Crosbie estate in Kerry could borrow on similar terms.¹⁵ Therefore, the class of 'improvements and allowances' includes all the assistance given by landlords to tenants to carry out a whole range of agricultural operations, and it puts the landlords' contribution to agricultural investment in its best possible light.

The following table shows how rent receipts on nine Irish estates were distributed among the seven classes of expenditure which I have just described.¹⁶ [The table was constructed by]

13. Copy letter book of William Wann, 1854-70 (P.R.O.N.I., D 1606/5/4, p. 37)

14. O. Robinson, 'The London companies as progressive landlords in nineteenth-century Ireland' in Econ. Hist. Rev., 2nd series, xv (1962-3), p. 108

15. For examples of rent increases following loans for improvements see Rent ledger in respect of the estate of William Talbot Crosbie, 1847-77 (N.L.I., MS 5037)

16. Rentals and accounts of the Archdale estates in the counties of Fermanagh and Tyrone, 1849-85 (P.R.O.N.I., D 740/10-82); Rentals and accounts of the estate of Lord Crofton in County Roscommon, 1852 and 1855 (N.L.I., MSS 5632-5633), Rentals and accounts of the estate of Lord Crofton in County Roscommon, 1862-84 (N.L.I., MSS 4074-4094); Receiving rentals of the estates of the earl of Erne in County Fermanagh, 1848-86 (P.R.O.N.I., D 1939/4/2-15); Rent ledgers of the Narrowater and Mullaglass estates of the Hall family in the counties of Armagh and Down, 1846-74 (P.R.O.N.I., D 2090/2/2-3, D 2090/3/1, 7-28); Rentals of the estate of Sir George Hodson in County Cavan, 1850-8 (N.L.I., MSS 16,404-16,406), Rentals, accounts and agents' reports of the estate of Sir George Hodson in County Cavan, 1861-7 (N.L.I., MS 16,419), Rentals, accounts and agents' reports of the estate of Sir George Hodson in County Cavan, 1867-80 (N.L.I., uncatalogued mss); Rentals and accounts of the estates of Sir Lucius O'Brien, 13th baron of Inchiquin, in County Clare, 1850-89 (N.L.I., MSS 14,522-14,562); Rentals of the estate of Francis Blake Knox and Edward Ernest Knox in County Roscommon, 1849-86 (N.L.I., MS 3178); Rentals of /see over/

The table was constructed by calculating the percentage of rent receipts which was spent on each of the classes of estate expenditure in sample years between 1850 and 1881. The table is divided into two parts. The first part shows the range of percentage expenditure on each class and the second part shows the median percentage expenditure of the sample years. I have chosen these nine estates for analysis because their accounts were kept systematically and were relatively easy to summarise. It is, perhaps, unfortunate that six of the nine estates are in Ulster but this is inevitable because the collections of estate papers for the rest of Ireland are not as full as the Ulster collections. Therefore, although it is tempting to compare the performance of landlords in different parts of Ireland it is not possible to make any comparisons based on this table. (The actual table is on the following page.) I have condensed this table to make it easier to assess the results of the analysis of expenditure on estate management. The summary table quotes the medians of the main table as ranges to show the pattern on the nine estates as a whole.

the estates of H.G. Murray Stewart in County Donegal, 1850-2, 1856, 1858-9, 1862-9, 1871 (N.L.I., MSS 5472-5484), Rentals of the estate of H.G. Murray Stewart in County Donegal, 1855-8, 1860, 1863, 1865-9 (N.L.I., MSS 5893-5903); Accounts of of the executors of the Ranfurly estate, 1857-8 (P.R.O.N.I., D 1932/1/1-2), Rentals and accounts of the trustees of the Ranfurly estate, 1858-69 (P.R.O.N.I., D 1932/2/1-12), Rentals and accounts of the guardians of the Ranfurly estate, 1858-69 (P.R.O.N.I., D 1932/3/1-12) and Rentals and accounts of the Ranfurly estate, 1869-85 (P.R.O.N.I., D 1932/4/1-16)

1.18a Table showing the highest and lowest percentages of annual rent-receipts spent on taxation etc. on nine estates, 1850-81

	Archdale	Crofton	Erne	Hall	Hodson	Inchiquin	Knox	Murray Stewart	Ranfurly
Charges	6-14	14-19	8-14	8-17	4-10	13-27	9-18	10-16	11-18
Management	2-7	5-11	6-7	5-11	5-13	4-5	6-11	6-15	9-10
Subscriptions	1-2	0-1	2-3	1-6	1-7	0-1	(-)	2-4	0-3
Improvements	0-5	7-8	1-14	3-10	4-9	1-7	0-4	3-6	1-7
Allowances	0-1	(-)	1-3	(-)	0-3	(-)	0-3	(-)	0-2
Interest	6-23	28-35	(-)	(-)	(-)	19-37	8-14	0-11	(-)
Remittances	58-82	34-55	59-78	65-78	66-86	34-61	46-84	4-67	57-84

1.18b Table showing the median percentage of annual rent-receipts spent on taxation etc. on nine estates, 1850-81

	Archdale	Crofton	Erne	Hall	Hodson	Inchiquin	Knox	Murray Stewart	Ranfurly
Charges	10	15	10	11	7	14	13	12	15
Management	5	7	6	8	6	4	8	13	10
Subscriptions	1	1	3	3	1	0	(-)	2	1
Improvements	1	8	6	7	7	3	3	16	1
Allowances	1	(-)	2	(-)	1	(-)	0	(-)	5
Interest	16	33	(-)	(-)	(-)	26	11	7	1
Remittances	70	37	67	72	75	53	68	45	(-)

1.19 Table showing the percentage of total rent-receipts spent on taxation, etc. on nine estates, 1850-81

taxation	7-15%
subscriptions	0-3%
management	4-13%
improvements	1-16%
allowances	0-2%
interest	1-16%
remittances	37-75%

These tables show four things about the disposal of rent-receipts on Irish estates. Firstly, expenditure on improvements, allowances and subscriptions was not large on most of the estates. Secondly, remittances to the landlords were, on the whole, large. Thirdly, the cost of management and taxation was not large. Fourthly, two of the estates were heavily mortgaged.

On eight of the nine estates expenditure on improvements was, on average, less than 10 per cent. Expenditure on improvements accounted for more than 10 per cent on only one estate and that was the Murray Stewart estate which was owned by a Scots absentee. And the upper limit of 61 per cent spent on improvements on this estate was unique in the sample of nine estates : the second highest annual expenditure occurred on the Erne estate and was only 14 per cent of receipts. Apart from the Murray Stewart and Erne estates annual expenditure on receipts never exceeded 10 per cent even in exceptional years. It is worth noting that on most estates the costs of management and taxation were greater than the costs of improvements.

Expenditure on subscriptions was meagre. None of these landlords allowed their agents to give away an amount which approached the biblical tithe. Subscriptions rarely accounted for more than 3 per cent of rent receipts and the highest annual contribution was only 7 per cent and occurred on the Hodson estate which generally had a low contribution. When it is remembered that there were many opportunities for charity in rural Ireland, these results are hardly impressive. However, it is possible that landlords' charity was greater than the estate accounts suggest: they probably did good by stealth.

Since estate expenditure was low, remittances were generally high. If an estate was not heavily mortgaged a landlord could expect to have a net income of 70 or 80 per cent of rent receipts. However, the importance of interest payments should not be exaggerated because only two of these estates, the Inchiquin and Knox estates, were heavily mortgaged and the size of the interest payments tended to fall. However, it is possible that some of these landlords were burdened by personal debts which were ^{not} chargeable on their estates and which, therefore, did not appear in the agents' accounts.

Irish landlords were often compared unfavourably with English landlords in the matter of expenditure on improvements and charity. For example, the duke of Bedford, a model English landlord, who established his claim to that appellation by writing a history of the Bedford estates in the nineteenth century seems to have spent large sums on charity and improvements.

1.20 The duke of Buckingham's estate expenditure, 1850-80 (17)

	range	median
taxation	15-22%	17%
management	5-10%	7%
subscriptions	5-36%	20%
improvements	34-59%	43%
remittances	4-17%	7%

This table shows that the expenditure of the dukes of Bedford was lavish compared with even generous landlords like Lord Erne. They seem to have spent four times as much on improvements as Irish landlords except Murray Stewart. Their subscriptions were lavish to the point of extravagance: their charity was on the same scale as the debts of Irish landlords. However, the dukes of Bedford were exceptionally rich and much of their income came from urban rents.¹⁸ Their agricultural estates were probably more of a hobby than a source of income and a net income of 7 per cent. from these estates probably did not pay the wages of the servants at Woburn Abbey. Therefore, it is not realistic to compare Irish landlords with a great English landlord like the duke of Bedford, but it is a comparison which readily occurred to contemporaries. However, a realistic comparison of English and Irish landlords must be based on more work-a-day English landlords.

Information on other English estates is contained in two articles. The first article, by R.J. Thompson, shows that

17. Duke of Bedford, The story of a great agricultural estate (London, 1897), pp 234-7

18. David Spring, The English landed estate in the nineteenth century : its administration (Baltimore, 1963), p. 41

English landlords spent about 27 per cent. of their rents on improvements before 1881 and received about 57 per cent. of their rentals as net income.¹⁹ Therefore, according to Thompson, English landlords spent about three times as much^{AS} Irish landlords on improvements and received considerably less net income from their rentals. The second article examines, amongst other things, landlords' expenditure on repairs, fences, new buildings and drainage between 1872 and 1879.

1.21 Percentage of rent-receipts spent on estate improvements on English estates, 1872-9 (20)

Cheshire	21.8%
Northumberland	32.4%
Yorkshire	19.4%
Gloucestershire	30.7%
Norfolk	14.7%
Sussex	7.9%
Suffolk	5.0%

On these seven estates expenditure on improvements ranged from 5 to 32 per cent. and the median expenditure was 21.8 per cent. of rent receipts. On two of the estates expenditure was less than 10 per cent.. Therefore this article confirms the impression created by Thompson's article because it shows that English landlords spent much more on improvements than Irish landlords. However, this article suggests that the disparity between the two groups was not as great as Thompson suggested and that expenditure on two of the estates in Sussex and Suffolk was not much greater than that on most of the Irish estates. Nevertheless, the difference between expenditure on English and Irish estates is so marked that one or two

19. R.J. Thompson, 'An enquiry into the rent of agricultural land in England and Wales during the nineteenth century' in Jn. Royal Stat. Soc. lxx (Dec. 1907), p. 603

20. Richard Perren, 'The landlords and agricultural transformation, in Ag. Hist. Rev., xviii (1970), pp 41-2

exceptions do not make much difference.

Although Irish landlords did not spend as much of their rent on improvements and subscriptions as English landlords, they did spend something. The traditional picture of the Irish landlord who reaped where he did not sow must be changed. Admittedly, he did not sow very much and many of his seeds fell on the stony ground of ingratitude, but he did sow something. Of course, the nine estates in my sample may not have been typical because they show that all landlords spent something on improvements. However, there were estates whose accounts suggest that little or nothing was spent on improvements, e.g. the Le Fanu estate in County Cavan.²¹ It is impossible to be certain about the number of landlords who were active improvers. However, these nine estates illustrate the most important characteristic of landlord investment in Ireland: Irish landlords resembled English landlords in law but not in social practice. Why did Irish landlords spend less on improvements than English landlords?

The factors which influenced landlords' investment in improvements can be easily described but it is difficult to document them and to quantify their influence. It seems that four factors discouraged Irish landlords from investing in their estates: (i) the custom of entailing estates, (ii) the financial embarrassment of landlords, (iii) the smallness of agricultural holdings in Ireland and (iv) the character of Irish agricultural production.

21. Rentals and accounts of the estate of Joseph Le Fanu at Drumrat and Quilca in County Cavan, 1847-75 (P.R.O.I., M. 5634/1-27)

The first two of these can be described briefly. The system of primogeniture and family settlements which seems to have been as common in Ireland as in England influenced the amount of money which landlords were willing to invest in their estates. The reluctance of life tenants to impoverish younger sons for the benefit of the heir to the estate does not explain why Irish landlords invested less than English landlords because English landlords held their estates on the same terms. The indebtedness of Irish landlords was probably greatly exaggerated and it is doubtful if it influenced their expenditure on improvements. In the nine estates which I examined there was no evidence that landlords whose estates were heavily mortgaged spent less on improvements than landlords whose estates were less heavily mortgaged. Again, it should be remembered that English landlords were liable to the same debts created by similar life-styles and family commitments. Since neither family settlements nor family debts were peculiar to Ireland they do not explain why Irish landlords spent less on improvements than English landlords. Therefore one must look for an explanation to the other two factors: the smallness of agricultural holdings in Ireland and the character of Irish agricultural production.

Irish agricultural holdings were, on average, much smaller than English holdings and many were very small, and many of these were on poor land.²² Commentators on Irish agriculture

22. Robert Russell, Ulster tenant right for Ireland or, notes upon notes taken during a visit to Ireland in 1868 (2nd ed., Edinburgh and London, 1870), pp 32-3

emphasized that the smallness of holdings prevented landlords from spending on improvements because it was beyond their resources to build houses and out-offices on all the farms on their estates.²³ Since there were so many very small farms, Irish landlords could not indulge in the cottage building which was the pride of the great English landlords. Irish landlords could not spend generously without simultaneously spending ruinously. Therefore, they did not spend anything on building or they spent very little. The estate accounts show that landlords built few houses but they helped many tenants who wanted to improve their houses at their own expense. Other points in this context should be remembered. The Board of Works did not advance loans to landlords to build on farms with an annual rental of less than £50.²⁴ The very ubiquity of small farms and cottages probably discouraged agents from attempting to build houses. The collection of rents and the settlement of disputes probably took up most of their time and systematic improvement was beyond their capacity.

Therefore, the smallness of the holdings on Irish estates prevented landlords from spending on building houses and out-offices. Landlords could find many other outlets for their improving impulses but building was the most expensive form of improvement and this was beyond their resources. Irish landlords could not realistically spend on the same scale as English landlords because the most intensive form of

23. A Bombay Civilian, The land question in Ireland, viewed from an Indian standpoint (Dublin and London, 1870), pp 62-3, Lord Dufferin, Contributions to an inquiry into the present state of Ireland (London, 1866), p. 13, B. Samuelson, Studies of the land and tenantry of Ireland (London, 1870), pp 20-1; according to Miss Robinson the smallness of farms on the Londonderry estates of the London companies limited the extent to which improvements could be carried out; see O. Robinson, 'The London companies as progressive landlords in nineteenth-century Ireland' in Econ. Hist. Rev., 2nd series, xv (1962-3), p. 115

24. Samuelson, op. cit., pp 20-1

improvement, building, was beyond their resources. Enterprizing Irish landlords could improve their estates by building fences etc. but this was less expensive even on a large scale than building houses and out-offices.

The character of Irish agricultural production influenced the extent of landlords' improvements in two ways: (i) it did not provide outlets for expensive improvements and (ii) its under-developed character provided many outlets for cheap improvements. The mild climate of Ireland and its superb grassland meant that Irish farmers did not have to house-feed their livestock to any great extent. There was probably no great demand for landlords to build out-offices for the stall-feeding of livestock, and landlords were relieved of one of the most expensive forms of improvement carried out by English landlords. On the other hand, the inferior quality of Irish livestock, the careless cultivation of Irish farmers, bad fences and gates gave landlords many outlets for improvement by concentrating on weeds, seeds, crop rotation and pedigree livestock. But these were relatively cheap ways of improving agriculture.

The size of Irish holdings and the character of agricultural production influenced the size of landlord investment in agriculture. On the one hand, they made the expensive building of houses and out-offices either unnecessary or impossible. On the other hand, the state of cultivation on many small farms gave landlords many opportunities for carrying out cheap improvements which were probably as useful

as they were gratifying. On the whole, it seems fair to say that these two factors were the decisive ones in influencing the amount of money which Irish landlords spent on improvements.

The efforts of landlords to improve their estates while often commendable and persistent have a transient and erratic appearance to the observer. For all their efforts one is left with the impresssion that improvement amounted to nothing more than a few gates here, and a few slates there. Exhortations about weeds alternated with exhortations about crop rotation and the patronage of county shows went hand in hand with uneasiness about the expense of keeping pedigree bulls with enormous appetites and expensive tastes for oil-cakes. Few land agents had plans for the systematic improvement of the estates which they managed. Plans were available and there were professional men who could devise plans for invidual estates. For example, Brassington and Gale surveyed the Powerscourt estate in Wicklow and drew up a detailed scheme of improvements.²⁵ But it is doubtful if agents attempted to carry out these plans. The copious correspondence of William Wann does not mention any systematic plan of improvement. He often alludes to individual acts of improvement but he did not have a programme. It is difficult to generalize about the character of Irish land agents but they do not seem to have had much agricultural training. They did not see estate management as an agricultural pursuit. (That was left to the agriculturist). Estate management was seen as an art which combined rent-collection with the prevention of disputes. A land agent was a rustic statesman

25. Valuation of the estate of Lord Powerscourt in the counties of Dublin and Wicklow by Brassington and Gale, 1853 (N.L.I., MS 2740)

rather than the manager of a vast agricultural firm. The system which they administered partook more of largesse than of agricultural investment. Often, grants for improvement were a form of bribery. For example, William Wann did not hesitate to deny seeds and lime to tenants who were not punctual in paying their rents: ²⁶

in giving the lime and seeds and such like I have always tried to assist in the first place the honest industrious tenant who punctually settles his accounts.

Although the prevalence of small holdings and the state of Irish agriculture encouraged/only erratic, piecemeal improvement by landlords, it could be argued that lack of vision in the management of estates aggravated the situation. There were outlets for investment which were neither trivial nor piecemeal and whose character was not influenced by either the size of holdings or the character of Irish agricultural production. Landlords could have financed and supervised the grading and inspection of butter, or they could have established a creamery industry. Landlords could have bought agricultural machinery and become agricultural contractors on a large scale. These ventures would have called for qualities of management which few landlords or agents seem to have possessed. Men like Lord George Hill, William Bence Jones and Lord Leitrim were rare in Ireland and men who could combine their energy and enterprize with tact were, perhaps, unknown.

26. William Wann to William Kyle, 24 April 1863 in the Copy letter book of William Wann, 1854-70 (P.R.O.N.I., D 1606/5/4)

It is easy to describe the factors which discouraged landlord investment but one should, perhaps, approach the problem from the opposite direction by asking the question: why should landlords invest in their estates? There were two reasons for landlord investment in agriculture: (i) it was socially desirable that something should be ploughed back into the land and (ii) investment in agriculture might be a secure and profitable investment.

The social motives for landlord investment were very strong. By encouraging improvements landlords cemented good relations between themselves and the tenants. At the same time the tenants were encouraged to pay their rents because they had the prospect of getting something in return. Landlord investment, if carefully planned, could ease the tenants through bad years, help them to adjust to changing conditions and encourage them to improve on their own account. Even if the return to landlords on such investments was small, the fact that rents absorbed such a large portion of total output and that most landlords were rich and most tenants were poor created a feeling that landlords should put something back into the land. This is why the term 'improvement' has moral implications in nineteenth-century Ireland. That many landlords neglected this duty to indulge in conspicuous waste was one of the causes of friction between landlords and tenants.

On the other hand, the economic motives for investing in agriculture were less strong. The returns on such investments

were often small. One authority believed that agricultural capital yielded 10 per cent ²⁷ but the tenants on the Grocers' estates refused to borrow from the company because: ²⁸

they were aware that no ordinary agricultural improvements would yield 5 per cent in perpetuity, and only those who could not do without new buildings were borrowing from the company at 5 per cent.

In England it seems that 'the landlords were subsidizing the farmers by an uneconomic use of capital'. ²⁹ Therefore, before castigating Irish landlords for their parsimony and negligence, one must remember that many of the accepted forms of agricultural improvement were not remunerative.

In conclusion, four things may be said about the disposal of rent-receipts by Irish landlords. Firstly, it seems that most Irish landlords did spend something on improvements and charities on their estates. Secondly, Irish landlords spent less on improvements than English landlords. Thirdly, the net incomes of Irish landlords were, on the whole, fairly large. Fourthly, the reasons for the low rate of investment by Irish landlords were complex. Small holdings and the character of Irish agricultural production discouraged expensive outlays while they encouraged small, piecemeal, erratic investment. The motives for investment were social rather than economic and the low rate of investment was probably good economic sense even if it was not good political sense.

The reluctance of landlords to spend a large portion of their incomes on improvements was one of the things which

27. Robert E. Brown, The book of the landed estate (Edinburgh and London, 1869), p. 40

28. O. Robinson, 'The London companies as progressive landlords in nineteenth-century Ireland' in Econ. Hist. Rev., 2nd series, xv (1962-3), p. 108

29. J.D. Chambers and G.E. Mingay, The Agricultural Revolution 1750-1880 (London, 1966), p. 163-4

contributed to the friction between landlords and tenants. Rents were moderate and rent increases were either infrequent or small but rent absorbed a large portion of the farmers' income. Therefore, prudence, if not economic sense, would have suggested to landlords that some form of agricultural partnership with their tenants would have been a good insurance if not a good investment. Landlord generosity could sweeten landlord and tenant relations and ease the crises which were almost inevitable. If English landlords were the milch cows of English rural society Irish landlords were or appeared to be the fatted calves of Irish society. And fatted calves have only one end. That some fatted calves were slaughtered for the delectation of prodigals was less important than the fact that the fattening of calves creates expectations of quick returns. In a pastoral economy the possibility of such returns could not escape notice for long.

8. Landlords' indebtedness

We have seen in the previous sections that Irish landlords managed their estates in a way which did not maximize their incomes. They seem to have preferred a rental free from

arrears to a rental which was inflated by rent increases. Also, they did not invest a large part of their rental in the improvement of their estates. This pattern of estate management had three results. Firstly, the tenants' share of the value of agricultural output increased dramatically between the early 1850s and the mid-1870s. Secondly, the timorous system of rent increases administered by agents led to many inconsistencies and to many grievances. Thirdly, landlords who did not re-invest a large part of their rents in their estates failed to create that community of feeling between landlords and tenants which would have fostered good relations. Furthermore, the fact that tenants fared so well increased their feelings of insecurity because their gains were at the mercy of a vigorous landlord. Therefore, one might ask the question : why did landlords not attempt to collect the full potential rental of their estates? We have already considered at least two reasons for this: (i) rent increases usually caused some friction between landlords and tenants and (ii) it was difficult to collect a fragmented rental composed of a multitude of small rents. Therefore, prudent landlords preferred the reality of a secure income to the mere prospect of a greater one.

On the other hand, most landlords were men of large resources and, at first sight, it is surprising that more of them did not manage their estates more vigorously. A series of rent increases might have caused friction and,

possibly, a rent strike but in the end the landlord could have had his way. And the loss of some rents would have been more than made up by an increased rental. Lord Leitrim did this successfully: after all, he survived until 1878 and he would have survived longer if he had not put his pistols in a trunk. The inertia of most landlords and agents was probably the natural human reaction to a difficult situation, but landlords may also have had urgent reasons for letting sleeping dogs lie. Although landlords enjoyed large net incomes most of their money was earmarked before they received their remittances. They had to maintain large houses and expensive establishments, to pay jointures to dowagers and to provide dowries for daughters and portions for younger sons. Also, many landlords were burdened with debts accumulated by themselves or their ancestors. Although mortgages and debts to bankers and money-lenders were the most serious of the landlords' burdens, family obligations were also large. A landlord might be kept in penury by a couple of long-lived dowagers because one of the ironies of the aristocratic marriage-market was that the most spectacular matches of one generation put the heaviest burden on the next generation. For example, almost half of the rental of the Knox estate in County Roscommon was paid to a dowager.¹ Likewise, a landlord might be embarrassed by a brood of younger sons who inconsiderately distinguished themselves in the army. Therefore, there were many landlords who were forced by family commitments to think more of current income than of future increases. Moreover, if a landlord

1. Rentals of the estate of Francis Blake Knox and Edward Ernest Knox in County Roscommon, 1849--86 (N.L.I., MS 3178)

had to service and pay off a mortgage, his position was even more difficult. It should be remembered that the creditors of an estate who held debts which were more than half of the value of an estate could appeal to the Landed Estates Court to have the estate sold to pay the debts.

The tables in the previous section showed that five of the nine estates in the sample paid interest on debts.

1.22 Percentage of rent-receipts spent on paying the interest on debts on five estates, 1850-81

	<u>Range</u>
Archdale	6-25 per cent
Crofton	28-35 " "
Inchiquin	19-37 " "
Knox	8-14 " "
Murray Stewart	0-11 " "

On three of these estates, the Archdale, Crofton and Inchiquin estates, interest payments were large. On the Crofton and Inchiquin estates, interest payments consumed in some years, more than a third of rent receipts. The existence of such burdens imposed certain pressures and restrictions on the management of estates. In this section, I shall examine in detail the indebtedness of Lord Gosford and the problems which the management of this debt created for the agent, William Wann.

The debt on the Gosford estate was enormous. In 1868, Wann estimated that the debts on the estate were £134,011,² and a few years later they had increased to £156,000.³ The interest on the latter sum was £6,657 a year which was

2. Wann to Leonard Dobbin, 19 Oct. 1868 in Letters from William Wann to Lord Gosford, 1865-75 (P.R.O.N.I., D 1606/5A/3)

3. Letters to Lord Gosford, 1875-8 (P.R.O.N.I., D 1606/5A/4, p.76)

40 per cent of annual rent receipts of the Gosford estates. Lord Gosford's creditors were divided into three groups: (i) his family, (ii) the bankers, Coutt's and Co., and (iii) well-meaning friends of the family and genteel money-lenders.

Family charges, that is, the claims of Lord Gosford's closest relations amounted to only £16,000 or 10 per cent of the debt in the 1870s. For example, interest on a sum equivalent to £8,000 was paid out of the rents to the earl's brother, the Hon. Col. E.B. Acheson. The debts due to Coutt's and Co. amounted to £59,430 or 38 per cent of the total debt. The remainder of the debt, that is, 52 per cent of the total was owed to various individuals who included friends of the earl who wanted to invest money in land. One of these was a Dr Cummings who lived in Armagh. He had lent the earl's father £8,730 at an annual rate of $4\frac{1}{2}$ per cent. The worthy doctor regarded his loan as a secure and worthwhile investment and was wont to tell Wann, when they met in Armagh, that he hoped that his pay-day was far off.⁴ The doctor was more than willing to sink more money into the estate because in 1877 he offered to lend another £10,000.⁵ The other creditors were less intimate with Lord Gosford and Wann, and were probably more concerned with the security of their money than with the honour of the house of Acheson.

The existence of these huge debts suggests several questions. Firstly, how was such a large debt accumulated? Secondly, what problems did the management of a large debt create? Thirdly, how did the agent deal with it and how did it affect the management of the estate?

4. Wann to Leonard Dobbin, 18 Jan. 1877 in Letters from William Wann to Lord Gosford, 1875-8 (P.R.O.N.I., D 1606/5A/4)

5. *Ibid.*, Wann to Dobbin, 9 May 1877

The debt was accumulated in three ways: (i) by allowances to members of Lord Gosford's family, (ii) by borrowing to buy more land and (iii) by extravagance.

The family charges were, of course, the result of the system of family settlements which tempered the custom of primogeniture. These burdens were small on this estate and the total annual payments due to members of the family were only about £640. They would have been greater if there had been several younger sons or if a series of deaths and successions had left two or three dowagers on the estate. Dowagers who were not closely related to the landlord could be as much of a nuisance as other creditors. Even dowagers who were closely related to the landlord could be grasping because not all mothers and ambitious sons were as happily united as say, Lord and Lady Fawn in The Eustace Diamonds.⁶ Fortunately, Lady Gosford seems to have been an indulgent mother, whose indulgence was more appreciated by Wann than by her son. The claims of younger sons were often as embarrassing as they were pressing. For example, the Hon. Edward Acheson was promoted in his regiment, the Coldstream Guards, in 1868 and Wann had to find immediately £1,800 to buy the young man's captaincy.⁷

However, most of the debt was originally accumulated by the earl's father when he bought an adjoining estate in County Armagh.⁸ This section of the debt seems to have accounted for most of that 52 per cent of the total which was due to the small group of genteel investors.

6. Anthony Trollope, The Eustace Diamonds (London, 1873); Lord Fawn had an estate in Tipperary which was worth about £5,000 a year; but his mother, who had inherited the estate in her own right, enjoyed half the rental for her life.

7. Wann to the directors of the Ulster Bank, 11 Oct. 1867 in Letters from William Wann to Lord Gosford, 1865-75 (P.R.O.N.I., /see over/)

The remainder of the debt, the sums owed to Coutts and Co. and some other items, seems to have been accumulated by the extravagance of the earl. The first thing which this young man did after the death of his father was to go on a long tour of India, and Wann did not hear from him for months. When he came back, he bought a yacht and seems to have indulged in gambling.⁹ The exalted rank of his gaming friends did nothing to reassure Wann:¹⁰

[I recollect/ my writing to them some two or three years as to a report of the prince of Wales having been successful in a gambling transaction with Lord Gosford and which I believed to be thoroughly untrue.

Wann continued to assert that the earl was innocent:¹¹

I am sorry to hear that the old silly reports as to my noble governor are revived. I am thoroughly satisfied there is not a shadow of foundation for it. Some years ago I was mixed up with the reports. It was said I refused to pay an order for £1,000 on me lost in a gambling transaction with a gentleman in this county.

It is difficult to decide whether this gossip was true but, certainly, Lord Gosford was reckless and casual in his financial dealings:¹²

Lord Gosford wrote to me lately that he had borrowed a few thousand pounds from Coutts and Co. and had given them security for it and this he will pay off himself by degrees.

By 1873 the earl's borrowings amounted to £59,430 and the interest on this sum was £2,479 a year. Of course, these

D 1606/5A/3)

8. This estate was known as the Graham estate; see Rentals of the estate of the earl of Gosford in County Armagh, 1848-81 (P.R.O.N.I., D 1606/7A/54-84)

9. Wann to Leonard Dobbin, 8 Aug. 1871 in Letters from William Wann to Lord Gosford, 1865-75 (P.R.O.N.I., D 1606/5A/3)

10. Ibid., wann to Dobbin, 6 April 1873

11. wann to Dr Cummings, 16 Aug. 1877 in Letters from William Wann to Lord Gosford, 1875-8 (P.R.O.N.I., D 1606/5A/4)

12. wann to Dobbin, 8 Aug. 1871 in Letters from William Wann to Lord Gosford, 1865-75 (P.R.O.N.I., D 1606/5A/3)

loans were secured by mortgages on the Gosford estate.

Although Lord Gosford was a rich man, Wann was always uneasy about the debts due on the estate. But it was only in the late 1860s and early 1870s that he became seriously worried. In the late 1860s Wann suggested to Lady Gosford that the Cavan estate should be sold 'to wipe out this enormous amount of debt.'¹³ He put the same suggestion to Lord Gosford in 1871 when he argued that the wiping out of the debt would be a great relief.¹⁴ By 1872, Wann was really worried:¹⁵

This is the first time I have felt really uneasy as to financial affairs. I am in arrear paying Lady Gosford (indeed she has always been tender in her applications). However, I will see and remit Coutts and Co. £300 to your credit.... If a limit is not made it will be perfectly impossible to go on. I am sure you know enough of me (at least I hope so) as to believe my entire object continues to be to keep you out of a position that would openly lead to unpleasant results.

The management of such a large debt created many problems for an agent like Wann who was left to his own devices to cope with it. Firstly, the interest had to be paid in lump sums at times of the year when money was scarce because the rents had not started to come in. Secondly, a fall in rent-receipts caused a deficit which exacerbated the problem by leading to more borrowing. Thirdly, any one of the creditors could cause a disaster by demanding the repayment of the principal of his loan. Fourthly, Lord Gosford, whose extravagance helped to create the problem,

13. Wann to Lady Gosford, 6 Aug. 1868 in Letters from William Wann to Lord Gosford, 1865-75 (P.R.O.N.I., D 1606/5A/3)

14. Wann to Lord Gosford, 25 Dec. 1871 in Letters from William Wann to Lord Gosford, 1865-75

15. Ibid., Wann to Lord Gosford, 1 Oct. 1872

was tempted to look for quick remedies which only added to Wann's worries. Therefore, Wann was in the unhappy position of having to do several things at the same time: he had to make sure that rents were paid regularly, he had to keep large amounts of cash on hand, he had to reassure creditors, he had to please Lord Gosford, and, worst of all, he had to worry about future crises.

Wann solved the problem of paying interest at times of the year when rents were not coming in by using the good offices of his brother, who was a director of the Ulster Bank. In 1852 Wann transferred the Gosford account from the Provincial Bank to the Ulster Bank.¹⁶ It seems that the Ulster Bank was anxious to take the Gosford account because they offered an immediate cash advance of £4,000 and a higher rate of interest on deposits than was paid by the Provincial Bank.¹⁷ This arrangement worked well and in the late 1860s Wann wrote that it had helped him to meet all demands punctually.¹⁸ In the early 1870s the Ulster Bank advanced even larger sums at short notice.¹⁹ On the whole, Wann's arrangement with the Ulster Bank was a prudent one because it gave him ready money at little cost: in most years the cost of overdrafts was paid by the interest on deposits.

However, this arrangement worked well only when the rents came in punctually. In the late 1870s Lord Gosford

16. Wann to the directors of the Ulster Bank, 27 Dec. 1852 in Letters from William Wann to Lord Gosford, 1848-56 (P.R.O.N.I. D 1606/5A/1)

17. Ibid., Wann to the directors of the Ulster Bank, 20 Dec. 1852

18. Wann to Leonard Dobbin, 15 Fe. 1868 in Letters from William Wann to Lord Gosford, 1865-75 (P.R.O.N.I., D 1606/5A/3)

19. Ibid., Wann to the directors of the Ulster Bank, 23 Aug. 1872

gave abatements of rent to his tenants, while arrears increased dramatically. In 1880 there were arrears of £1,050 on the Armagh estates.²⁰ In these circumstances the Ulster Bank was reluctant to continue the old comfortable arrangement of allowing rent-receipts to balance the overdraft at the end of the year. In August 1880 Wann asked for an overdraft of £3,000 but a few days later his son and successor in the agency had to ask for £4,000.²¹ However, the Bank demanded security for this amount and suggested a life insurance policy on Lord Gosford or the title-deeds of part of the estate.²² In the end, the marquis of Huntley guaranteed the overdraft.²³ In the following year, the duke of Manchester guaranteed an overdraft of £5,000, but some months later another guarantor had to be found for an additional overdraft of £2,500.²⁴

This round of borrowing shows the effects of a fall in rents on the management of the debt. A fall in rent receipts forced Wann to borrow more than usual from the Ulster Bank, and forced the Bank to call on Lord Gosford's noble friends to give security for overdrafts. A growing circle of confusion and obligation was created while debts continued to increase. At least, William Wann was spared this final trial by his timely death in August 1880.

20. Rental of the estates of the earl of Gosford in County Armagh, 1880 (P.R.O.N.I., D 1606/7A/83)

21. Wann to the directors of the Ulster Bank, 14 Aug. 1880 in Copy letter book of William Wann, 1870-81 (P.R.O.N.I., D 1606/5/5)

22. Ibid., J.C. Wann to Lord Gosford, 19 Aug. 1880

23. Ibid., J.C. Wann to the directors of the Ulster Bank, 16 Sept. 1880

24. J.C. Wann to the directors of the Ulster Bank, 20 Sept. 1881 in Copy letter book of J.C. Wann, 1881-1904 (P.R.O.N.I., D 1606/5/6)

This crisis could have occurred at any time in the 1850s and 1860s, if rent-receipts had fallen. Wann's ability to pay the interest on the debt depended on his credit with the Ulster Bank, and his credit with the Bank depended on his ability to collect a clear rental. A fall in rents increased the need for ready cash and, at the same time, made it harder to borrow cash. This problem explains Wann's obsession with the collection of rents. It is hardly surprising that Wann watched the weather with anxious forebodings:²⁵

In the face of the weather we have I am really getting nervous as to rent being punctually paid - nothing but rain all day today.

A bad season or a rent-strike could have crippled the estate at any time. Creditors had to be paid, taxes had to be paid, Gosford Castle had to be maintained and Lord Gosford and his family had to be kept in that state to which they were accustomed.

Although Wann was at the mercy of the seasons he was also at the mercy of any creditor who pushed his claims too far. As the principal of the debt approached 50 per cent of the capital value of the estate the threat of a forced sale became serious and, as we have seen, the interest of the debt in the 1870s was almost 40 per cent of the rental. In this situation, total disaster was imminent. Furthermore, it seems that the mortgages were not on the

25. Wann to Lord Gosford, 1 Oct. 1872 in Letters from William Wann to Lord Gosford, 1865-75 (P.R.O.N.I., D 1606/5A/3)

estate as a whole but on certain portions of it. Therefore, if one of the creditors demanded immediate repayment of his principal and if Lord Gosford could not find the money a part of the estate would have to be sold. Such a sale would probably have frightened the other creditors and a crisis would have developed. Although some of the creditors were like Dr Cummings and were friends of Wann or Lord Gosford, they might have to call in their money involuntarily if they became bankrupt, for instance. Such a crisis occurred in 1877 and Wann wrote anxiously to Dobbin:²⁶

... today a letter from Messrs Andersons, agents to Mr Dundas, which is of a startling nature, threatens to bring the Armagh estate into the market if Mr Dundas is not immediately paid his claim.

This creditor wanted £10,000 and Wann had to look around for another lender so that Dundas could be paid. Wann was lucky on this occasion because his old friend, Dr Cummings, offered to advance the £10,000.²⁷

As Lord Gosford borrowed more and more, it became more expensive and more difficult to raise loans. Coutts and Co. asked for 5 per cent on their third advance (£10,200) but they had been content to take 4 per cent on the previous advances.²⁸ Other creditors demanded higher rates of interest on long-standing loans. For example, Messrs Brooke and

26. Wann to Leonard Dobbin, 14 May 1877 in Letters from William Wann to Lord Gosford, 1875-8 (P.R.O.N.I., D 1606/5A/4)

27. Ibid., Wann to Lord Gosford, 9 May 1877

28. Wann to Messrs Coutts, 11 Nov. 1873 in Letters from William Wann to Lord Gosford, 1865-75 (P.R.O.N.I., D 1606/5A/3)

Nugent, who had lent Lord Gosford £14,000, increased their interest from 4 per cent to 4½ per cent in 1875.²⁹

These pressures on Wann forced him to remonstrate with Lord Gosford. But retrenchment was not attractive to Lord Gosford and he seems to have looked for a short-cut out of his difficulties. In 1872 Wann was alarmed by Lord Gosford's acquaintance with a 'stranger' who offered to solve his financial problems. He wrote to his master to warn him:³⁰

I will only repeat that it requires serious consideration before getting into this matter. Showing all your private affairs to perhaps a stranger, and to me it sounds odd that he tells you not to mention the matter to your solicitor: a gentleman who has honorably, I have no doubt, acted for your family over fifty years and who has all your family papers.

Since Wann was beset on all sides with the problems created by this enormous debt it was natural that he should look around for ways of either reducing it or liquidating it. There were three ways of getting rid of a debt of this kind. Firstly, the debt could have been reduced by retrenchment. Lord Gosford and his family could have retired from society for a generation, let Gosford Castle and retired to a small house in a fashionable watering-place. As we have seen, Lord Gosford did the opposite and turned a deaf ear to Wann's remonstrances. Secondly, Lord Gosford could have mended his fortunes by marrying a rich heiress.

29. Wann to Leonard Dobbin, 5 Feb. 1875 in Letters from William Wann to Lord Gosford, 1875-8 (P.R.O.N.I., D 1606/5A/4)

30. Wann to Lord Gosford, 23 Nov. 1872 in Letters from William Wann to Lord Gosford, 1865-75 (P.R.O.N.I., D 1606/5A/3)

Wann had high hopes of this:³¹

I am glad to hear his lordship is well and that he seems in favour with the ladies - I hope the next news will be that some good rich Princess has bestowed herself on him.

However, neither princess nor lady or lesser degree bestowed herself on Lord Gosford in the 1870s.

Thirdly, Lord Gosford could sell part of the estate to pay off a portion of the debts. As early as 1868 Wann suggested selling the Cavan estate,³² but he hoped that this could be avoided by a good marriage. He hoped to get twenty-five years' purchase for the Cavan estate³³ and, on one occasion, he had high hopes of getting thirty years' purchase.³⁴ As it happened, the Cavan estate was sold for only twenty-three years' purchase.³⁵ This, in fact, represented a slight loss for Lord Gosford. Since the estate sold at twenty-three years' purchase and the rental was £4,200, Lord Gosford parted with an asset which yielded 4.4 per cent a year to liquidate debts whose rate of interest was, on average, only 4.1 per cent. However, it should be remembered that Gosford sold his estate in the nick of time because it would not have realized twenty-three years' purchase after 1878.

31. Wann to the Hon. Edward Acheson, 16 June 1868 in Letters from William Wann to Lord Gosford, 1865-75 (P.R.O.N.I., D 1606/5A/
32. Ibid., Wann to Lady Gosford, 6 Aug. 1868
33. Ibid., Wann to Leonard Dobbin, 19 Oct. 1868
34. Ibid., Wann to Lord Gosford, 25 Dec. 1871
35. Wann to Lord Gosford, 10 Feb. 1876 in Letters from William Wann to Lord Gosford, 1875-8 (P.R.O.N.I., D 1606/5A/4)

Finally, what effects did this debt have on the management of the estate? It seems to have had three effects. Firstly, the cost of servicing the debt reduced the disposable income of Lord Gosford and limited the amount which could be ploughed back into the estate. As Wann told a tenant:³⁶

Lord Gosford's disposition to be generous is crippled by his means.

Secondly, the need to pay interest punctually made Wann obsessed with the collection of rents. Thirdly, the need to keep the rental free of arrears forced Wann to move carefully in his dealings with the tenants. He was reluctant to increase rents because this might have caused receipts to fall. And we have seen that a moderate fall in receipts in 1880 caused an embarrassing crisis for Lord Gosford and his agent.

Finally, the worry caused by such a debt left an agent with little time or energy to take a large view of estate management. A man of moderate ability and energy was ground between the upper millstone of rent collection and the nether millstone of managing a debt which threatened to sweep him and his master into ruin. A man in this position could contemplate neither grandiose schemes of agricultural improvement nor a system of increasing rents which demanded time and energy. Wann's time, energy and, perhaps, his courage were exhausted by the problem of

36. Wann to Blaney Grier, 17 Jan. 1876 in Letters from William Wann to Lord Gosford, 1875-8 (P.R.O.N.I., D 1606/5A/4)

managing this debt and of making ends meet. Of course, the debt on the Gosford estate was exceptionally large, but most landlords who were neither recluses nor misogynists created some claims on their estates in the course of their lives.

9. Conclusions

These eight studies suggest that landlord and tenant relations in this period had three characteristics: (i) landlords took less from the tenants in rent than they were capable of paying, (ii) the burden of rents fell unevenly on individual tenants and (iii) landlords did not invest largely in their estates. And they show convincingly that the main characteristic of the landlords was not the legally sanctioned rapacity of the landlords. The influence of these three characteristics had three effects on landlord and tenant relations. Firstly, the prosperity of the tenants, founded as it was on the forbearance or inertia of the landlords, made the tenants feel insecure rather than contented. Secondly, the inconsistencies and irregularities of the rent system caused grumbling and fostered feelings of insecurity. Thirdly, the landlords failed to create a community of interest between themselves and their tenants because they did not invest generously in the improvement of their estates.

My examination of the movement of rents and agricultural

prices

^ showed that there was a great reservoir of agricultural income at the disposal of the landlords but most of them did not absorb it. Increases in agricultural output suggested that landlords could have increased their rents by (i) 60 per cent, if they had increased rents flexibly, and (ii) by 40 per cent, if they increased rents sporadically. And these increases would have allowed the tenants' income to increase by the same amounts. In fact, on the fifty-six estates which I examined there were no increases on fifteen estates and rent increases were less than 40 per cent on thirty-five of the remaining forty-one estates. On twelve estates rent increases were less than 20 per cent and the general average increase on the whole group of fifty-six estates was about 20 per cent. An examination of the level of rent showed that the average level of the fifty-six estates was about 120 per cent of the tenement valuation which was well below the ceiling suggested by the valuation index. The moderation of rents is further shown by the punctuality with which tenants paid their rents even in bad years. Also, the system of fixing rent increases adopted by some landlords was intended to keep rents below their full economic value.

The moderation of rent increases as a whole allowed the tenants' share of total agricultural output to increase by 11 per cent while the landlords' share fell by 11 per cent. The shares of landlords and tenants increased at strikingly different rates : a moderate comparison of the growth of the income of landlords and tenants showed that

the landlords' income increased by only 20 per cent while the tenants' income increased by 56 per cent. If landlords had been more energetic or more systematic they could have increased their income by a larger amount without depriving the tenants of their share of increased agricultural output.

Since the landlords allowed the incomes of the tenants to increase so substantially it is, therefore, impossible to argue that the rapacity of the landlords impoverished the tenants. Furthermore, since the incomes of the tenants increased by about 56 per cent at a time when the value of total agricultural output increased by 40 per cent it is impossible to argue that rent increases absorbed the value of tenants' improvements.

However, the system of increasing rents adopted by the landlords caused friction and insecurity and tolerated many inconsistencies in the distribution of rent burdens. Sporadic rent increases were unpredictable and imposed an immediate strain on tenants when they were imposed. Also, some individual rent increases were large : on fifteen estates at least 20 per cent of the rent increases were over 60 per cent and on all estates where rents were increased there were a handful of very large increases. Also, there were many individual holdings whose rents were high : on thirteen estates at least 10 per cent of the holdings paid rents which were higher than 180 per cent of the valuation. Furthermore, there was a tendency for the smallest holdings to pay the highest

rents and the largest rent increases. Therefore, the system of rents on Irish estates, while favourable to the tenants as a whole, was riddled with inconsistencies and a system of extracting money which is riddled with inconsistencies is bound to create tensions whose seriousness has little or nothing to do with the amount of money extracted.

As we have seen, rent increases nearly always caused friction even when they were carefully calculated in a way favourable to the tenants. The tenants probably resisted rent increases because they believed that a round of rent increases which was not resisted would lead to another round after a few years. If landlords had increased their rents in a systematic and predictable way, that is, if they had allowed rents to move up and down with fluctuations in the value of agricultural output the tenants might have felt less insecure. They would not have been as well-off but, at least, one unstable element would have been removed from an industry which was peculiarly unstable. However, none of the landlords whose estates I have examined increased their rents in this way and the result was that their relations with their tenants were influenced by four factors which, potentially at least, could cause friction: (i) rents fell unevenly on individual tenants, (ii) the legal and economic power of the landlords made the tenants feel that their gains were insecure, (iii) rent was a large share of total output and (iv) the tenants' income was sensitive to changes in the value of total output.

On the other hand, the landlords did very little to reassure their tenants by investing constructively in Irish

agriculture. There were, of course, good reasons for their poor record: (i) holdings were small and (ii) the economic returns on agricultural investments were not large. However, the landlords could have done much to mitigate the diseconomies of scale created by the smallness of holdings by investing in creameries, machinery and the encouragement of co-operative production. If landlords had invested in the agricultural industry as opposed to individual holdings, they could have made themselves indispensable in rural society. However, the landlords did not do this and most of them seem to have invested less than 10 per cent of their rent-receipts in the improvement of their estates.

The landlords neither maximized their incomes nor made themselves indispensable to their tenants. They seem to have preferred incomes which were steady and free from arrears to the risks of increasing their incomes. Agents were, on the whole, reluctant to increase their rents because rent increases could cause conflicts which threatened current income. Since landlords did not manage their estates effectively their relations with their tenants were sensitive to outside influences : ^a sharp fall in prices or a series of bad harvests could wipe out the tenants' gains in a few years. Landlords who had not increased their rents to an economic level were naturally reluctant to give abatements in bad years. Furthermore, their dependence on steady incomes made it

difficult for them to make generous concessions.

With hindsight, it is easy to see that landlords could have made an important contribution to the prosperity of rural Ireland: (i) by pursuing a more flexible system of rent increases and (ii) by investing in agricultural production. Instead, they opted for a steady income with moderate and certain increases and, in spite of their debts, some landlords preferred indigence to exigence. Of course, it is easy to blame the landlords for the state of Irish agriculture : I have acquitted them of greed but accused them of negligence. To their traditional absenteeism of the heart I have added a new charge of absenteeism of the head. However, the role of the landlords was important. Although the tenants were the entrepreneurs of the Irish agricultural industry they were, economically and legally, at the mercy of their landlords. The landlords were, in law and in practice, in education, and in power and prestige supposed to be the dynamic class in rural society. Therefore, why were the landlords passive, conservative and apparently helpless? There are four possible reasons for their inertia : (i) the aristocratic ethos, (ii) the tenure of land was a political and public issue, (iii) estates were difficult to manage because of the smallness of holdings and (iv) the landlords' way of life made them dependent on steady incomes.

Landlords were hampered by that most uneconomic virtue: noblesse oblige. They were, on the whole, men of large resources and if they were not rich men they enjoyed, at

least, a secure income. Neither wealth and security nor a sense of social obligation encourage men to manage their affairs carefully. Such men are apt to look with distaste on pecuniary trifles and to regard bargaining as haggling. And the haughtiness of manner affected by some landlords was not an advantage in ordinary business. The following story told by Murrough O'Brien suggests that it was generally believed that landlords were incapable of civility:¹

Lord Gough used to transact some of his own business in the Land Commission. A clerk, with whom he did some business, seeing him there - a tall, white-bearded old gentleman - asked who he was - Lord Gough - why he's so civil you'd never think he was a lord.

It is worth noting that, in this period, some of the most famous improvers, such as William Steuart Trench, were either men on the make or were not in the first rank of landed society. The one great landlord who managed his estates vigorously was Lord Leitrim, and one feels that he was an embarrassment to his noble brethren, and that they did not regard him as a 'gentleman'. This was hardly surprising because his estate papers show that he was miserly, grasping and prying and that his bailiffs were mere spies who ministered to his greed and prurience.²

Nothing was too small for his attention and no sum of

1. The commonplace book of Murrough O'Brien, 1878-1908 (MS in the possession of Prof. T.W. Moody, Trinity College, Dublin)

2. Agent's and bailiffs' reports on the administration of Lord Leitrim's estate in County Donegal, 1864-6 (N.L.I., MS 13,339 (5-11))

money was too small to be ignored by his lordship. As we have seen, the aristocratic way of life with its extravagance and family obligations plunged Lord Gosford into debt but Wann, in all his deliberations on the problem, never considered the possibility of solving the problem by managing the estates more vigorously. The successful management of a large estate seems to have been almost incompatible with aristocratic decency. Finally, it is worth noting that the printed sources contain many comments on the 'new' landlords whose rapacity was compared unfavourably with the complaisance of the older landlords.

The more sensitive landlords were aware that their relations with their tenants were a public issue. The Devon commission and the emergence of the tenant protection societies in the 1850s established landlord and tenant relations as a public and political issue which was rarely in the background between 1850 and 1881. Official inquiries, the writings of interested individuals and attempts at legislation kept the land question before the public. In Ireland, the darker side of landlordism was regularly exposed. Returns of the number of evictions were published and the incidence of agrarian crime was classified separately from ordinary crime. This was not done in England. The tenement valuation was published and readily available and it was a standing reproach to many landlords. Since it was based on scientific principles and not on the actual letting value, as in England, it had an authority which was

often undeserved. Therefore, it was only brazen individuals who risked serious quarrels with their tenants. Wiser landlords appreciated the dangers of their position, feared publicity and were justified in their fears when Nemesis, in the person of Gladstone in 1870, struck at their power to control their estates.

Although landlords were, theoretically, in a powerful legal and economic position Irish estates were difficult to manage because they were divided into a multitude of small holdings. When an increase of rents was proposed, a multitude of small tenants had powers of combination which a few large farmers might not have had. Agitators and the perpetrators of outrages had anonymity and support. At the very least, their collective agitation had a nuisance value which could make an agent miserable. A rental composed of numerous small accounts was difficult to collect and made agents worried about the collection of their rents. Furthermore, small holdings discouraged improvements by the landlords because, superficially, improvements seemed too expensive and wasteful.

If an estate was encumbered the agent's difficulties were greater. The payment of large sums of interest hampered an agent in three ways: (i) it limited the amount of money at his disposal for improvements, (ii) it made him anxious to collect rents punctually and (iii) he had to avoid disputes with the tenants because a rent-strike could have had disastrous consequences. An agent in this predicament did not have the energy or courage to manage the estate effectively. His task was made even more

difficult by the publicity which attended dealings between landlords and tenants. A thorough revision of rents, under such conditions, could have created enormous difficulties and an enterprising agent might have been forced to make generous financial concessions to gain peace. And a system of fluctuating rents would have, in the experience of many agents, invited periodic agitations. To invest large sums of money, which had been painfully wrung from prevaricating tenants, in the improvement of the estate was hardly a wise thing to do in this situation.

The pattern of landlord and tenant relations created by the system of rent increases described in this section was not inherently explosive. Most landlords behaved in a way which allowed their tenants to do very well from the increases in agricultural output which took place between 1850 and 1876. Rack-renting landlords were rare and there were few rack-rented tenants. But the prosperity of the tenants was vulnerable and only the inertia of the landlords stood between them and their gains. And there were enough landlords like Lord Leitrim to remind the tenants of the fragility of their fortunes. Although landlord and tenant relations were not inherently explosive as long as the landlords let sleeping dogs lie, the whole system was at the mercy of external forces. A run of bad harvests and a sharp and sustained fall in agricultural prices could destroy the prosperity of the tenants just as effectively as massive rack-renting.

Between 1850 and 1876 this did not happen although

there were some temporary set-backs. This was a period of such prosperity that it might be called the golden age of Irish agriculture in spite of its grim origins in the Famine and its bitter end in the Land War. The crisis which developed in British agriculture in the 1870s was probably less severely felt in Ireland than in other parts of the British isles because livestock prices were less seriously depressed than tillage prices, and the incomes of small, grazing farms held their own better than large, tillage farms.³ However, Ireland was seriously affected especially by the bad harvests in the late 1870s.

From 1877 Irish farmers' incomes fell dramatically. They could adapt to this situation in one of two ways: (i) they could stabilize their incomes by increasing their production and (ii) they could mend their fortunes by forcing the landlords to reduce their rents. The gross rental of Ireland was a large sum and a large proportion of the value of total agricultural output, and it was natural for the tenants to regard it as an emergency fund which could be used to tide them over their difficulties. In the conditions of the 'great depression' an increase of output based on greater investment in agriculture would have been a more rational solution to the problem of diminished incomes. But the preconditions for such a solution were absent in Ireland because landlords and tenants did not regard each other as partners in the business of agricultural production and because Irish landlords did

3. T.W. Fletcher, 'the great depression of English agriculture, 1873-1896' in Econ. Hist. Rev., 2nd ser., xiii (1961), pp 417-32

not have the habit of investing in Irish agriculture. In the end, Irish tenants opted for the politically exhilarating policy of compensating themselves at the expense of the landlords. The ultimate weakness of landlord and tenant relations was not the law governing the tenure of land or the rapacity of landlords but the fact that the prosperity and peace of rural Ireland were influenced not only by the weather but also by the efficiency of Danish creameries, by North American ranchers and by innovations in refrigeration.

II

EVICTIONS AND AGRARIAN OUTRAGES, 1850-80

1. Introduction

In this section I shall examine the incidence and causes of evictions and agrarian outrages between the early 1850s and late 1870s. This darker side of landlord and tenant relations was illustrated in the returns of evictions¹ and agrarian outrages² made by the police. Evictions were often harsh and dramatic incidents, which attracted publicity and aroused sympathy. On the other hand, agrarian outrages received much publicity from contemporaries, although historians dwell less on these.

According to some contemporary accounts, evictions seemed always to take place in winter and the victim's family always included very young and very old members. For example, William Carleton describes an eviction in one of his novels and it has these characteristics: twenty-three families who had voted against their landlords' wishes were evicted on Christmas eve during a snow storm.³

The force which was employed at evictions was often great and gave the impression that the rich and mighty were using the power of the state to dispossess the poor and weak. The marchioness of Ormonde evicted a tenant whose lease had expired, and a troop

1. Returns, by provinces and counties, of cases of evictions which have come to the knowledge of the constabulary in each of the years from 1849 to 1880, inclusive, H.C. 1881 (185), lxxvii, 725
2. Irish crime records, 1848-93 (S.P.O.I., VIII B, W.P. 2/1-2)
3. William Carleton, Valentine M^rClutchy, the Irish agent; or, the chronicles of Castle Cumber (Dublin, 1847), pp 89-101

of artillery was present to support the sheriff.⁴ During an eviction on the estate of the marchioness of Ely in County Wexford, the bailiffs set fire to the bed of an old woman to force her to leave her house.⁵ An eviction on Lord Leitrim's estate roused the tenants because religious animosities were provoked by aristocratic intransigence:⁶

The sheriff of Leitrim gave the possession of the houses and lands comprising the dwelling and farm held by the Revd. J. Fitzgerald, but the sheriff was unable to obtain possession of the chapel in consequence of a mob being assembled to prevent him doing his duty and the key was refused.... The sheriff having obtained the protection of [cavalry, infantry and police] he took possession of the chapel and grounds.

Contemporaries were obsessed by evictions. For example, in a published speech of Sir John Gray, almost fifteen out of forty-four pages were devoted to describing evictions.⁷ His accounts are highly coloured and give the impression that 'clearing' landlords were common and that evictions were the main grievance of the Irish tenantry. Inquisitive travellers who studied the Irish land question were careful to note the ravages of evicting landlords.⁸ The tenants of Kilkee who were evicted by the marquis of Conyngham had their grievances catalogued in a pamphlet of forty-seven pages.⁹

Exaggeration was common. For example, Michael Davitt who was usually fairly restrained in his statements said that 15,000 families were evicted between 1858 and 1870.¹⁰ But the

4. For this and other examples of evictions see Letters, memoranda, and newscuttings concerning the state of the county of Donegal, 1856-66 (N.L.I., Larcom papers, MS 7633)

5. James F. Barry, A chapter of Irish history; or, land tenure in Ireland (Dublin and London, n.d.), p. 19

6. Rent ledger of the estates of the earl of Leitrim in County Leitrim, 1860-4 (N.L.I., MS 5797, f. 101)

7. Sir John Gray, The Irish land question; speech of Sir John Gray delivered in the Free Trade Hall, Manchester, 18 October 1869

official returns show that the figure was 12,161.¹¹ Sometimes, parliamentary committees which were investigating some aspect of landlord and tenant relations were told of evictions which, on further inquiry, were found to have taken place years before.¹² A modern but contentious account of landlord and tenant relations gives the impression that the clearances which followed the Famine were common throughout the whole period, 1850-80:¹³

From the year 1850 to the passing of the Irish Land Act, 1881, the landlord terror was at its height throughout the length and breadth of the land. The system under which the landlords carried out their nefarious work was connived at, if not actually encouraged by an alien and hostile government, whose avowed policy was the banishment and extermination of the Irish.

Modern scholars have occasionally accepted this traditional view of evictions in this period. For example, an American writer, writing in the 1930s, believed that the tenant's lot was an unhappy one and that evictions were one of the scourges which afflicted him:¹⁴

Both the character of their holdings, the heavy weight of their rents and other financial burdens, and the danger, if they did not pay, of losing their small personal possessions, the occupation of their fields, and the very roof over their heads, all combined to make their lot one of misery and insecurity.

On the other hand, agrarian outrages have received less

(Dublin and London, 1869), pp 14-23, 27, 31-2, 38

8. B. Samuelson, Studies of the land and tenantry of Ireland (London, 1870), p. 4

9. Sylvester Malone, Tenant wrong in a nutshell; or, a history of Kilkee in relation to landlordism during the last seven years (Dublin, 1867)

10. Davitt, Fall of feudalism, p. 77

11. Returns, by provinces and counties, of cases of evictions which have come to the knowledge of the constabulary in each of the years from 1849 to 1880, inclusive, p. 3, H.C. 1881 (185), lxxvii (hereafter cited as Returns of evictions, 1849-80)

12. Report on outrages in Westmeath, 1871, p. 110

13. Proinsias O'Gallchobhair, History of landlordism in County Donegal (Ballyshannon, 1962), p. 4

14. Elizabeth R. Hooker, Readjustments of agricultural tenure in Ireland (Chapel Hill, 1939), p. 27

attention from modern historians, though contemporaries were excited by them. The crudely ineffective firearms used by the perpetrators of outrages inflicted horrible wounds which were described in detail by journalists. Some terrified landlords advocated the taking of strong measures against tenants who connived at the perpetration of outrages. For example, a landlord in County Westmeath suggested that the inhabitants of townlands where outrages occurred should be deported to Canada.¹⁵ It is possible that agrarian crime seemed worse than it really was because it was enumerated separately from ordinary crime. Many incidents in Ireland returned as agrarian crimes were of a kind that in England or Scotland would have been regarded merely as the results of rustic spleen. If Brooke, the landlord in Middlemarch, had lived in Ireland his embarrassing encounter with his irascible tenant, Dagley, would have been reported to the police and would have contributed to that year's returns of agrarian crime.

However, there were contemporaries who looked at evictions dispassionately. For example, George Campbell believed that many tenants enjoyed practical fixity of tenure.¹⁶ Peter McLagan pointed out that evictions had been rare in the 1860s.¹⁷ The poor law inspectors who reported on landlord and tenant relations in the late 1860s stated that evictions¹⁸ and the threat of evictions¹⁹

15. Report on outrages in Westmeath, 1871, p. 70

16. George Campbell, The Irish land (Dublin and London, 1869), p. 123

17. Peter McLagan, M.P., Land tenure and land culture in Ireland (London and Edinburgh, 1869), p. 44

18. 'Poor law inspectors' reports, pp 55, 141

19. Ibid., pp 29, 63, 141

were uncommon in many districts and that the few evictions which did occur were evictions for non-payment of rent.²⁰ And decrees for non-payment of rent were rarely executed if the arrears were paid.²¹ Notices to quit were served to restrain unruly tenants and they were rarely enforced.²² One poor law inspector pointed out that there were few cases of tenants losing the value of their improvements because of evictions.²³ Witnesses told the Bessborough commission the same story. They argued that evictions were rare,²⁴ that tenants were secure so long as they paid their rents and that decrees for arrears were rarely executed if the tenant paid his arrears.²⁵

However, some of the poor law inspectors gave examples of 'capricious' evictions.²⁶ In County Mayo it was stated that tenants who had lost their improvements by eviction 'may be counted by the hundred'.²⁷ Even landlords admitted that some tenants lost their improvements by eviction.²⁸ Therefore, contemporary opinion, even moderate contemporary opinion, was divided on the problem of evictions. On the one hand, there were those who believed that evictions were rare. On the other hand, there were those who believed that evictions, and the outrages which they caused were endemic in Irish rural society.²⁹ Certainly, those who complained vehemently of evictions had many good examples to support their case. For example, the Derryveagh evictions in 1861 were a terrible example

20. Poor law inspectors' reports, pp 29, 96, 100, 125, 151, 153

21. Ibid., p. 100

22. Ibid., p. 14

23. Ibid., p. 71

24. Bessborough commission, pt. i, pp 220, 237, 242, 259, 264, 282, 41

25. Ibid., pp 200, 201, 214, 237, 476

26. Poor law inspectors' reports, pp 38-40, 52, 56

27. Ibid., p. 55

28. Ibid., p. 38

29. D. Caulfeild Heron, 'Historical statistics of Ireland' in Jn. Stat. Soc. Ire., iii, pt. xxi (June 1862), p. 241

of what an unscrupulous landlord could do.³⁰ Also, the laws which governed the tenure of land before 1870 seemed to justify many of the complaints which were made on behalf of the tenants. Before 1870, a landlord could evict a yearly tenant if he fell into arrears or if he served him with six months' notice to quit. Neither the courts nor the government could stay ejectment proceedings.³¹ Furthermore, an evicted tenant had few legal claims to improvements before 1870. The law before 1870 gave out-going tenants the right to compensation for (i) fixtures, (ii) emblements and (iii) way-going crops. In practice, these rights were of little importance to evicted tenants.

In the following parts of this section, I shall examine (i) the frequency and incidence of evictions and agrarian outrages, (ii) the causes of evictions and outrages, (iii) the effects of the land act of 1870 on evictions and (iv) the difficulty of evicting some recalcitrant tenants.

2. The number of evictions in Ireland, 1849-80

In this part I shall discuss the incidence of evictions in Ireland and in individual counties during the period, 1849-80. The statistics of evictions which I have used are the returns made by the police, although I have occasionally referred to statistics of evictions in the judicial statistics of Ireland which were first compiled in 1863.¹

30. For an account of the Derryveagh evictions, see appendix XIV, pp 506-14

31. For a description of the legal procedures of ejectment, see appendix XIII, pp 492-501

1. For a discussion of the merits and disadvantages of different sources of ejectment statistics, see appendix XV, pp 515-20

2.1 The number of families evicted in Ireland, 1849-80 (2)

1849	16,686	1860	636	1871	482
1850	19,949	1861	1,092	1872	526
1851	13,197	1862	1,136	1873	671
1852	8,591	1863	1,734	1874	726
1853	4,833	1864	1,924	1875	667
1854	2,156	1865	942	1876	553
1855	1,849	1866	795	1877	463
1856	1,108	1867	549	1878	980
1857	1,161	1868	637	1879	1,238
1858	957	1869	374	1880	2,110
1859	837	1870	548	total	90,107

This table shows that evictions were most frequent in 1849 and the early 1850s. In the years 1849-52 the police reported that 58,000 families were evicted, and that is 64 per cent of all the evictions which were reported between 1849 and 1880. This can be put more extremely : there were more evictions in these three years, 1849-51, than in the following twenty-nine years. And the year 1850 was the worst year for evictions because in that year 19,949 families were evicted which was 22 per cent of all the evictions which occurred between 1849 and 1880. Therefore, evictions on a large scale were common only in the early 1850s. After 1854, evictions did not reach the same proportions again and evictions in the late 1850s, 1860s and 1870s were almost negligible when compared to the early 1850s.

However, the large-scale evictions of the 1850s influenced landlord and tenant relations in the period 1849-80 because the

savagery and ruthlessness which caused these clearances remained a lively memory in Ireland. One of the best documented of these events is the clearances in the union of Kilrush in 1848-9. Detailed lists were compiled of the tenants who were evicted and they were published as a parliamentary paper.³ The lists of evicted tenants fill almost forty pages and they are not complete. Most of the evicted tenants were small holders paying only £2 or £3 a year in rent and many of them were not in arrears. Descriptions of the suffering caused by the evictions were restrained by official reticence but they show the enormity of the misery created by clearances.

However, the table shows that evictions on this scale could not have been common after the early 1850s. After 1853 the annual number of evictions fell dramatically and continued to fall until 1860 when only 636 evictions were reported. This was a very small return compared to the 19,949 evictions reported in 1850. But in 1861 the number of evictions increased slightly and rose annually until 1865 when they fell again. After 1865 the number remained small until 1878 when they increased again. In 1879 and 1880 they increased sharply although the numbers reported in these years were small compared with the early 1850s.

This pattern of fluctuation is a familiar one because it coincides roughly with the fluctuations of arrears and of the value of agricultural output.^{3a} The sharp and sustained fall in the number of evictions in the early 1850s coincides with a sharp

3. Reports and returns relating to evictions in the Kilrush union,
pp 57-58 [1089], H.C. 1849, xlix

3a. See above pp 34, 88-9

increase in the value of agricultural output and decreases in arrears. Likewise, increases in evictions in the early 1860s coincided with a fall in the value of output and increases in arrears. And the low number of evictions between 1865 and the late 1870s coincided with low arrears and increases in the value agricultural output. Finally, an increase in evictions in the late 1870s coincided with increases in arrears and a fall in the value of agricultural output. It is worth noting that increases in evictions in the late 1870s were greater than in the early 1860s and that the corresponding decreases in the value of agricultural output were more sharp in the late 1870s than in the early 1860s.

The rough coincidence between fluctuations in the value of output, arrears and evictions suggests that evictions were caused by arrears. I have already pointed out that landlord and tenant relations were sensitive to fluctuations in the value of output because arrears increased when the tenants' share of agricultural output fell sharply. If the accumulation of arrears caused an increase in evictions, the table of evictions shows the more extreme consequences of fluctuations in the value of agricultural output. The contemporary reports which I referred to in the introduction to this section suggested that ejectments were pressed to their conclusion only when tenants could not pay their rents. This table and the apparent coincidence between evictions and arrears confirm this view.

I have examined the rentals of individual estates to test this assumption. In some rentals there are notes beside tenants' names to the effect that they have been served with

notices to quit or ejection processes. I have examined many of these cases on ten estates to see (i) whether tenants who were processed were in arrears and (ii) whether those processed were removed from the estates within two years of the note appearing beside their names.

The following table shows the results of this examination. The first column in the table shows the percentage of processed tenants who were in arrears; the second column shows the percentage of processed tenants who were removed within two years.

2.2 Evictions and arrears on ten estates, 1850-81 (4)

	in arrears	removed
Gosford (Armagh)	96	17
Gosford (Cavan)	90	10
Hall	92	23
Heygate (Donegal)	100	none
Hodson (Cavan)	100	15
Inchiquin	100	8
Johnstone (Armagh)	100	8
Leitrim (Leitrim)	98	65
Murray Stewart	88	19
Ranfurly	100	50
average	96	22

This table shows that on these ten estates most of the the tenants who were threatened with eviction were in arrears. On nine of the ten, more than 90 per cent of the tenants who were threatened with eviction were in arrears; the tenth estate, the Murray Stewart estate was not far behind the others. The table also shows

4. For references to and descriptions of the rentals of these estates, see appendices IV, V, VI, VII, X, XI pp 382, 383, 398, 412, 427, 462, 473

that only a small number of the tenants who were threatened with eviction were actually evicted. On eight of the ten estates, less than 23 per cent of the threatened tenants were actually removed. On only two estates, the Leitrim and Ranfurly estates, a large proportion of the processed tenants were removed but on neither of these estates was the percentage removed greater than the percentage in arrears. If the ten estates are taken as a whole, 96 per cent of the processed tenants were in arrears and only 22 per cent of the processed tenants were removed.

These results support the assumption that arrears were the main cause of evictions and that most evicted tenants were tenants who had fallen into arrears and become insolvent. Therefore, the eviction returns show, predominantly, tenants who had failed as farmers. Improving tenants who were capriciously disturbed must have been a very small minority of the total tenants who were evicted. Of course, there were a few small clearances after the early 1850s but they must have been very rare. The statistics after the 1850s could not support the assumption that clearances were common after the early 1850s. If the total number of annual evictions are expressed as so many evictions per 1,000 holdings, this becomes clear.

2.3 Number of evictions per 1,000 holdings in Ireland, 1849-80

1849	27.0	1857	2.1	1865	1.7	1873	1.3
1850	33.5	1858	1.7	1866	1.5	1874	1.4
1851	23.1	1859	1.5	1867	1.0	1875	1.3
1852	15.5	1860	1.1	1868	1.2	1876	1.1
1853	8.9	1861	1.9	1869	0.7	1877	0.9
1854	3.9	1862	2.0	1870	1.0	1878	1.9
1855	3.4	1863	3.1	1871	0.9	1879	2.4
1856	2.0	1864	3.5	1872	1.0	1880	4.0

This table shows that the rate of eviction was striking only in the early 1850s. If the annual rates of the early 1850s had been sustained in the following years, every tenant in Ireland would have been evicted in thirty years. But from 1853 until 1880, only about two tenants in every thousand were evicted and, at this rate, it would have taken 500 years to evict every tenant in Ireland. This is not an impressive rate of wastage and does not suggest that landlords were clearing their estates or even consolidating holdings. Furthermore, since most of these tenants were farmers who had become insolvent and had fallen into arrears it is arguable that this rate of wastage would have occurred under any system of land tenure.

Although the number of evictions in the country as a whole was small after the early 1850s, the incidence of evictions in individual counties was uneven.

2.4 Frequency distribution table showing the number of counties with different rates of eviction per 1,000 holdings, 1851-80 (5)

evictions per 1,000 holdings	number of counties					
	1851-5	1856-60	1861-5	1866-70	1871-5	1876-80
0-4	0	11	5	18	19	6
5-9	1	11	7	11	10	13
10-14	6	8	12	2	3	7
15-19	2	1	6	1		4
20-9	3	1	1			2
30-9	2		1			
40-9	2					
50 +	16					

5. Returns of evictions, 1849-80, pp 8-23

This table shows that many counties had high rates of eviction only in the first five-year period when sixteen counties had rates of more than fifty evictions per 1,000 holdings. However, after 1855 more and more counties fell into the lower classes until 1871-5 when twenty-nine counties had less than ten evictions per 1,000 holdings in that five-year period. After 1855 most counties had less than fifteen evictions per 1,000 holdings and in three of the five-year periods most of the counties had less than ten evictions per 1,000 holdings.

The table also shows that the rate of evictions varied from county to county and that in all five-year periods the rates ranged over most of the values in the table. For example, in 1861-5 the rates ranged from the lowest class to over thirty evictions per 1,000 holdings.

2.5 The highest and lowest rates of eviction per 1,000 holdings in each five-year period, 1851-80

	lowest	highest
1851-5	6.3	137.0
1856-60	0.6	28.7
1861-5	2.3	33.4
1866-70	0.9	15.3
1871-5	0.6	13.1
1876-80	1.6	22.5

These ranges show that the largest rates were many times larger than the smallest rates. The contrast between individual counties is further emphasized by the fact that some counties had consistently high rates while other counties had consistently low rates.

This is clearly shown if the counties are ranked according to the frequency of evictions in them during each five-year period.

The table, which is on the following page, shows that certain counties were consistently high ranking in each five-year period. The counties of Antrim, Armagh, Londonderry, Monaghan and Tyrone were, consistently, the counties with the lowest rates of eviction. On the other hand, certain counties were nearly always among the lowest ranking. For example, the counties of Kerry, Mayo and Tipperary and King's County were usually near the bottom of the scale. However, the position of some counties was not consistent. For example, the counties of Carlow, Donegal, Dublin and Roscommon moved up and down the ranks.

Nevertheless, the fact that some counties were more afflicted by evictions than others should not obscure the fact that the rates of eviction in individual counties tended to move up and down in unison.

2.6 The number of counties whose rates of eviction increased or decreased when compared with rates in the previous five-year period, 1856-80

	1856-60	1861-5	1866-70	1871-5	1876-80
increased		24	3	12	29
decreased	32	8	29	20	3

This table shows that in four of the five periods, evictions in most counties increased or decreased at the same time and that the increases and decreases coincide roughly with the national pattern of fluctuation.

Although it seems that evictions in most counties increased or decreased according to a common pattern which was determined

2.7 Counties ranked according to their rates of eviction per 1,000 holdings in each five-year period, 1851-80

Returns of evictions, 1849-80, pp 8-23

The counties with the fewest evictions are ranked highest

	1851-5	1856-60	1861-5	1866-70	1871-5	1876-80
Antrim	5	6	4	1	2	1
Armagh	4	7	7	9	7	4
Carlow	27	3	9	19	32	17
Cavan	8	20	8	6	19	23
Clare	24	15	28	11	26	9
Cork	14	11	15	10	12	26
Donegal	6	9	12	30	28	15
Down	10	8	2	2	4	2
Dublin	11	10	3	22	11	20
Fermanagh	2	5	16	8	17	11
Galway	29	29	20	29	30	24
Kerry	30	26	27	13	31	29
Kildare	12	13	17	16	10	7
Kilkenny	22	14	19	20	16	18
King's	28	32	21	18	18	22
Leitrim	16	31	32	31	23	28
Limerick	26	21	24	15	13	30
Londonderry	3	1	1	4	3	3
Longford	19	18	31	23	25	32
Louth	23	23	11	21	6	13
Mayo	32	29	23	27	29	12
Meath	25	24	25	25	21	31
Monaghan	7	4	5	5	1	5
Queen's	21	17	26	17	5	21
Roscommon	20	19	30	7	14	8
Sligo	9	16	18	12	27	16
Tipperary	31	28	29	32	22	19
Tyrone	1	2	6	3	9	6
Waterford	18	10	22	24	20	27
Westmeath	15	22	14	28	24	25
Wexford	17	12	10	14	15	10
Wicklow	13	25	13	26	8	14

by fluctuations in the value of agricultural output, these fluctuations had different effects in different counties and local conditions played a part in causing evictions. Since evictions in the country as a whole were caused mainly by arrears, the local factors which influenced the incidence of evictions were obviously those which influenced the capacity of tenants to remain solvent. The capacity of tenants to remain solvent, especially in bad years, depended on the size of their farms, their ability to readjust to more profitable lines of production and the degree of their former prosperity. Therefore, I have compared the incidence of evictions in counties between 1856 and 1875 with (i) the size of holdings, (ii) the increase in livestock between 1855 and 1874 and (iii) with the quality of houses in rural districts in 1861.

One could extend this list indefinitely and, even then, one could not account for the personal habits of individual tenants. But these three factors seem the most likely to give results. For example, the size of holdings seems to have had some influence because most tenants who were threatened with eviction on the ten estates which I have examined were small tenants.

2.8 The size of holdings, according to the amount of annual rent paid, threatened with eviction on ten estates, 1850-81

rent (£s)	percentage of total processed
0-4	16
5-9	44
10-14	19
15-19	12
20-4	5
25 +	4

This table shows that tenants who paid less than £10 a year in rent accounted for 60 per cent of all the tenants who were threatened with eviction. When it is remembered that the average valuation of holdings in this period was about £15, the results of this table confirms that the smaller holdings were more likely to be threatened with eviction than the larger holdings. This is understandable because the smaller tenants had fewer resources and fewer savings to see them through the vicissitudes of the seasons.

The increase in livestock between 1855 and 1874 is a useful indicator of the adaptability of certain areas because livestock production was more profitable in this period than tillage. The quality of housing is, of course, a good guide to the past and present prosperity of districts. The census commissioners divided houses into four classes. The fourth class of houses was built of mud or perishable material and had only one room; the third class of houses was better built and had two, three or four rooms; the second class of houses were good farmhouses with five to nine rooms; the first class of houses were all houses which were better than the second class.⁶ Therefore, the second class of houses show prosperity while the fourth class show the poverty of a district. The table on the next page shows the counties ranked according to evictions, the size of holdings, increase of livestock and the number of second class and fourth class houses in rural districts.

6. Census Ire., 1881, general report, p. 7 [c. 3365], H.C. 1882, lxxvi

2.9 Counties ranked according to their rates of eviction, 1856-75; according to the average size of holdings, 1865; according to the increase of livestock, 1855-74; and according to the quality of houses in rural districts, 1861

Returns of evictions, 1849-80, pp 8-23; Agricultural statistics (Ireland), 1857, p. xv [2461 sess I/, H.C. 1859, xxvi; Agricultural statistics (Ireland), 1865, p. vii [3929/, H.C. 1867, lxxi; Agricultural statistics (Ireland), 1874, p. xxi [c. 1380/, H.C. 1876, lxxviii; Census Ire., 1861, v, pp 454-5

The counties are ranked so that the counties with the fewest evictions, with the largest holdings, with the greatest increase in livestock, with the most second class houses and with the fewest fourth class houses are at the top of the ranks

	evictions	holdings	livestock	second class houses	fourth class houses
Antrim	3	14	22=	8=	2=
Armagh	6	25	10=	12=	7=
Carlow	24	4	19=	5	10=
Cavan	11	26	26	16=	10=
Clare	20=	18	5	16=	21=
Cork	9	8=	10=	21=	28=
Donegal	17=	31	31=	24=	7=
Down	2	17	24=	1	2=
Dublin	7	3	1	3	6
Fermanagh	8	20	32	6=	7=
Galway	29	29	6=	28=	27
Kerry	26	22	27	31	32
Kildare	12	2	12=	23	26
Kilkenny	13=	11	3	3=	10=
King's	31	16	16=	14	10=
Leitrim	32	30	29	21=	17=
Limerick	19	5	6=	24=	31
Londonderry	1	21	16=	8=	1
Longford	26	19	19=	16=	21=
Louth	13=	12	9	24=	17=
Mayo	26	32	24=	32	28=
Meath	25	1	14	28=	28=
Monaghan	3=	27	21	10=	5
Queen's	17=	15	16=	16=	10=
Roscommon	22	23	22=	27	21=
Sligo	15=	28	30	28=	24
Tipperary	30	10	6=	15	25
Tyrone	5	25	28	12=	4
Waterford	15=	6	12=	6=	10=
Westmeath	23	7	15	16=	17=
Wexford	10	13	4	10=	10=
Wicklow	20=	8	2	2	17=

The table shows that the size of holdings and the frequency of evictions coincided in some counties and the ranks of twelve counties coincided. The ranks of the counties when arranged according to evictions and the size of holdings coincided closely in the following counties : Clare, Cork, Dublin, Galway, Kerry, Kilkenny, Leitrim, Louth, Mayo, Roscommon and Wexford and the Queen's County. However, the ranks of other counties were far apart, especially the counties of Ulster which were, on the whole, free from evictions, and had small holdings. The counties, where the size of holdings and the frequency of evictions coincided, included only six counties (Clare, Galway, Kerry, Leitrim, Mayo and Roscommon) where evictions were frequent. Therefore, the smallness of holdings seems to have contributed to the frequency of evictions in only a handful of counties.

The relationship between increases in livestock and evictions is less pronounced than the relationship between the size of holdings and evictions. Only nine counties were ranked close to each other. These were the counties of Armagh, Cork, Kerry, Kildare, Leitrim, Mayo, Roscommon and Waterford and the Queen's County. But the ranks of the other counties were often far apart. Relatively small increases in livestock and frequency of evictions coincide in only four counties : Kerry, Leitrim, Mayo, and Roscommon. It is worth noting that frequent evictions, small increases in livestock and small holdings seem to coincide in the counties of Kerry, Leitrim, Mayo and Roscommon.

The relationship between second class houses and evictions is noticeable in some counties. For example, in the counties of Clare, Down, Dublin, Fermanagh, Galway, Kerry, Mayo, Meath and Wexford and Queen's County. Strong contrasts between the proportions of second class houses and evictions are rare, but the contrast in Wicklow is striking. The relationship between fourth class houses is very pronounced because twenty-two counties are ranked close to each other.

Therefore, all of these factors, the size of holdings, increases in livestock and the quality of houses had some positive influence on the incidence of evictions. If the correlations are measured by using the Spearman ranking coefficient, the relative importance of the size of holdings, livestock and houses is shown more clearly:

2.10 Correlations between rates of eviction in counties and size of holdings, etc. 1856-75

size of holdings	+0.05
increase of livestock	-0.05
second class houses	+0.66
fourth " "	+0.54

These results show that there was a strong positive correlation between the quality of houses and the incidence of evictions. Evictions tended to be more frequent in those counties where fourth class houses were common and they tended to be less frequent in counties where the houses were better. But the correlations between holdings and livestock and the number of evictions were neither decisively positive nor decisively negative. But while there was not a general correlation between

evictions and the size of holdings and increases in livestock, there was, in some counties, a very strong local relationship. And what was true of whole counties was probably also true of parts of counties and even of individual farms.

These results are interesting but they should not be pushed too far. They suggest some explanations for the uneven distribution of evictions within a situation governed by fluctuations of arrears and of the value of agricultural output. But only general tendencies are discernible, and more detailed conclusions would require a statistical analysis which is beyond the power of one man working with a slide-rule. But the distribution and incidence of evictions seem to have had three characteristics: (i) they were more frequent in years when arrears increased, (ii) they were most frequent in the poorer counties and (iii) the size of holdings and increases in livestock seem to have had influence in several counties, e.g. Kerry, Leitrim, Mayo and Roscommon. Nevertheless, local and personal circumstances should not be forgotten. The actions of even a few landlords could have a serious effect on the general situation in years when evictions were not frequent. For example, the increases in wool prices in the 1860s and improvements in the breeding of sheep may have tempted some landlords to clear tenants off mountain pastures.⁷ The Derryveagh evictions in 1861 seem to have been caused by John George Adair's preference for sheep and Scotch shepherds.

Since evictions were rare after the early 1850s and evicted tenants were usually in arrears, most tenants enjoyed in practice

7. Thomas Barrington, 'A review of Irish agricultural prices' in Jn. Stat. Soc. Ire., xv, pt. ci (Oct. 1927), p. 251

considerable security of tenure. The rentals of individual estates show that many families occupied the same holdings for long periods. For example, on the Erne estate at Lifford, 83 per cent of the families who were there in 1868 had been tenants in 1848.⁸ Furthermore, the number of holdings on an estate often did not decline after the early 1850s, and on some estates the number of holdings actually increased.⁹

Finally, four things can be said about the frequency of evictions in this period. Firstly, evictions were infrequent after the early 1850s. Secondly, fluctuations in the annual numbers of evictions resemble fluctuations in arrears and the value of output. Thirdly, an examination of evictions on ten estates shows that tenants who were threatened with eviction were usually in arrears. Fourthly, there were more evictions in some counties than in others, and the incidence of evictions in counties was closely related to the poverty or prosperity of the counties.

3. Evictions and estate management

The table in the preceding section which gave details of evictions and threats of evictions on ten estates showed that the number of threats of eviction greatly exceeded the number of tenants who were actually removed. On average, only 22 per cent [of the]

8. Rentals of the estate of the earl of Erne in County Donegal, 1848-87 (P.R.O.I., ID. 6. 181-2)

9. For example, see Two rentals of the estate of William Johnson of Drumkeeran in County Leitrim, 1847-56, 1884-90 (N.L.I., MSS 9465-9466)

of the tenants who were threatened with eviction were removed within two years. This suggests that ejectment procedures were used more frequently as threats than as a means of removing tenants.

The judicial statistics confirm this assumption. For example, in Ulster, in the three years 1867-9, 4,009 civil bill ejectment processes were served by official process servers but only 460 ejectments for non-payment and 374 ejectments for other causes were executed. In other words, only 21 per cent of the ejectments were executed.¹ These figures also show that ejectments for non-payment were more frequently executed than other ejectments. And the judicial statistics underestimate the number of ejectments for non-payment because landlords and agents often attempted to recover arrears by serving notices to quit.

The evidence of the rentals and the judicial statistics show two things about ejectments: (i) ejectments for non-payment were more common than other ejectments and (ii) the threat of eviction was more common than actual evictions. Therefore, it seems that landlords and agents used their legal powers to achieve ends other than the removal of their tenants and threats of eviction were used to control tenants.

In this section I shall describe some of the reasons why landlords evicted or threatened to evict their tenants. This

1. Judicial statistics (Ireland), 1867, pp 197, 200 /4071/, H.C. 1867-8, lxxvii; Judicial statistics (Ireland), 1868, pp 211, 215 /4203/, H.C. 1868-9, lviiii; Judicial statistics (Ireland), 1869, pp 211, 215 /c. 227/, H.C. 1870, lxxiii

is a useful exercise because it shows the kind of problems which estate management created, and the kind of quarrels which grew up between landlords and tenants.

The problems of estate management which evictions and threats of evictions were used to solve included (i) the collection of rents, (ii) the removal of insolvent tenants, (iii) the increasing of rents, (iv) the consolidation of holdings, (v) the settlement of disputes between tenants and (vi) bad farming by individual tenants.

We have already noticed that arrears were one of the main causes of evictions and that landlords and agents tried to keep their estates free of arrears. But ejectments for non-payment and ejectments on notice to quit were not the only ways of recovering arrears. Landlords could recover their arrears by distraint and by personal actions for debt. But these were either useless or invidious. The cattle of debtors could be driven away and could not be seized if they were not in the tenant's own fields. And personal actions for debt were self-defeating if the debtor was imprisoned. Impetuous agents such as William Steuart Trench discovered the truth of this in practice² but more cautious agents were of the same opinion:³

unless I can bring ejectments I need not proceed, as a common decree is of no use. Fyfe says the cattle would be driven into Longford.

The threat of eviction was used when a tenant, either wilfully

2. William Steuart Trench, The realities of Irish life (revised ed., London, 1966), pp 30-3, 40

3. Wann to Dobbin, 21 Feb. 1877 in Letters from William Wann to Lord Gosford, 1875-8 (P.R.O.N.I., D 1606/5A/4)

or carelessly, fell into arrears and it was hoped that this would encourage the tenants to settle their accounts.⁴

When an agent thought that tenants could, but would not pay their rents, he anticipated trouble by reminding the tenants of their duty and the reminder was usually a notice to quit. William Wann was always looking ahead to rent-days and was quick to spot tenants who could but would not pay:⁵

Please let me know what local solicitor I am to employ in case I require to bring [a] process or ejection. I see parties in the rental who paid no rent last year. One of them I know to be a notorious usurer and has little mercy and is reputed to be wealthy.

And it seems that the threat was effective because the arrears of processed tenants usually fell steadily after they were threatened.

After a series of bad seasons when tenants had been given some indulgence in the payment of their rents, agents were careful to threaten defaulters who tried to eke out the years of grace. For example, in 1864, on the Hodson estate in County Cavan, which was recovering from the bad seasons of the early 1860s, the agent reported that:⁶

The past season (of 1864) having been a very favourable one in the yield of cereals and flax both as to quantity and as to quality and in the price of the latter, we felt it unjust on the part of the tenants not paying up and instituted proceedings against the defaulters.

4. For examples, see Rentals and accounts of the estates of Lord Ashtown, 1852-8 (N.L.I., MS 1765)

5. Wann to Kyle, 1 May 1874 in Copy letter book of William Wann, 1870-81 (P.R.O.N.I., D 1606/5/5)

6. Rentals, accounts and agents' reports of the estate of Sir George Hodson in County Cavan, 1861-7 (N.L.I., MS 16,419, p. 113)

When tenants were hopelessly in arrears or when they had become chronically irregular in their habits, the agent was forced to proceed in earnest. For example, on the Hodson estate in 1865, the agents had to contemplate this possibility:⁷

In the accompanying rental there is an increase in the arrear.... As some of the tenants have fallen into bad habits, we fear it may be requisite to enforce payment by legal proceedings at mid-summer a course we had rather avoid.

The threat of legal proceedings was used not only to collect arrears but also to prevent the tenants falling into arrears in the first place. In this situation the notice to quit was useful because it could be used against tenants who were not in arrears. In the Gosford and Hall rentals, there are examples of printed notices which were sent to the tenants before gale-days and which threatened them with legal proceedings if they did not pay their rents.⁸ Wann firmly believed that the more stern custom of serving actual notices to quit helped in the collection of rents:⁹

Will you be good enough to beg Messrs. McCausland and Fetherston to prepare notices to quit for the Dungannon School estate tenants. All those formerly served are out of date and though the entire have paid up I conceive it prudent that the tenants should be quite in the power of the commissioners as it is occasionally a useful help at the time of collection.

When landlords wanted to raise their rents it was often necessary to force the tenants to pay by serving notices to quit.¹⁰

7. Rentals, accounts and agents' reports of the estate of Sir George Hodson in County Cavan, 1861-7 (N.L.I., MS 16,419, p. 167)

8. Rental of the estate of the earl of Gosford in County Armagh, 1861 (P.R.O.N.I., D 1606/7A/67); Rent ledgers of the estates of the Hall family in the counties of Armagh and Down, 1853-4 (P.R.O.N.I., D 2090/3/8)

9. Wann to Kyle, 4 Apr. 1853 in Copy letter book of William Wann, 1846-54 (P.R.O.N.I., D 1606/5/3)

10. Lords' committee on the land act of 1870, p. 149

It seems that tenants could refuse to pay the new rent and prevent the landlord from proceeding against them for non-payment by offering to pay the old rents. The landlord could resolve this difficulty quickly, by serving the tenants with notices to quit. This happened on the Dungannon School estate and Wann had to serve the tenants with notices to quit when some of them offered to pay only the old rents. Wann fixed a new day for receiving rents but was pessimistic about his chances of success:¹¹

If they do not then attend I don't see any way to enforce... the new valuation and if I bring ejectments for 'a year's rent in arrears' I must be defeated unless I accept the old rent. Early in April I took the liberty of suggesting that some notices to quit should be served but in the absence of any orders on the subject I did not of course issue any. If this had been done ... I could bring ejectments and succeed in making some of them come to terms.

Although non-payment and fears of non-payment were the main causes of landlords threatening tenants with eviction, there were other reasons. An examination of these reasons is worthwhile because it shows some of the causes of quarrels which grew up between landlords and tenants. The fact that landlords threatened tenants with eviction shows that the landlords were trying to make the tenants do something which they did not want to do. These reasons were (i) the standards of estate improvement maintained by some landlords, (ii) quarrels between tenants and (iii) the coercion of trouble-makers.

The aims of estate management depended on the zeal or lethargy of individual landlords. A zealously improving landlord might busy himself with the prevention of sub-letting and sub-division,

11. Wann to Kyle, 11 Dec. 1860 in Copy letter book of William Wann, 1854-70 (P.R.O.N.I., D 1606/5/4)

the encouragement of consolidation and better farming and with the equitable allocation of bogs. And in all these operations the landlord might encounter opposition which could be defeated only by threatening its instigators with eviction.

Some landlords carried improvement further than these simple aims and encountered general and persistent opposition in the management of their estates. For example, Lord George Hill improved his estate in County Donegal by building shops for his tenants. But to keep the shops in business he threatened with eviction any tenant who tried to set up a shop in opposition to the estate shop. He served a notice to quit on a tenant whose lodger set up a bakery.¹² He also evicted a tenant who opened a public house on the estate in spite of the fact that the tenant had got a licence at Bunrana petty sessions.¹³

However, most landlords' aims were more purely agricultural. The agent of the Fitzwilliam estates was careful to prevent sub-letting and sub-division.¹⁴ Wann tried to prevent sub-division on the Dungannon School estate but he often encountered difficulties: The habit of letting cotters and lodgers creep in on the estate is also a matter which I have much difficulty in suppressing and I think it would be advisable to have notices to quit served before the first of May on those tenants who have such parties.

Some landlords threatened tenants who farmed badly or who did not

12. Committee on destitution in Gweedore, 1857-8, p. 283

13. Ibid., pp 283-4

14. Robert Chaloner to Daniel Gilbert, 18 Apr. 1848, Chaloner to John Leonard, 30 Apr. 1849, Chaloner to William Nixon, 9 May 1850, Chaloner to A. Brewster, 7 Jan. 1851 in Letter Book of Robert Chaloner, agent of the Fitzwilliam estates, 1842-53 (N.L.I., MS 3987)

15. Wann to Kyle, 9 Apr. 1858 in Copy letter book of William Wann, 1854-70 (P.R.O.N.I., D 1606/5/4)

maintain improvements which the landlord had made on their farms. For example, Lord Fitzwilliam ordered regular inspections of the farms on his estates and careless tenants were reminded of their duty.¹⁶ However, Lord Fitzwilliam and his agent were mild-mannered men compared with Lord Leitrim who ordered his agent to warn a tenant that:¹⁷

if his house is not in perfect repair within three months from this date that I will make him pay double rent and evict him out of the land.

Agents tried to prevent trespassing on bogs and meadows and game preserves by threatening trespassers with eviction if they were tenants on the estate. On the Fitzwilliam estate, the agent kept a careful eye on bogs.¹⁸ William Wann and his bailiff were equally vigilant and they had a system of bog-tickets which were allocated to the tenants with the aim of preventing disputes and the destruction of the bogs.¹⁹ Some of the tenants tried to cut more than their share which they sold to outsiders. Wann tried to prevent this by serving the offenders with notices to quit.²⁰

Poaching and squatting were offences which usually brought forth the gravest warnings supported by notice to quit.²¹ Disputes between neighbours were often settled by serving the contending parties with notices to quit. For example, tenants who refused to maintain mearing drains might be threatened with eviction if they were persistent trouble-makers. Wann suggested that this

16. Memoranda in respect of the estates of Lord Fitzwilliam in County Wicklow, 21 Jan. 1858 (N.L.I., MS 4985); Memoranda books of Ralph Lawrenson and Frederick Ponsonby, agents of the estates of Lord Fitzwilliam, 3 Dec. 1874 (N.L.I. MS 5996)

17. Rent ledgers of the estates of the earl of Leitrim in County Leitrim, 1864-9 (N.L.I., MS 5802, f. 40)

18. Memoranda in respect of the estates of Lord Fitzwilliam, 15 June 1857 (N.L.I., MS 4983)

19. Wann to Kyle, 20 Feb. 1873 in Copy letter book of William Wann, 1870-81 (P.R.O.N.I., D 1606/5/5)

20. Wann to Pirie, 30 Aug. 1859 in Copy letter book of William Wann, 1854-70 (P.R.O.N.I., D 1606/5/4)

21. Minute book of tenants' requests submitted to the guardians of Lord Powerscourt, 1852-6 (N.L.I., MS 16,377, no. 1116)

should be done on the Dungannon School estate:²²

Complaint was made to you last month and previously by several of the neighbours of ... Laurence Gartlaney that he will not assist in keeping a mearing drain in proper order. I am fully aware of this man's troublesome disposition and would suggest a notice to quit being served on him to compel him to do what is right.

Tenants who allowed their cattle to trespass on their neighbours' meadows were often threatened with legal proceedings by the agent. For example, Wann tried to use his authority to frighten trespassers on the Dungannon School estate:²³

I am obliged to complain on a number of the tenants in the island of Derryalla. It joins the meadow along the Blackwater which is held by tenants who reside at a distance from it and these Derryalla men destroy it by turning their cattle on it at all times. I read them a sharp lecture for doing so and desired the complaining [tenants] to give me a list of the trespasses I think it would be well to write me such a letter such as I could show them threatening to remerce the parties I desired summonses to be served on them some time ago, but these Derryalla tenants turned out with bludgeons and [were] about to destroy all before them.

In the end, Wann was forced to settle the dispute by the arbitrary course of serving the offenders with notices to quit.²⁴

The consolidation of holdings either by amalgamating small farms or by 'squaring' rundale holdings was a common improvement carried out by landlords. For example, Brassington and Gale suggested 'squaring' farms on Lord Powerscourt's estate in Wicklow.²⁵ On the Dungannon School estate it was the practice to give adjoining tenants the first option on vacant holdings.²⁶ This practice

22. Wann to Kyle, 19 Feb. 1868 in Copy letter book of William Wann, 1854-70 (P.R.O.N.I., D 1606/5/4)

23. Wann to Kyle, 1 Dec. 1851 in Copy letter book of William Wann, 1846-54 (P.R.O.N.I., D 1606/5/3)

24. Ibid., Wann to Kyle, 19 Dec. 1851

25. Valuation of the estate of the Lord Viscount Powerscourt in the counties of Dublin and Wicklow, by Brassington and Gale, 1853 (N.L.I. MS 2740, p. 23)

26. Wann to Kyle, 3 Apr. 1851 in Copy letter book of William Wann, 1846-54 (P.R.O.N.I., D 1606/5/3)

was often resisted by the tenants in spite of the fact that many tenants were better off after transfers and amalgamations. For example, Abraham Thornton, a tenant on Lord Leitrim's estates, was 'removed' from his farm in Cloncumber to a new farm in Farnaught where he seems to have prospered because he acquired more and more land in the following years.²⁷ However, the tenants on Lord Leitrim's estates disliked these transfers because notices to quit were frequently issued to enforce them. This aspect of estate management was unpopular because it was regarded as a 'gradual clearance' and the expressed opinions of some landlords did nothing to reassure the tenants. For example, Lord Cloncurry told Murrough O'Brien that:²⁸

the only way to improve the country is to get rid of the small farmers. We've been at it for twenty years and with some success for I've 2,500 acres in my own hands.

Agents often intervened in family disputes to protect tenants who were persecuted by grasping relations. For example, on the Hodson estate, a tenant was evicted at his own request:²⁹

We were obliged to evict John Wallace in order to rid him from the ill-treatment he received from his son-in-law to whom he had assigned his farm; we got possession after the January sessions and have reinstated Wallace.

Some evictions were mere legal formalities carried out when landlords wanted to re-let farms free from legal impediments. This

27. For examples of transfers and the service of notices to quit to enforce them see Rent ledgers of the estates of the earl of Leitrim in County Leitrim, 1855-69 (N.L.I., MSS 5794-5800)

28. The commonplace book of Murrough O'Brien, 1878-1908 (MS in the possession of Prof. T.W. Moody, Trinity College, Dublin)

29. Rentals, accounts and agents' reports of the estate of Sir George Hodson in County Cavan, 1861-7 (N.L.I., MS 16,419, p. 3)

seems to have been the background to a letter written by Wann to a lady who had gone to live in Glasgow:³⁰

Will you let me know by return of post if I send your father through the Post Office a notice to quit for the lands he holds under Lord Gosford, will he acknowledge receipt of same on the back of the copy I need not say that Lord Gosford has no intention of acting anything but fairly by your father but this proceeding would save sending a person to Glasgow.

The versatility of the notice to quit as a means of controlling tenants is illustrated in detail in the ejectment books of the estate of Lord Fitzwilliam.³¹ These books cover the whole period and they give (i) the number of notices to quit served annually and (ii) the reasons for their service. The number of notices served varied from year to year and the annual average served was about eighty. In 1852, 195 were served but this was one of the largest numbers served in one year. These figures are not impressive when it is remembered that there were 1,800 holdings on the Fitzwilliam estates.

Most notices were served on tenants who did not pay their rents but there were other reasons for service, including the obvious ones: dividing without consent, encouraging lodgers, sub-letting, having squatters, bad farming and non-residence. However, some of the notices were served for more personal reasons. A tenant was served with a notice to quit for 'beating his wife and drunken rows'. Another tenant was noticed because he 'practised snaring hares' while another was noticed because he was 'not thought to be steady'. The supervision of farming was strict because in 1867, for example, tenants were served with notices to quit

30. Wann to Miss Anne Ochiltree, 19 Apr. 1871 in Letters from William Wann to Lord Gosford, 1865-75 (P.R.O.N.I., D 1606/5A/3)

31. Ejectment books of the estates of Lord Fitzwilliam, 1845-86 (N.L.I., MSS 4972, 4992)

because they sold their hay. Some of the tenants' names appeared regularly in these books and it seems that there was a small group of tenants who persistently caused trouble. This seems true of the Dungannon School estate where one family, the Gartlaneys, caused most of the trouble which worried Wann.

Landlords and agents used ejectment procedures to manage their estates and it seems that their powers were often used in socially desirable ways. It is true that some landlords used their powers in high-handed ways and it was alleged that some landlords used their powers for electoral purposes.³² Nevertheless, landlords used their powers with restraint and, occasionally, with discretion. The number of evicted tenants was small, and the number of tenants who were merely threatened with eviction was also small. Furthermore, in some rentals there are notes about the difficulties of tenants who were in arrears. Sickness, loss of livestock and the failure of crops were often taken into consideration by landlords before they evicted or even threatened to evict tenants.³³ On some estates, tenants were not pressed to pay their rents at times of the year when it might be inconvenient for them to part with cash.³⁴ However, there was no accounting for human folly and some tenants did not take advantage of their periods of grace. For example, a tenant on the Powerscourt estate was evicted in 1853 for arrears amounting to £89. 17s. 1½d. ; he was reinstated when he promised to work harder, but in the following

32. Poor law inspectors' reports, p. 63

33. For example, see Rental of the estate of the earl of Gosford in County Armagh, 1853 (P.R.O.N.I., D 1606/7A/59)

34. Wann to Edward Cummings, 26 May 1879 in Copy letter book of William Wann, 1870-81 (P.R.O.N.I., D 1606/5/5)

year his arrears had risen to £118.³⁵ On the same estate, the agent's patience was poorly repaid by another tenant:³⁶

The agent assisted Doyle for a length of time, but finding he was a drunkard and that his arrears were large he brought an ejectment against him A considerable portion of last year's crop was consumed in whiskey in Bray.

In conclusion, this section shows that the threat of eviction was widely used in the management of estates. The collection of rents, the increasing of rents, the consolidation of holdings and the settlement of disputes between tenants all depended on the use of threats of eviction. The fact that the threat was not frequently used and that the threats were rarely carried out shows that threats of eviction were very effective on most occasions.

The landlords were in an apparently powerful position. If their tenants were poachers, trespassers, debtors, or disturbers of the peace, landlords did not have to proceed against their tenants in the courts and to prosecute them as trespassers, debtors, poachers and disturbers of the peace. They could bring their tenants to heel by using special legal procedures, which were arbitrary and whose efficacy did not depend on the guilt of the parties accused. Only foolish or foolhardy landlords bothered to use distraint and personal suits for debt. It seemed, therefore, that the obligations and financial contracts associated with the tenure of land were on a different legal footing from other obligations. But, in reality, landlords were in a precarious position.

35. Minute book of tenants' requests submitted to the guardians of Lord Powerscourt, 1852-6 (N.L.I., MS 16,377, no. 1114)

36. Ibid., no. 895

The sanctions implied in threats of eviction were out of all proportion to the offences which caused the threats. Landlords and agents who used notices to quit to settle petty disputes often appeared to be high-handed bullies. The notice to quit was a useful and convenient way of controlling tenants and was often used in the tenants' interests. But their service implied the threat of dispossession even if the landlord had no intention of going that far. The implications, precedents and associations of the service of notices to quit were emotive, and easy to exaggerate. On the whole, the landlords would have been better off without these special powers if only because special powers are amenable to special legislative action. If landlords' arrears had been no different in law from other debts, the landlords' position would have been almost impregnable and would not have been susceptible to special treatment. And if landlords had been in the same position as other creditors, reform of debt collection procedures would not have been long delayed. Humane and effective methods of recovering debts would have been in the interests of all parties in rural society. And if arrears had been the same as any other debts, all the acquisitive elements in rural society would have been the allies, and not the enemies of the landlords. Certainly, the opponents of landlordism could not have struck effectively at the foundations of landlordism - the collection of rents.

4. The obstacles to evictions

In this part, I shall describe some of the obstacles which confronted landlords and agents who evicted tenants. In theory, ejectment procedures were swift, simple and arbitrary. Ejectment decrees were not determined by juries and neither the courts nor the government could delay ejectment procedures. Landlords and agents could be checked by threats or by actual outrages but, apart from these extreme measures, landlords were restrained by more mundane considerations.

If a landlord evicted a tenant who was in arrears he was likely to lose his arrears and legal costs. There are examples of the landlord losing arrears on the Pratt estate because insolvent tenants were evicted. On this estate, on the townland of Corrinseca in 1863, a tenant whose rent was only £5. 11s. 6d. was evicted and arrears of £50. 3s. 6d. were lost.¹ Furthermore, although the legal fees on ejectments were small the costs of serving ejectments were often large. For instance, there are examples of bailiffs receiving 11s. 0d. for serving notices to quit.² Therefore, if a landlord could settle with a tenant without going to law, it was worth his while to have patience. This explains, I think, why only a small number of the total tenants in arrears were threatened with eviction and why only a small proportion of the threats were carried out.

1. Rentals of the Pratt estate in County Cavan, 1850-64 (N.L.I., MS 3122)

2. For examples of legal costs, see Rentals and accounts of the estate of Lord Crofton in County Roscommon, 1862-84 (N.L.I., MSS 4074-4094)

However, as times improved in the 1850s and 1860s, landlords were less worried about losing arrears because incoming tenants would pay arrears and costs.³ Furthermore, the landlord could recover some of his arrears by seizing and selling the defaulting tenants' crops. For example, on the Johnstone estate in County Armagh, a tenant who owed arrears of £26. 12s. 9d. was evicted and his crops were sold for £27. 5s. 0d.⁴ However, evictions were most frequent in bad years when incoming tenants might not be so accommodating and when crops might be worthless. Therefore, evictions were something of a gamble for landlords and it was usually more satisfactory if the tenants could be forced to stay and pay.

A landlord's losses might not end with his loss of arrears because evicted and destitute tenants made moral claims for compensation on even the hardest landlords. For example, Lord Leitrim made small payments to evicted tenants.⁵ Other landlords were more generous. For example, Lord Ashtown gave small tenants sums which were four or five times the rent to encourage them to quit.⁶ On the Powerscourt estate, tenants were often given money to emigrate when they became insolvent. An entry in the tenants' requests books of that estate shows a strange mixture of charity and aesthetics in the guardians' generosity:⁷

It appears right to grant Patrick Connor's request. There would be no use whatever in leaving him on the land. He owes arrears

3. For an example of this, see the townland of Boher in 1865 in Rental and account of the St George estate, 1865 (N.L.I., MS 4016)

4. Rental and receivers' accounts of the Johnstone estate in County Armagh, 1861 (P.R.O.I., M. 3516)

5. A widow whose rent was £3 a year was given £2. 10s. 0d.; see Rent ledger of the estates of the earl of Leitrim in County Leitrim, 1855-9 (N.L.I., 5795, f. 115)

6. For examples, see Rentals and accounts of the estate of Lord Ashtown, 1852-8 (N.L.I., MS 1765)

7. Minute book of tenants' requests to the guardians of Lord Powerscourt, 1850-2 (N.L.I., 16,377, no. 472)

which he never can pay. He is old and has three children. His holding is first outside one of the demesne gates where it is not desirable to have too large a population. The farm adjoins his brother's and would make his farm of a better size. I agree to allow him £15, his travelling expenses to America, forgiving him his arrears and giving him his crop and stock, value about £5.

Although ejectment procedures were simple and swift, tenants could harass and embarrass landlords and agents by resisting the execution of ejectment decrees and by creating such a fuss that the landlord might find himself exposed to critical publicity. It seems that bailiffs could be peaceably resisted. For example, on the Leitrim estate in Donegal, the bailiffs were thwarted by an old woman:⁸

... with the sheriff's bailiff executing an ejectment decree against Widow Catherine Gallagher but did not execute it on account there was no one with us but ourselves two and she closed the door and would not let us in.

This was a last-ditch stand by an old woman but it is unlikely that she survived the second attack by the bailiffs. However, tenants who were rich and who were prepared to exploit the law could cause more difficulties. There is an example of such resistance on the Dungannon School estate where the agent was thwarted several times in an ejectment case.

I shall describe this case because it shows that ejectment procedures were not as swift in practice as they were in theory, and that tenants could command considerable legal resources. The tenants were the Gartlaney family who had defied Wann when he increased their rents in the early 1860s. They appear frequently

8. Weekly report of A. Russell to Lord Leitrim, 13 Jan. 1866. (N.L.I., MS 13,339 /10/)

in Wann's correspondence and they seem to have been violent, truculent and tenacious in their trouble-making. They were in the habit of abusing Wann and his bailiff, Pirie, in public and on one occasion, at least, Pirie came to blows with Michael Gartlaney. But it was an unequal struggle because Wann ruefully observed that:⁹

any force [which] Pirie could use against a man of Gartlaney's size would be very futile indeed.

The dispute which caused the ejectment case was about an out-lying farm which had been occupied by Michael's brother, Laurence. When Laurence died in 1867, Wann decided that his widow, Eliza, should be accepted as the tenant of her late husband's holding in Aughmullen but that she should give up a detached holding of five acres at King's island which her husband had also held.¹⁰ It was a rule of the estate that holdings should be consolidated when they became vacant, and Wann wanted to give this small, out-lying farm to a tenant who lived near it.¹¹ However, the widow was not allowed to sell the tenant right of the holding because her husband had got it free of tenant right. The widow, Eliza, does not seem to have objected to this arrangement but before the transaction was completed, Owen Gartlaney (another brother) seized the holding:¹¹

he got it clandestinely contrary to this order and refused to give it up. The widow, who is tenant for it, is willing to give it up.

9. Wann to Kyle, 17 Jan. 1868 in Copy letter book of William Wann, 1854-70 (P.R.O.N.I., D 1606/5/4)

10. Ibid., Wann to Michael Gartlaney, 11 Dec. 1867

11. Ibid., Wann to Kyle, 17 Feb. 1868

Michael supported Owen and told Wann 'in the most violent and insulting manner possible that it would never be given up'.¹² Wann responded to this contumelious act of defiance by trying to conciliate Gartlaney. The bailiff, Pirie, had prosecuted Gartlaney for assault and, now, Wann persuaded Pirie to drop the case. Then Wann wrote to Gartlaney to explain that he had used his good offices with Pirie and that he hoped Gartlaney would give no more trouble.¹³ But the Gartlaneys were not softened by Wann's generosity and, finally, Wann decided to begin ejectment proceedings to remove the nominal tenant, Eliza Gartlaney, from the King's island holding.¹⁴

This move was made almost a year after the dispute had begun. Wann had tried to persuade the commissioners to evict Michael as well but they would not agree to this.¹⁵ The ejectment was tried in January 1869 and Wann was defeated by the Gartlaneys' solicitors:

I attended Dungannon sessions yesterday and obtained three ejectment decrees without opposition but the Gartlaneys had three solicitors to defend the ejectment for the plot of ground at King's island. The barrister saw the case clearly and was with us every step [unti] at last a point was raised that the stamp on my power of attorney was defective. The opposing solicitor said [tha] there should be two stamps on it One of the Gartlaneys gave me considerable abuse with his tongue in the street afterwards but I took no notice of it.

12. Wann to Kyle, 14 Jan. 1868 in Copy letter book of William Wann, 1854-70 (P.R.O.N.I., D 1606/5/4)

13. Ibid., Wann to Michael Gartlaney, 20 Apr. 1868

14. Ibid., Wann to Kyle, 16 Dec. 1868

15. Ibid., Wann to Kyle, 24 July 1868

16. Ibid., Wann to Kyle, 14 Jan. 1869

This is a surprising story because it shows that the tenants were better represented in court than the agent and that the agent had to put up with public abuse from his opponents.

The chairman of the court adjourned the case until the next sessions in April. But fortune favoured the Gartlaney's because the chairman was transferred to Cavan and his successor did not know the details of the case. When the new chairman heard the case, the Gartlaney's appeared with four solicitors:¹⁸

a new defence was set up that the commissioners of education had no power to depute anyone to sign notices to quit and that therefore on that ground also the notice to quit was bad. The chairman said he would make no ruling until after a consultation with Mr Robinson and that he would give judgment at July sessions.

When the case was heard in July, Wann was defeated because the chairman decided that his power of attorney was legally defective. Ejectment proceedings had to be started again.¹⁹

During this interval Michael Gartlaney made an offer to Wann which illuminated the whole transaction. The redoubtable Michael seems to have wanted the main farm held by his sister-in-law in Aughmullen. He intimated to Wann that if his brother's widow was removed from her farm to make way for himself, he was not unwilling to give up the King's island holding.²⁰ Wann rejected this rascally proposal and, finally, in January 1871 he secured an ejectment decree for the King's island holding.²¹

18. Wann to Kyle, 14 Apr. 1869 in Copy letter book of William Wann, 1854-70 (P.R.O.N.I., D 1606/5/4)

19. Ibid., Wann to Kyle, 5 Oct. 1869

20. Ibid., Wann to Kyle, 29 Apr. 1870

21. Wann to Kyle, 27 Jan. 1871 in Copy letter book of William Wann, 1870-81 (P.R.O.N.I., D 1606/5/5)

The Gartlaneys did not give up and they appealed to the assizes,²² but the judge upheld the ejectment decree in spite of 'considerable hard swearing by six witnesses on the other side'.²³ But the Gartlaneys had not yet exhausted the resources of the law because the land act of 1870 had just come into operation and they claimed compensation for improvements under section 4 of the act. Their hard swearing so impressed the chairman of the court that he gave them £70 for improvements.²⁴ This was an enormous sum for improvements on a holding of five acres whose rent was only £2. 18s. 6d. a year. When Wann approached the adjoining tenant, Johnstone, to whom he had wanted to give the King's island holding in 1868, Johnstone refused to give £70 for the improvements;²⁵

I am anxious to know on what terms he may get it permanently. He offers £20 which is by no means a fair value for it. I am almost certain he told me more than once within the last few years that he could have got it from Gartlaney at or about £30. Though I am not a valuator myself I think [it] is well worth £35 or £40 to Johnstone.

The estate had incurred a loss of £70 and its agent was forced to admit that his enemies had fought with energy which was worthy of a better cause.²⁶ The dispute had lasted for almost five years and it seems to have had a demoralizing effect on Wann, because he later admitted:²⁷

that

I may now tell you the perpetual worry and annoyance which I so long endured in Gartlaney's case had a very bad effect on my health, so much so that I was obliged to put myself into the

22. Wann to John Collum, 27 Jan. 1871 in Copy letter book of William Wann, 1870-81 (P.R.O.N.I., D 1606/5/5)

23. Ibid., Wann to John Collum, 13 Mar. 1871

24. Ibid., Wann to John Collum, 3 July 1871

25. Ibid., Wann to Kyle, 12 Feb. 1872

26. Ibid., Wann to Kyle, 4 July 1871

27. Ibid., Wann to Kyle, 12 Feb. 1873

doctor's hands. My best and most honest intentions to truly discharge my duties to all parties, so untruly and unjustly represented to the commissioners, and your frequent calls for reports on the subject, which I could quite understand on your part, had me often on the point of resigning long since. I receive from the same number of tenants in Cavan as in the School lands over £4,000 a year for Lord Gosford and for the last twenty years the trouble I have had from the entire estate would fall far short of what I experienced in Gartlaney's case.

The Gartlaney case was, admittedly, exceptional. The Gartlaneyes were aggressive and they were rich enough to retain four solicitors and any number of perjurers. Wann was a timid and patient man who was employed by a public board which was reluctant to take decisive action. It is doubtful if the Gartlaneyes could have resisted Lord Leitrim or Lord George Hill. Certainly, they would not have abused Lord Leitrim in the streets of Dungannon, at least, they would not have abused him with impunity. And the Gartlaneyes were lucky because the land act of 1870 turned their last stand into a victory.

But this case is interesting because it shows several things about the difficulties of managing estates during this period. Firstly, this dispute was really a family dispute and the agent was unwittingly drawn into a family's attempt to 'grab' a farm which had been held by their brother and which had passed to an outsider, his widow. Secondly, the tenants had considerable legal resources. They were able to employ four solicitors at one time and their solicitors were very able. Thirdly, this dispute exhausted and baffled the wits of an experienced agent. For four years, a group of tenants defied him and he was caught between their truculence and his employers' caution. And he was

badly served by his legal advisers. This was a remarkable case, but it was not the sort of case which received public attention. Perhaps, if Michael Gartlaney had given Wann a terrible beating in Dungannon during a snow storm on Christmas eve, Wann might have received some public sympathy. But it is doubtful.

In conclusion, this section can be summed up by saying that the ejectment procedures at the disposal of the landlords were not as simple in practice as they were in theory. Also, landlords who evicted tenants were in danger of losing their arrears. Since arrears tended to accumulate at certain times, it was often better for a landlord to force his tenants to stay and pay than to remove them.

5. Evictions and the land act of 1870

Evictions were regarded, as we have seen, as one of the worst characteristics of landlord and tenant relations in this period. Evictions were seen as acts of wanton oppression which ruined those who were evicted and paralysed those who feared them. The land act of 1870 was supposed to have two remedial effects on rural society: (i) the discouragement of 'capricious evictions' and (ii) the protection of tenants' improvements. This was

achieved (i) by allowing a tenant who was evicted and who was not in arrears to claim compensation for disturbance and compensation for improvements, (ii) by reversing the presumption of the law as to the ownership of improvements in the tenant's favour and (iii) by allowing a tenant who was evicted for non-payment to claim compensation for improvements.¹ Furthermore, tenant right customs were legalised where their existence could be proved.

The land act of 1870 was criticized even before it came into operation.² It was argued that it did not give the tenants security of tenure and that it did not prevent exorbitant rent increases which removed tenants as effectively as ejectments or notices to quit. It was also argued that compensation for improvements and disturbance did not prevent evictions because landlords could recover their expenses from the incoming tenants.³ For example, a tenant in County Cork was given compensation of £90 by the land court, but his successor gave the landlord £120 and paid double the rent paid by his predecessor.³ And it seems that landlords could completely evade the provisions of the act.⁴

Furthermore, the tenants consistently received less from the courts than they claimed. The tenant in County Tipperary who claimed £1,030 and received only £15. 9s. 0d. was an extreme case.⁵

1. For a description of the provisions of the land act of 1870, see appendix XIII, pp 501-5

2. D.A. Thornley, Isaac Butt and home rule (London, 1964), pp 80-3

3. Report of the Bessborough commission, p. 12

4. Ibid., p. 13

5. Lords' committee on the land act of 1870, p. 164

but in 1877⁶ and 1878⁷ the tenants as a whole received only 31 per cent and 35 per cent of what they claimed. On the other hand, landlords complained that the courts were too gullible and favourable to the tenants:⁸

the tenants naturally stand shoulder and hand to hand in the matter; and I do not think they have so strong a feeling in favour of the landlords.

However, some contemporaries thought that the act was successful, especially in the early 1870s. A witness told a select committee:⁹

driving on the roads, the evidence of improvements since the land act is something startling, and especially in counties where from the first the tenants were satisfied with the administration of the act.

The same committee heard that the tenants worked harder since the passing of the act¹⁰ and that the act had given them a sense of property¹¹ and that they felt more confidence in their dealings.¹² Lawyers argued that the tenants were satisfied with the administration of the act.¹³ It was also believed that the act did not hinder the older, larger landlords while it hindered the smaller, sharper landlords. The older landlords were pleased by this:¹⁴

6. Judicial statistics (Ireland), 1877, p. 81 [c. 2152/], H.C. 1878, lxxix

7. Judicial statistics (Ireland), 1878, p. 71 [c. 2389/], H.C. 1878-9, lxxvi

8. Lords' committee on the land act of 1870, p. 83

9. Ibid., p. 272

10. Ibid., p. 287

11. Ibid., p. 225

12. Ibid., p. 223

13. Ibid., pp 208-9

14. Ibid., p. 191

I have had conversations with agents and others, when the court has broken up, and the general comment has been this, that they were very glad to find that these smaller landlords who were coming into court and disturbing the country got something like the justice they deserved.

In this section I shall examine the effects of the land act of 1870 in the light of the conclusions about evictions which I came to in the preceding sections. As we have seen, ejectment procedures were used for three purposes: (i) to facilitate estate management, (ii) to persuade tenants to pay their rents punctually, and (iii) to remove tenants. And the third of these was the least important. Tenants were rarely threatened with eviction if they were not in arrears and very few threatened tenants were actually removed. Since compensation for disturbance did not apply to tenants who were evicted for non-payment, the potential area of influence of the act was limited not only by its provisions but also by the character of estate management in Ireland. The land act of 1870 addressed itself to problems which were not really serious because capricious evictions and clearances were rare after the early 1850s. It did not apply its strongest sanctions to the most important cause of evictions: the non-payment of rent.

The returns of evictions show that evictions were not less frequent after 1870 and in twelve counties the number of evictions increased after 1870.^{14a} Furthermore, evictions increased in the late 1870s and the land act did not have much influence in those bad years. However, it must be admitted that the land act of 1870 did prevent the recurrence of incidents such as the Derryveagh evictions.

14a. See above pp 155, 162

In fact, the land act of 1870 had most influence on an area of landlord and tenant relations where it was never meant to operate : on the management of estates. As we have seen, threats of eviction were used to make tenants pay their rents punctually, to increase rents, to recover arrears and to frighten trespassers, poachers, trouble-makers, bad farmers and quarrelsome neighbours.

But the land act of 1870 made the notice to quit an expensive weapon. If a landlord evicted a tenant on a notice to quit he was forced to pay compensation for improvements and compensation for disturbance which might be as much as seven years' purchase of the rent. It was true that the landlord could recover his expenses from the incoming tenant but this was only a possibility and not a certainty, as William Wann found in the Gartlaney case. Also, the notice to quit was made more expensive because all notices to quit had to bear stamps worth 2s. 6d. after 1870. Therefore, on an estate of 400 holdings it would have cost £50 to serve all the tenants with notices to quit. It seems that the indiscriminate service of notices to quit ceased after 1870.¹⁵

The committee which investigated the land act of 1870 in 1872 heard many complaints from landlords about the difficulties of managing estates which the land act had made more serious. It was alleged that tenants were refusing to allow the cutting of turf on their farms,¹⁶ that it was more difficult to 'square' or consolidate holdings,¹⁷ and that landlords could no longer prevent quarrels between their tenants.¹⁸ For example, landlords had to

15. Thomas MacKnight, Ulster as it is, or twenty years' experience as an Irish editor (London, 1896), i, 262

16. Lords' committee on the land act of 1870, pp 94, 284

17. Ibid., p. 50

18. Ibid., p. 227

prosecute trespassers in the ordinary way and could not threaten them with eviction.¹⁹ It was also alleged that landlords had less control over the selection of incoming tenants,²⁰ although this was denied.²¹ One agent said that the courts allowed creditors to buy the interests of evicted tenants and that the farms of evicted and insolvent tenants were sold field by field, if necessary, and that landlords might have to accept the creditors as tenants. Landlords who wanted to take land into their own hands found that this was an expensive business in the 1870s.²²

Of course, there was some exaggeration in these claims and one landlord actually claimed that the act 'puts the landlord entirely out of the possession of his estate'.²³ One of the more alarmist stories told to the committee was about a landlord in Donegal who preserved the game on his estate and let it to visiting sportsmen. When the act was passed, his tenants took it into their heads that the shooting rights now belonged to them:²⁴

they now informed him that they will not allow his lessee to fire a shot but that he is a good sort of fellow and he may go and have a day's shooting himself sometimes.

It was also argued that the land act made it more difficult to increase rents because it was usually necessary to serve notices to quit on tenants who would not pay the increased rents.²⁵

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19. Lords' committee on the land act of 1870, p. 153
20. Ibid., pp 88-9
21. Ibid., pp 226, 259
22. Ibid., p. 84
23. Ibid., p. 147
24. Ibid., pp 48, 95, 150, 223
25. Ibid., p. 149

This difficulty was encountered in all parts of Ireland but it seems to have been greatest in Ulster where the tenant right custom was strongest. Lord Ranfurly's agent, Courtenay Newton, told the committee:²⁶

the landlords cannot raise their rents even to a reasonable sum.... All that can be sold is the perpetual rent as it is at the present with fixity of tenure and fixity of rent. It is really so. They may talk about it. They may say the landlord has the right to raise the rent provided it does not affect the value of the tenant right; but the meaning of that is, that it cannot be raised at all.

On the other hand, the tenants argued that landlords increased rents more frequently after 1870 because they resented the land act. Lord Annesley told a deputation of tenants:²⁷

Gladstone's act had robbed the landlords of Ireland of thirty millions of money, and it was very natural they would recoup themselves in some manner and gave as much as that as a reason for an increased rent.

There may have been some truth in both of these arguments because, as we have seen, some compulsion was usually necessary to increase rents, even to increase rents moderately.

However, on some of the estates which I have examined, rent increases were not more frequent in the 1870s than in the 1850s and 1860s. If anything, sporadic increases of individual rents were less frequent and there were few general rent increases. There were general increases of rent on sixteen estates in the 1850s and 1860s but there were only two general increases in the 1870s. And these were not important because the general increase on the Butler estate was not put into effect²⁸ and the general

26. Lords' committee on the land act of 1870, p. 99

27. Bessborough commission, pt. i, p. 234

28. Rent ledgers of the Butler family at Castlecrine in County Clare, 1848-82 (N.L.I., MSS 5410-5414); Rentals of the Butler estate, 1858 and 1878 (N.L.I., MS 5422)

increase on the Garvagh estate affected only a fraction of the total holdings on the estate.²⁹ But one would have expected many rent increases in the 1870s because the value of agricultural output rose to unprecedented heights in the mid-1870s, after steadily increasing in the late 1860s and early 1870s. Most of the estates which had general rent increases in the 1850s and 1860s and 1860s could have borne another general increase in the 1870s.

Rent increases were probably less frequent in the 1870s and it seems, too, that rent increases were smaller in the 1870s.

2.11 Rent increases on five estates in the 1850s, 1860s and 1870s (30)

	Gosford (Armagh)	Hall	Hodson (Cavan)	Inchiquin	Manchester
1850-55	1	-14		18	7
1855-60	5	7	22	18	6
1860-65	3	6	nil	1	10
1865-70	2	1	2	nil	3
1870-75	nil	nil	nil	4	1
1875-80			nil	1	nil

This table shows that rent increases on these estates were smaller in the 1870s than in the 1850s and 1860s. If these five estates were typical, it seems that rent increases in the 1870s were almost negligible when compared with the earlier rent increases. Therefore, the land act of 1870 seems to have

29. Rentals of the Garvagh estate in County Londonderry, 1846-81 (P.R.O.N.I., D 1550/ Boxes 20 and 23)

30. For references to the rentals of these estates, see appendices IV, VII, X pp 382, 427, 462

held back rents at a time when rent increases should have been frequent and substantial.

The difficulties in estate management created by the land act of 1870 caused some landlords to complain that the market value of their estates had fallen since 1870.³¹ For example, it was argued that the value of land had fallen by 33 per cent after the passing of the act.³² Men of capital did not regard land as a good speculation after 1870.³³ One witness told the committee:³⁴

I think the feeling is growing that it is better to have income without territory than territory without corresponding income.

The difficulty of managing tenanted land was reflected in the different value of tenanted and untenanted land³⁵ and this difference was often as much as ten years' purchase.³⁶

Landlords became less indulgent as their estates became more unmanageable. For example, William Wann was reluctant to give the tenants on the Dungannon School estate a temporary abatement of rent in 1871 because³⁷

One gentleman from Dungannon side told me he thought reductions of this kind should not now be recognized..... The law gives the tenant such an interest in the soil that such a claim should not be entertained, and he added significantly that you should know that alluding of course to Gartlaney getting £70 for four or five acres and this only reclaimed bog.

Wann was also stricter about arrears because the law gave tenants

31. Lords' committee on the land act of 1870, pp 96, 141

32. Ibid., p. 94

33. Ibid., pp 120

34. Ibid., p. 121

35. Report from the select committee on the Irish Land Act, 1870; together with the proceedings of the committee, minutes of evidence, appendix and index, pp 57, 77, 91, 104, H.C. 1877 (328), xii

36. Ibid., pp 77, 164; some landlords denied that the value of tenanted land had fallen; see Lords' committee on the land act of 1870, pp 51, 121, 225

37. Wann to Kyle, 23. Nov. 1871 in Copy letter book of William Wann, 1870-81 (P.R.O.N.I., D 1606/5/5)

an interest in the soil which the landlords could not control.³⁸

After 1870 many landlords did not give the tenants any help with improvements and landlords who had formerly given timber and slates ceased to do this.³⁹ On the estates whose expenditure on improvements I examined above, some changes may have been caused by the land act because less was spent on improvements after 1870. On the Erne estate at Lifford and on the Hall estates the decline was considerable. On the Archdale, Knox and Ranfurly estates there was a decline but it was not very striking. However, on the Crofton estate in County Roscommon, expenditure on drainage increased after 1870.⁴⁰

In conclusion, the effects of the land act of 1870 were negative. The act prevented irresponsible excesses by some landlords but it did not prevent the most common form of eviction: evictions for non-payment. The main result of the land act was that it made the management of estates more difficult. Landlords had relied heavily on legal procedures which were arbitrary and special, but the land act of 1870 struck at these powers. Every operation of estate management seems to have become more difficult. For example, rent increases were fewer and smaller in the 1870s when they should have been frequent and substantial because the value of agricultural output had increased steadily. As landlords perceived the implications of the land act they became more calculating in their dealings with their tenants.

38. Wann to John Thacker, 18 Nov. 1877 in Copy letter book of William Wann, 1870-81 (P.R.O.N.I., D 1606/5/5)

39. Bessborough commission, pt. i, pp 254, 256, 280, 285

40. For references to the rentals of these estates, see above p. 107

6. Agrarian outrages

In Ireland crimes committed in connection with the tenure of land were enumerated separately from ordinary crime by the police and were tabulated and recorded in the Irish crime records.¹ Serious agrarian crimes were investigated twice by select committees of the house of commons.² Serious crimes such as murder and attempted murder, which was a capital crime, were rare but these were included in the returns with less serious crimes such as sending threatening notices and the result was a total which looked impressive. The occasional murder gave a touch of distinction to a whole range of offences such as firing at the person, arson, hamstringing and the sending of threatening notices. When they were all put together they gave the impression that rural society was torn by vicious conflicts. Nevertheless, agrarian crime received little attention from contemporaries for its own sake because it was regarded as the epiphenomena of evictions or insecurity of tenure.

Unfortunately, the individual returns made by the police when agrarian crimes occurred have been destroyed. Therefore, it is not possible to study agrarian crimes in detail. If the returns had survived one could have gained many insights into conflicts in rural society and tested the accuracy with which agrarian crimes were classified separately from ordinary crime.

1. Irish crime records, 1848-93 (S.P.O.I., VIII B W.P., 2/1-2)

2. Report on outrages in Westmeath, 1871 and Report from the select committee on outrages (Ireland); with proceedings of the committee, minutes of evidence and index, H.C. 1852 (438), xiv, 1

My own impression is that the number of agrarian crimes was consistently exaggerated by the police. The police were probably tempted to return undetectable crimes as agrarian outrages because the perpetrators of these crimes were supposed to enjoy the sympathy of their neighbours. Certainly, some of the examples of agrarian crimes for which there is information suggests that the police were prone to classifying mysterious crimes as agrarian outrages. For example, the stationmaster of Mullingar was shot and his murder was regarded as an agrarian outrage because, on the day of his murder, he had evicted a smith from a garden owned by the railway company. But there were several other reasons why he should have been shot. He had dismissed several employees of the railway; he had reprimanded a ticket collector for wearing orange lilies in his coat and he had helped the police to search trains for arms. Also, he was, it seems, 'a very strict, honest, conscientious man'.³

Some of the crimes which were returned as agrarian outrages were strange. For example, a case of rape in East Cork was returned as an agrarian outrage in 1881.⁴ Furthermore, the way in which outrages were counted exaggerated their numbers. The offence committed was multiplied by the number of men who were involved. For example, if a gang of twelve men fired into

3. Report on outrages in Westmeath, 1871, p. 6

4. Irish crime records, 1879-83 (S.P.O.I., VIII B W.P., 2/2)

a house, this was counted as twelve cases of firing at the person even if only one of the twelve men fired a shot.

Although the police were responsible for some of the distortions in the returns, the public probably helped them. For example, the sending of threatening notices was one of the most common offences recorded every year and greatly outnumbered cases of arson and crimes against the person. But the discovery of threatening notices depended on the character of their recipients. Agents with strong nerves probably ignored them while their more nervous neighbours reported them to the police.

Also, there was probably an element of fraud in some reports of agrarian outrages. Farmers who had neglected to insure their crops were probably tempted to recoup themselves at the expense of the county when cocks of hay were burnt accidentally. Sheep which died of exposure on mountain pastures, cows which showed signs of dying before their time, and horses which went lame probably had their throats cut or were hamstringed, and the county bore the cost while the returns of outrages were inflated. And it was not only farmers who used these financial expedients. A tenant of Lord Leitrim had a stack of corn burnt by accident, but Leitrim, when he heard of it, announced that it had been burnt maliciously.⁵ However, his lordship did not burden the county with his opinions because he made the tenant's neighbours pay £5 for the burnt corn.

5. J.M. Studdart to the county inspector of Donegal, 17 June 1861 in Letters, memoranda and newscuttings concerning the state of the county of Donegal compiled by Sir Thomas Larcom, 1856-66 (N.L.I., MS 7633); hereafter cited as Larcom papers on the state of Donegal, 1856-66

However, the returns of agrarian outrages were taken seriously by contemporaries, and some of them thought that rural Ireland was crime ridden and that the lives of landlords and agents were not worth a year's purchase. For example, an insurance company was unwilling to insure the life of William Wann because he was an agent. Wann had to reassure them by telling them that:⁶

It is my natural disposition to be civil and courteous with the people and I have the satisfaction of working for parties who have every desire to act fairly by their tenants.

Although the totals of agrarian outrages reported annually by the police are heterogeneous and, probably, exaggerated, the returns must be regarded as an important indicator of the state of landlord and tenant relations. The factors which distorted the returns were probably consistent in their influence, and it is possible to compare one year with another and one county with another. But the factors which distort the returns should always be kept in mind. In the following part, I shall examine (i) the incidence of agrarian outrages, (ii) the causes of outrages and (iii) the relationship between evictions and outrages.

7. The incidence of outrages

The following table shows the number of agrarian outrages which

6. Wann to Edward and George Paine, 18 June 1852 in Copy letter book of William Wann, 1846-54 (P.R.O.N.I., D 1606/5/3)

were returned annually between 1848 and 1881.

2.12 The number of agrarian outrages in Ireland, 1848-81 (1)

1848	795	1857	194	1866	87	1874	215
1849	957	1858	235	1867	123	1875	136
1850	1362	1859	221	1868	160	1876	212
1851	1013	1860	232	1869	767	1877	236
1852	913	1861	229	1870	1329	1878	301
1853	469	1862	363	1871	373	1879	863
1854	334	1863	349	1872	256	1880	2586
1855	225	1864	304	1873	254	1881	4429
1856	287	1865	178				

This table shows that outrages were frequent in the early 1850s but became steadily less frequent until 1862 when they increased slightly. In 1865 they fell again until 1869-70 when they increased dramatically. During the early 1870s the number of outrages fell until 1875 when they increased slightly. But the most dramatic increase of the whole period occurred in 1879 and 1880 when the number of outrages rose to unprecedented heights. The annual number of outrages was small in most years and, on average, there were about only three or four outrages per 10,000 holdings annually.

The pattern of fluctuations of outrages resembles that of evictions and arrears,² but I shall discuss the relationship between evictions and outrages in a following section.

The incidence of outrages in the counties is shown in the following table which classifies the counties according to the number of outrages per 1,000 holdings.

1. Irish crime records, 1848-81 (S.P.O.I., VIII B W.P., 2/1-2)

2. See above pp 88, 155

2.13 Frequency distribution table showing the number of counties with different rates of agrarian crime per 1,000 holdings, 1851-80

outrages per 1,000 holdings	number of counties					
	1851-5	1856-60	1861-5	1866-70	1871-5	1876-80
0-4	19	28	27	26	29	15
5-9	6	4	5	1	3	9
10-14	4			3		4
15-19	3					4
20 +				2		

This table shows that in all six periods most counties had less than five outrages per 1,000 holdings quinquennially.

In 1851-5, only nineteen counties had less than five outrages per 1,000 holdings but in the next four periods more than three quarters of the counties had less than five outrages per 1,000 holdings. And in three of the six periods all counties had less than ten outrages per 1,000 holdings, and in the worst of the six periods, 1876-80, a bare majority of the counties had more than ^{five} ten outrages per 1,000 holdings. Rates of crime which were, annually, less than one outrage per 1,000 holdings are not impressive and do not suggest that many counties were crime-ridden.

If the counties are ranked according to their agrarian crime rates, it appears that certain counties were consistently ranked high or low. (The table is on the following page.) For example, the counties of Antrim, Dublin, Londonderry and Tyrone were consistently free from outrages. On the other hand, the

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2.14 Counties ranked according to their agrarian-crime rates per 1,000 holdings in each five-year period, 1851-80

The counties with the fewest outrages per 1,000 holdings are ranked highest

	1851-5	1856-60	1861-5	1866-70	1871-5	1876-80
Antrim	6	4	4	2	6	1
Armagh	25	20	20	22	22	10
Carlow	20	8	9	13	8	16
Cavan	17	18	21	25	18	20
Clare	13	25	19	14	28	22
Cork	8	3	15	7	13	28
Donegal	22	28	23	21	16	11
Down	18	2	5	1	7	4
Dublin	5	1	1	5	3	2
Fermanagh	11	7	12	6	5	3
Galway	7	9	10	16	24	31
Kerry	1	15	11	20	20	32
Kildare	24	32	13	17	15	18
Kilkenny	23	23	25	12	19	12
King's	30	29	29	27	30	27
Leitrim	26	27	30	26	29	25
Limerick	21	21	24	15	27	30
Londonderry	2	5	7	10	9	7
Longford	32	30	32	28	31	23
Louth	31	13	22	23	17	8
Meath	14	24	27	30	26	19
Mayo	3	17	8	31	21	29
Monaghan	19	12	3	3	2	6
Queen's	28	19	18	18	14	9
Roscommon	10	16	26	19	11	15
Sligo	12	14	14	29	23	24
Tipperary	29	26	28	24	25	21
Tyrone	4	6	6	4	10	5
Waterford	16	22	17	11	1	17
Westmeath	27	31	31	32	32	26
Wexford	15	11	16	9	4	14
Wicklow	9	10	2	8	12	13

counties of Leitrim, Limerick, Longford, Tipperary and Westmeath and King's County ranked low in most periods. However, the positions of some counties changed considerably during the thirty-year period. For example, County Down was ranked eighteenth in the first five-year period but in later periods it was one of the most peaceful counties. Also, the ranks of the counties of Monaghan and Waterford varied greatly; the ranks of the former ranged from second to nineteenth and the ranks of the latter ranged from first to twenty-second. And some of the counties which were most disordered during the final period, 1876-80, were amongst the most peaceful counties in the 1850s. For example, the counties of Cork, Galway, Kerry and Mayo were four of the most disorderly counties in 1876-80 but in the first five-year period, 1851-5, these counties were relatively free from crime. In fact, the counties of Kerry and Mayo were placed first and third in 1851-5.

Therefore, the incidence of outrages in individual counties varied from five-year period to five-year period and from county to county. However, the rates of agrarian crime did not vary as much as rates of eviction.

2.15 The highest and lowest rates of agrarian-crime in each five-year period, 1851-80

	lowest	highest
1851-5	1.30	17.20
1856-60	0.23	5.82
1861-5	0.32	7.98
1866-70	0.34	23.80
1871-5	0.20	8.43
1876-80	0.86	17.50

If the rates in each five-year period are compared with rates in the preceding five-year period, the upward and downward movements of rates is found to be erratic.

2.16 The number of counties whose agrarian crime rates increased or decreased when compared with rates in the previous five-year period, 1856-80

	1856-60	1861-5	1866-70	1871-5	1876-80
increased	2	21	16	9	32
decreased	30	11	16	23	

This table shows that outrages in some counties increased while outrages in others counties decreased, and ^{visa} ~~vice~~ versa. However, in four of the five periods the majority of the county rates moved upwards or downwards in unison. But it is worth noting that in one period, 1871-5, when outrages in the country as a whole declined, they increased in nine counties. And the movement of county rates was most decisive during the final period when outrages in the whole country increased strikingly.

Finally, it may be said that the incidence and frequency of outrages had four characteristics. Firstly, outrages were not very frequent in most years, especially when it is remembered that the returns were probably exaggerated. Secondly, the incidence of outrages varied from year to year and from county to county, but in most years and in most counties there were fewer than five outrages per 1,000 holdings in each five-year period. Thirdly, some counties were consistently peaceful while other counties were relatively disordered. Fourthly,

the annual fluctuation of outrages in the country as a whole followed a pattern which resembled the fluctuations of evictions, arrears and the value of agricultural output. However, some counties did not conform to this pattern and this suggests that local and peculiar causes contributed to the incidence of outrages. Nevertheless, the underlying cause of outrages seems to have been evictions.

8. The causes of outrages

In the evidence presented to select committees and in the works of contemporary observers there are many explanations for the occurrence of outrages in certain areas. It was believed that outrages were caused (i) by the service of notices to quit, (ii) by evictions, (iii) by rent increases (iv) by disputes about conacre and grazing, (v) by landlords refusing to give abatements of rent in bad years, and (vi) by disputes about the sale of tenant right. However, contemporaries put different emphases on the causes of outrages in different areas. For example, the committee which investigated outrages in Westmeath in the 1860s heard explanations of outrages which were different from those heard by the committee which investigated outrages in south Armagh in the early 1850s.

The witnesses who gave evidence on the Westmeath outrages

believed that outrages were caused by increases of rent,¹ by disputes about the letting of conacre and grazing land² and by the eviction of tenants without adequate compensation.³ Disputes associated with evictions and the re-letting of farms which had belonged to evicted tenants were the most common causes of outrages. Agents were warned that vacant farms were to be given only to the neighbouring farmers.⁴ In disputes about the compensation of evicted tenants, it was often the incoming tenant who suffered and not the agent.⁵

two men of the name of Cooney were the out-going tenants of the farm, and Walsh's father had purchased an interest in the farm; he paid a sum of money amounting to £20 Cooney expected to have got the whole sum, whereas some portion of the sum was retained on account of arrears of rent. Walsh was then ordered to quit the farm, which he did not do He got a threatening letter ordering him to evacuate the farm.

Walsh was shot and died of his wounds. And, sometimes, these disputes about compensation persisted for years.⁶

Some witnesses insisted that all evictions, even evictions for non-payment, caused outrages⁷ but one witness believed that evictions for non-payment had not caused trouble in the past.⁸

hitherto, eviction for non-payment was not considered an injustice; a man would go out and not a word would be said in his favour by any man in the county, but I think that state of things has changed since fenianism has become engrafted upon ribbonism.

Actual evictions caused outrages but it seems that the tenants resented any disturbance. For example, some landlords were

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1. Report on outrages in Westmeath, 1871, pp 46, 69
 2. *Ibid.*, p. 17
 3. *Ibid.*, p. 34
 4. *Ibid.*, p. 34
 5. *Ibid.*, p. 2
 6. *Ibid.*, p. 41
 7. *Ibid.*, pp 80, 110, 117
 8. *Ibid.*, p. 44

threatened because they had 'squared' farms.⁹

Therefore, in County Westmeath in the 1860s, it seems that the disposal of land was, on the whole, the main cause of outrages, although increases of rent contributed to causing some of the more serious outrages. Some tenants seem to have had certain ideas about the disposal of vacant holdings and about the compensation due to evicted tenants. When landlords violated these dictates, the tenants reacted violently.

In the early 1850s, there were several agrarian murders near Crosmaglen and a select committee was set up to investigate their causes. The witnesses who gave evidence to this committee believed that the outrages were caused by (i) high rents, (ii) large arrears, (iii) evictions, (iv) a decline in the value of tenant right and (v) the agitation caused by the Tenant League.

It was argued that the failure of the potato crop left small tenants unable to pay their rents.¹⁰ Landlords whose rents were high were threatened or attacked.¹¹ When they were threatened, they reduced their rents¹² or cancelled their arrears,¹³ and this encouraged tenants on other estates to commit the same crimes.¹⁴ Some of the landlords who were attacked had evicted or had threatened to evict tenants, and some witnesses were at pains to argue that evictions caused outrages.¹⁵

Some witnesses argued that the violent speeches made at Tenant League meetings had led to the perpetration of outrages,¹⁶

9. Report on outrages in Westmeath, 1871, p. 135

10. Report from the select committee on outrages (Ireland); with proceedings of the committee, minutes of evidence and index, p. 565, H.C. 1852 (438), xiv (hereafter cited as Report on outrages committed near Crosmaglen, 1852)

11. Ibid., pp 349, 584, 673

12. Ibid., p. 13

13. Ibid., pp 36-7

14. Ibid., p. 13

15. Ibid., pp 252, 311, 321, 376, 4.4, 558

16. Ibid., pp 17, 53

because some of the speeches were incitements to murder¹⁷ and to the non-payment of rents.¹⁸ One witness argued that the suspension of the League would have done away with outrages.¹⁹ Of course, other witness argued that outrages were unconnected with the Tenant League²⁰ and argued that the League was peaceful outlet for the tenants' feelings.²¹

The decline in agricultural prices and in the demand for land depressed the value of tenant right because there were fewer buyers for vacant farms and this was thought to be one of the causes of outrages.²²

The evidence presented to these two committees shows that the causes of outrages varied slightly from place to place and from time to time. But the common factor is the resentment of tenants who were evicted and, to a lesser extent, the resentment caused by rent increases. Other causes were also mentioned, for example, the letting of grazing land in Westmeath and, remarkably, the belief of Roman Catholics around Crosmaglen that they were the owners of the forfeited estates.²³ It should be remembered that some agrarian outrages were not caused by the actions of landlords. For example, in Westmeath²⁴

two brothers had a dispute about land, and the house of one of them was visited; a pistol was presented at the door and shots were fired He was warned to give up a certain portion of land that his brother claimed.

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17. Report on outrages committed near Crosmaglen, 1852, p. 167
 18. Ibid., p. 516
 19. Ibid., p. 58
 20. Ibid., pp 372, 577
 21. Ibid., p. 579
 22. Ibid., pp 76-7, 448
 23. Ibid., p. 85
 24. Report on outrages in Westmeath, 1871, p. 7

Since evictions were one of the main causes of outrages it might appear that the uneven incidence of agrarian outrages could be explained by the uneven incidence of evictions. But there is one objection to this : the annual number of evictions exceeded the number of outrages committed in every year except 1880. Therefore, not all evictions led to the perpetration of outrages and the uneven incidence of outrages cannot be explained only in terms of evictions. Obviously, the temper and organization of the tenants and the character of landlords and agents played some part in the perpetration of outrages.

When contemporaries drew attention to conspiracies and combinations among the tenants, they usually insisted that the tenants were ribbon-men and that the existence of ribbonism was one of the sources of agrarian outrages. Landlords, agents and police officers believed that the ribbon society was a secret society made up of local groups whose aim was to direct and control the management of estates by threatening landlords and agents with death if they violated the ribbon code.

The ribbon society was believed to have a hierarchical organization whose directors lived in England or Scotland from where they directed operations in safety. The supreme authority of the organization was an assembly of delegates which met in Glasgow or Manchester. The delegates were appointed by the county societies and under the delegates were (i) parish masters, and (ii) body masters who were the leaders in townlands and villages.²⁵ The aim of the local circles was to take vengeance

25. Report on outrages in Westmeath, 1871, p. 10

on landlords who evicted tenants²⁶ and on anyone who took land from which a tenant had been evicted.²⁷ The local circles were recruited mainly from among serving boys, herds and caretakers.²⁸

When an eviction occurred or when an agent or a bailiff made himself so obnoxious that it was necessary 'to put him off the walk', the local ribbon-men held a court and passed sentence on the offenders.²⁹ When the court had passed sentence, the circle arranged for strangers to be brought into the district to shoot the offender.³⁰ A 'grabber' in Westmeath was shot by two men who were brought in from a neighbouring county:³¹

They were entertained ... with whiskey and provisions.... The arms had been hidden in a straw stack outside the house, and they were guided across the bog to where the outrage took place, by the Cooneys, in two parties so as not to attract the attention of the police. They reached the farm at about one o'clock in the day time whilst the man was sowing his corn; they put him on his knees and shot at him; but one of the parties said, 'Do not kill him, but only shoot him in the legs so as to disable him.' And it was of these wounds that he subsequently died.

This is a highly coloured account of the agrarian societies who were supposed to commit most of the outrages. But most of the evidence about ribbonism came from informers and was, therefore, highly coloured.³² One feels that the informers told the authorities what the authorities wanted to hear, and decorated whatever useful evidence they had with exaggerated stories of the ribbon confederation. A resident magistrate of long experience admitted that he knew of only one ribbon meeting which was actually surprised by the police in the course

26. Report on outrages in Westmeath, 1871, p. 25

27. Ibid., p. 26

28. Ibid., p. iii

29. For a colourful account of a ribbon court, see William Steuart Trench, The realities of Irish life (revised ed., London, 1966), p. 1

30. Trench, op. cit., p. 117

31. Report on outrages in Westmeath, 1871, p. 3

32. Ibid., pp 9-10; Trench, op. cit., pp 173-8

of its deliberations. And he admitted:³³

I think there is a very great doubt whether that was a ribbon meeting; I would rather think it was a fenian ribbon meeting.

The result of this lack of reliable information about secret societies in rural Ireland was the circulation of wild stories about the ribbon-men. For example, a landlord read, in all seriousness, the following example of the ribbon oath to a select committee:³⁴

By virtue of the oath which I have taken, I will aid and assist with all my strength, when called upon to massacre protestants and cut away heretics, burn British churches, abolish protestant kings and princes and all others except the church of Rome.... I will think it no sin to kill and massacre a protestant whenever opportunity serves....

The existence of an oath-bound, hierarchically organized confederation was probably an exaggeration of the available evidence. The perpetration of agrarian outrages probably had a common pattern rather than a common organization. The use of strangers to commit outrages, the intimidation of informers, and the sympathy of the rural population were the natural expedients of rural terrorists rather than the results of centralized organization. The fact that the use of strangers and the sympathy of the population thwarted the crude detection methods of the police made the police more willing to exaggerate the skill and organization of their opponents.³⁵ On the whole,

33. Report on outrages in Westmeath, 1871, p. 9

34. Ibid., p. 63

35. The police were not always unsuccessful. A clever constable tracked and arrested the perpetrator of an agrarian outrage because the man was wearing boots whose nails formed a peculiar pattern; the man turned approver; see Report on outrages in Westmeath, 1871, p. 3

the bishop of Meath came closer to the truth than the police, when he said:³⁶

there are in the County Westmeath, as I said, not regularly organized confederacy, but [only] small knots of miscreants.

Although the ribbon conspiracy is probably a chimaera, local organization was a factor in the incidence of agrarian outrages. The existence of strong and ruthless characters in a locality, the nature of the terrain and the character of landlords and agents encouraged or discouraged the perpetration of outrages. Small groups of determined men could stir up resistance on estates about incidents which passed unnoticed on other estates. For example, the Gartlaneys on the Dungannon School estate were the prime movers in all the agitations which troubled that estate. They stirred up agitations about aspects of estate management which were uncontroversial on other estates. Also, there was an element of mimetic rivalry in the perpetration of outrages : the 'boys' of one district took their cue from the 'boys' of a neighbouring district.

The conditions which fostered local opposition to landlords and agents were probably infinitely complex and owed as much to local feuds or family feuds as they did to the character of the agent. For example, on the Hodson estate in County Cavan, an agitation was engineered by the schoolmaster's family, the

36. Report on outrages in Westmeath, 1871, p. 111

Hamiltons. On the surface, the dispute was about the closing of a school on the estate but, in fact, the Hamiltons were jealous of the new bailiff because the post of bailiff had formerly been the perquisite of the Hamilton family. The anger of the Hamiltons was aggravated by the agents' intention of putting the new bailiff into the schoolhouse which was a better house than the one he occupied. The agents handled this dispute tactfully and firmly and it was soon forgotten.³⁷ But this was the sort of dispute which could have developed into a serious feud.

If the temper of tenants varied from place to place, the character of the landlord often drove quiet tenants to take desperate measures. A landlord such as Lord Leitrim seems to have gone out of his way to stir up tenants who had been formerly peaceful and contented. Leitrim's worst failings of character seem to have been greed and misery, although arrogance came close behind. When anything was damaged or lost on his estate, Leitrim was in the habit of making his tenants pay for it. Window panes broken by the wind and an old saddle thrown away by servants were paid for by the tenants in Milford because Lord Leitrim believed that they were responsible. He built a wall across a public road to prevent his tenants reaching the sea shore to gather sea weed. He did not allow the catholics of Milford to build a chapel although they had collected the money and deposited it in a bank. And he added insult to injury

37. Rentals, accounts and agents' reports of the estate of Sir George Hodson in County Cavan, 1861-7 (N.L.I., 16,419, pp 3-4, 114)

by ordering the tenants to stage a grand illumination when he visited Milford.³⁸ The results of his behaviour was to stir up the tenants on his Donegal estates to the point where a resident magistrate declared in 1864:³⁹

From all I can learn I have not the slightest doubt but that should an opportunity offer Leitrim will be shot and that the attempt would have been made long since only the people are afraid of only wounding or missing him.

In conclusion, it can be said that there were several causes of outrages. Evictions seem to have been the main cause, although rent increases and, indeed, any exercise of authority by landlords could provoke outrages. However, all evictions did not cause outrages because the former were more numerous than the latter. Rent increases caused disorder in some areas but rent increases of the same size might be quietly accepted in another area. Therefore, the character of landlords and tenants played a part in causing outrages and in causing the uneven incidence of outrages in counties. Although intangible factors influenced the incidence of outrages, evictions were the main cause of annual fluctuations in outrages. As we have seen fluctuations in the number of outrages coincided with fluctuations in evictions. And contemporaries believed that evictions caused outrages. Also, evictions or threats of eviction seem to have been the most unpopular aspects of estate management. For example, Lord Leitrim made himself unpopular

38. J.M. Studdart to the county inspector of Donegal, 17 June 1861 in Larcom papers on the state of Donegal, 1856-66

39. J.M. Studdart to the inspector general, 26 Oct. 1864 in Larcom papers on the state of Donegal, 1856-66

by his high-handed behaviour, but the annual service of notices to quit on his estate made him more unpopular than anything else:⁴⁰

what really makes him more detested than anything else is his serving annually every tenant at will on his estate with a notice to quit. Like the sword of Damocles it hangs over their heads, and woe betide the tenant of his that dares to disobey his behests.

Therefore, before concluding this chapter I shall examine more closely the connection between outrages and evictions.

9. Evictions and agrarian outrages

An experienced observer of rural Ireland, Mountifort Longfield, believed that rural society was troubled by a vicious circle of disorder created by arrears, evictions and agrarian outrages:¹

finally, he is evicted, owing three years' arrears of rent, which he never pays. He considers himself an injured man, the victim of landlordism and oppression. No questions are asked about the merits of the case. The mere fact that he has been dispossessed is sufficient to excite the sympathies of the population, which will either assist him to take revenge, or at least will assist him to escape when he has gratified his revenge by murdering the tenant who succeeds him, or his landlord.

As we have seen the value of agricultural output, the accumulation of arrears, the annual numbers of evictions and the annual number of outrages followed a consistent pattern between the early 1850s and the late 1870s.^{1a} Arrears, evictions

40. J.S. MacLeod to Sir Thomas Larcom, 17 Oct. 1864 in Larcom papers on the state of Donegal, 1856-66

1. Mountifort Longfield, 'Address by the president, Hon. Judge Longfield' in Jn. Stat. Soc. Ire., iv, pt. xxix (Jan. 1865), p. 135
1a. See above pp 34, 88, 155, 206

and outrages declined when the value of agricultural output increased, and they increased when the value of agricultural output declined. However, three things about the total number of evictions and outrages should be noticed. Firstly, the number of evictions was always greater than the number of outrages, except in 1880. Secondly, the number of outrages increased greatly in 1869 and 1870 but the number of evictions did not. Thirdly, the number of evictions greatly outnumbered outrages in the early 1850s but the preponderance of evictions was less marked in later years, especially in the late 1870s.

These three things suggest that while fluctuations in outrages and evictions were roughly the same, local conditions and personalities had some influence. The increases in outrages in 1869 and 1870 were largely accounted for by a wave of agrarian crime in County Mayo. For example, there were 665 outrages in Mayo in 1870 and this was half of the total number of outrages in the whole country.² Also, the fact that evictions were relatively less frequent than outrages in the 1870s suggests that the tenants had become more aggressive since the early 1850s when evictions had greatly outnumbered outrages.

The coincidence between the national totals of evictions and outrages suggests that fluctuations in agricultural output had a great influence on landlord and tenant relations. But the correlation between outrages and evictions in individual

2. Irish crime records, 1848-79 (S.P.O.I., VIII B W.P., 2/1)

counties is less marked. A comparison of the frequency of outrages and evictions in individual counties shows that some counties had consistently high or consistently low ranks when the counties were ranked according to the frequency of outrages and evictions. The position of some counties when ranked according to evictions often coincided with their position when ranked according to outrages. For example, the counties of Antrim, Down, Londonderry, Monaghan and Tyrone were usually relatively free from evictions and outrages. Likewise, the counties of Leitrim, Limerick and Tipperary and King's County were often badly placed as regards evictions and outrages. But the position of some counties was often inconsistent. For example, the county of Armagh was relatively free from evictions but was usually well down in the outrage ranks. Also, in 1851-5, Mayo and Kerry were amongst the most peaceful counties of Ireland, but they were placed thirtieth and thirty-second in the eviction ranks.³

Furthermore, the rate of evictions and outrages did not, in all counties, increase and decrease in unison with each other except in the sixth period, 1876-80. For example, in the period 1861-5, evictions increased in twenty-four counties but outrages increased in only twenty-one counties. And in six of the eight counties ^h where evictions decreased, outrages increased. In the period, 1866-70, evictions decreased in twenty-nine counties but outrages decreased in only sixteen counties. In the period, 1871-5, evictions decreased in twenty counties but outrages decreased in twenty-three counties. And in seven of the twelve counties where evictions increased, outrages decreased.⁴

3. See above pp 163, 208

4. See above pp 162, 210

Therefore, the coincidence between evictions and outrages is strong in some counties but it is not perfect. I have used the Spearman ranking coefficient to measure the coincidence between evictions and outrages.

2.17 Correlations between eviction rates and agrarian-crime rates in each five-year period, 1851-80

1851-5	+0.11
1856-60	+0.43
1861-5	+0.73
1866-70	+0.53
1871-5	+0.49
1876-80	+0.65

Since thirty-two items are compared, coefficients of more than +0.3 suggest a positive correlation and, therefore, there was a positive correlation between evictions and outrages after 1855. But the degree of correlation varied from period to period. It seems to have become stronger after the early 1850s and it was strongest in the two periods, 1861-5 and 1876-80, when evictions and outrages were most frequent. This gives some support to the idea that the tenants became more aggressive after the early 1850s. It also suggests that the incidence of outrages corresponded more closely to the incidence of evictions in those years when evictions were most frequent.

In conclusion, it seems that there was a strong connection between evictions and outrages in this period. This connection is based not only on the opinions of contemporaries but also on a strong statistical correlation between evictions and outrages in the country as a whole and in the counties. Nevertheless,

local and personal factors should not be forgotten. A perfect correlation between arrears, evictions and outrages is not possible because evictions and the threat of eviction were used for purposes other than the collection of rents. Many aspects of estate management which had nothing to do with rents or arrears of rent, caused disputes which could be settled only by the service of notices to quit. Above all, the temper and character of landlords and tenants should not be forgotten. There was, it seems, no accounting for the idiosyncrasies of some landlords and tenants. My abiding impression of rural Ireland is that there would have been disputes and that these disputes would have led to the perpetration of outrages even if the tenure of land had been better regulated.

10. Conclusions

In this section on evictions and outrages I have examined the frequency, causes, and relationship of evictions and outrages in Ireland between the early 1850s and the late 1870s. Evictions were infrequent after the early 1850s and most tenants who were evicted were in arrears. Also, many tenants who were threatened with eviction were not removed from their holdings. However, the threat of eviction, especially the service of notices to quit, was often used in the management of estates. The

collection of rents, the increasing of rents, the settlement of disputes and the consolidation of holdings depended occasionally on the service of notices to quit. Landlords were in an apparently privileged position because the law gave them special powers for the management of their estates. But the very fact that the management of estates depended on special legal procedures put the landlords in a precarious and invidious position because their powers to collect their debts and to manage their property could receive special legislative treatment which would not affect the powers of other men to manage their property. And the land act of 1870 did just that, and struck a significant blow at the special powers of the owners of landed property. It was not as serious a blow as the land act of 1881 but it was serious, if only as a precedent.

Even before 1870 the landlords' power of eviction was not as effective in practice as it was in legal theory because landlords often stood to lose by evicting tenants. And, on one occasion at least, the tenants were able to defy and embarrass the agent of an estate by defeating an ejection. Also, landlords and agents were often subjected to murderous attacks or to threats of murderous attacks.

Outrages were infrequent in most years but there was a strong connection between evictions and outrages, and between fluctuations in the value of agricultural output and outrages. Landlord and tenant relations were subject to intermittent crises caused by falls in the value of agricultural output. When the value of output fell, arrears increased and evictions and outrages increased too. And the connection between outrages and evictions

was strongest in the crisis years. However, the disorder in rural society should not be exaggerated because only a small number of tenants were ejected even in the crisis years, and the attendant disorder was also limited to certain areas. For example, in 1880 which was the worst year for evictions and outrages since the bad years of the early 1850s, there were only four or five evictions and outrages per 1,000 holdings.

It has been common to look at landlord and tenant relations in purely legal terms and to believe that landlords would, and what is more important, could, use their legal powers to the full on every possible occasion. On the whole, I think that this section has done something to modify the traditional, legalistic interpretation of landlord and tenant relations. Although the fact that the Irish government compiled statistics of evictions and outrages created the impression that rural society was deeply troubled by harsh landlords and murderous peasants, a close look at these statistics shows that neither outrages nor evictions were very common. Fluctuations in the value of agricultural output had more influence on landlord and tenant relations than the laws which regulated the tenure of land.

An examination of individual estates helps to test many of the allegations about landlord and tenant relations which were made by contemporaries. It seems that the tenants were not as weak and landlords were not as strong as the law suggested. As we have already seen in the section on rents, landlords were unable to appropriate a proportionate share of the increases in agricultural output. Also, rents were often difficult to collect because

holdings were small and numerous. In this section we have seen that the weapons which were at the disposal of the landlords for the management of their estates were clumsy and arbitrary. Before 1870 these methods were usually effective but after 1870 the landlords were in a weaker position and the weakness of the position was reflected in smaller rent increases.

The main problem of landlord and tenant relations was the problem of managing estates. Since landlords could not manage their estates effectively, the tenants were always in a state of uncertainty and the agents were so hard pressed that they sometimes treated the tenants arbitrarily. Irish estates were often large and consisted of a large number of small holdings. For example, the Archdale estate in County Fermanagh stretched for thirty miles across the county and into Tyrone, and the several portions of the estate were separated by the lough. The agent must have spent much of his time travelling from one part of the estate to the other. It is doubtful if the average agent knew all the tenants or knew where they lived. For example, William Steuart Trench had to consult a map on his way to one of his famous face-to-face encounters with a stubborn tenant.¹ Now, anyone who does not know every lane and every house in every lane does not know and, therefore, does not control, the countryside! At least, he cannot establish friendly relations with its inhabitants.

Furthermore, the average agent was a very busy and worried man. He had to collect rents from a multitude of small tenants and, occasionally, manage the affairs of an impecunious master.

1. Trench, Realities of Irish life, p. 105

And, occasionally, he had to oversee improvements because the conventional wisdom of the day dictated that good landlords should carry out improvements. The agent became involved in all sorts of disputes which often had nothing to do with the running of the estate. And tenants could bother him with requests and demands which he had to attend to. On top of all this, the agent's employer might live miles away or, if he were resident, he might try to act as a mediator in disputes and so weaken the authority of his agent. If the agent lived in the north of Ireland he might become involved in sectarian disputes. For example, William Wann's breakfast was disturbed one morning in July 1870:²

I was exceedingly annoyed this morning when I went into my breakfast room to see a flag on the chapel of ease where I believe the like had never been before and just opposite the residence of the Roman Catholic clergyman, a quiet respectable man.

Of course, not all agents had all these problems but most of them were busy, if not worried, men and it is hardly surprising that some of them used arbitrary methods of controlling the tenants. But even these methods might fail if the estate solicitor was inept or if he lived in Dublin, as in the case of the Dungannon School estate.

The difficulties of the agent were aggravated by the fact that they tended to come all at once. A series of bad seasons caused a fall in receipts and an increase in the need for taking

2. Wann to the Rev. J.F. Flavell, 1 July 1870 in Copy letter book of William Wann, 1870-81 (P.R.O.N.I., D 1606/5/5)

legal proceedings against defaulters. If the estate was heavily encumbered, the usual problems of managing the debts were graver during these crises. If one adds to this, the chance, admittedly the slight chance, that the agent might be threatened with death the position of the agent was an unenviable one. An agent who was threatened was in an embarrassing position rather than a dangerous one. If he ignored the threat he might be shot and, certainly, he would worry about being shot. If he took the threat seriously he had to suffer the embarrassment of going about armed and escorted. And early revolvers were so ineffective that a prudent man had to carry several. In the end, his worst risk was the possibility that one of his pistols would discharge in his pocket and shoot his ~~toes~~ toes off.

If Irish estates had been more manageable or if the agents had been better trained, the situation might have been less serious. Some agents such as William Wann seem to have been proud of their technical incompetence, and like their masters, they regarded the management of landed property more as a state of being than as a business. More effective estate management would have been useful to both landlords and tenants. A system of rent increases based on changes in agricultural prices would have increased the landlords' incomes. At the same time, the tenants would have known where they stood from year to year. A system of recovering arrears which was based on securities and cash deposits would have made unnecessary the invidious process of eviction. After all, one of the advantages of the land purchase schemes was that farmers were able to ruin themselves by their own efforts and in their own time.

Evictions and outrages, especially evictions, are an emotive subject. The passing of a century has not dimmed the tradition of rapacious landlordism in the folk memory of rural Ireland. Even to-day, anyone who cares to listen can hear stories of the vagaries of Lord Leitrim and of some of his less famous brethren. This tradition, like many similar traditions in Ireland, is exaggerated and the story loses nothing in the telling, but no amount of statistical analysis can prevent the historian from feeling pity for the people of Derryveagh when he reads in a police report of their last hours in Ireland. At the same time, he should have some sympathy for William Wann who, thwarted in his declining years, had to bear the abuse of the formidable Michael Gartlaney in the streets of Dungannon.

III

THE TENANT RIGHT CUSTOM, 1844-81

I. The definition of the tenant right custom

In this part and in the subsequent parts of this section, I shall examine the tenant right custom, which conferred certain rights on yearly tenants and was most common in the province of Ulster. Historians have ignored the tenant right custom probably because it was confined to Ulster and was an anomalous enclave of tenant privilege which did not fit into the general picture of landlord and tenant relations which was once fashionable. But the definition of the custom is difficult and it is hardly surprising that it received only cursory attention from historians who were interested in the land question as a whole. In this part, I shall attempt to define the custom.

The problem of defining the custom is not created by a shortage of information but by the confusion created by too much information. Much of the evidence is tendentious or vague. Contemporaries were aware of the complexity of the custom and one of its critics described it 'as a phantom which melts away under every attempt to define it.'^I But in spite of this, many

I. W.D. Ferguson and A. Vance, The tenure and improvement of land in Ireland, considered with reference to the relation of landlord and tenant in Ireland (Dublin, 1851), p. 300

contemporaries did not hesitate to define it and their definitions included at different times (i) compensation for improvements, (ii) the right of out-going tenants to sell or assign their 'interest', (iii) the right of sitting tenants to pay only moderate rents and (iv) the right to hold so long as the rent was paid.

Some definitions of the custom included all of these elements while other definitions included only one or two of them. The constant element in all definitions was the right of tenants to sell or assign something to their successors. One of the most rigorous definitions of tenant right was made by William Neilson Hancock, professor of political economy in Dublin University, who in 1845 argued that the real basis of the custom was the tenant's right to sell or assign his permanent improvements to his successor.² He was consistent in this belief because in 1859 he again argued that the tenant right custom was compensation for improvements.³ However, he admitted that the sums of money received by out-going tenants included payment for 'goodwill' as well as for improvements, but he insisted that this was exceptional.⁴

Other contemporaries, less logical but more realistic than Hancock, recognized that the custom gave the tenant something

2. William Neilson Hancock, The tenant right of Ulster, considered economically, being an essay read before the Dublin Philosophical Society (Dublin, 1845), pp 7-9, 35, 37

3. Two reports for the Irish government on the history of the landlord and tenant question in Ireland, with suggestions for legislation first report made in 1859; second report made in 1866, p. 35 /4204/ ,

H.C. 1868-9, xxvi

4. Ibid., p. 65

more than the right to sell his improvements and that the tenant had the right to sell his 'interest' or 'tenant right' as well as his improvements. This is the definition implicitly accepted by most of the witnesses who gave evidence to the Devon commission⁵ and by the commissioners themselves.⁶ Sharman Crawford in 1846⁷ and Lord Dufferin in 1867⁸ recognized the right of an out-going tenant to sell something more than his improvements. And in 1869, the chief secretary took as his starting point in an inquiry into the nature of the tenant right custom the view that the custom was the right of an out-going tenant to payment for 'disturbance or goodwill, irrespective of improvements actually made by the tenant'.⁹

There seems to have been some confusion about what the out-going tenant actually sold and this is shown by the fact that Sharman Crawford gave different definitions of the custom at different times. In 1846 he recognized that the custom included the tenants' right to sell their 'interest' as well as their improvements.¹⁰ But on his estate at Bangor, out-going tenants were paid only if they had 'expended labour or capital in some form so as to increase the value of the premium.'¹¹

5. Devon comm. evidence, pt. i, pp 397-860; pt. ii, pp 107-82

6. Devon comm. rep., p. 14

7. B.A. Kennedy, 'Sharman Crawford, 1780-1861, a political biography' (The Queen's University of Belfast, D. Lit. thesis 1953)

8. Lord Dufferin, Irish emigration and the tenure of land in Ireland (London, 1867), p. 310

9. Poor law inspectors' reports, p. 4

10. B.A. Kennedy, op. cit., p. 282

11. B.A. Kennedy, 'Sharman Crawford on Ulster tenant right' in I.H.S., xiii (1963), pp 246-53

Other definitions of the custom went further than the right to sell. In 1851, Ferguson and Vance, two lawyers who can hardly be described as supporters of the custom, defined it as (i) the right of the tenant to undisturbed possession until the landlord required possession for non-payment or some other good reason and (ii) the right of the tenant to sell his 'interest'.¹² Other definitions went even further. Alexander Richey argued that the leading features of the custom were (i) the right of the tenant to sell his interest, (ii) his right to undisturbed possession so long as he paid his rent and (iii) his right to pay only a fair rent.¹³ Another lawyer, Robert Donnell included in his definition fair rents which did not absorb the value of the tenants' improvements.¹⁴ A judge of the landed estates court told a select committee that tenant right¹⁵

is the custom of a tenant holding from year to year at a moderate rent and with security of tenure depending upon the honour of the landlord, that when a tenant wants ... to go away ... he sells the tenant right sometimes for as much as £800.

Not only lawyers accepted that the custom included rents and security of tenure: landlords and agents also accepted this aspect of the custom. Fitzherbert Filgate, agent of the marquis

12. Ferguson and Vance, The tenure of land, p. 302

13. Alexander Richey, The Irish land laws (London, 1880), pp 104-5

14. Robert Donnell, Practical guide to the law of tenant compensation and farm purchase under the Irish Land Act (Dublin, 1871), pp 36-7

15. Select committee on tenure, 1865, p. 30

of Downshire, stated that one of the ingredients of the custom was the difference between rents fixed by valuation and rents fixed by competition.¹⁶ Another agent, Robert Russell, said that the custom gave tenants fixity of tenure.¹⁷

The tenants' spokesmen usually gave elaborate definitions of the custom. Barry O'Brien defined tenant right as (i) permissive fixity of tenure and (ii) the right to sell goodwill.¹⁸ A witness told a select committee in 1872 that 'tenant right is the right of continued occupancy at a fair rent'.¹⁹ And one tenant-right advocate defined the custom as 'the three F.s'.²⁰

The more elaborate definitions of the custom are remarkable because they suggest that tenants who were protected by the custom had rights which other tenants did not have until the land act of 1881 was passed. However, there is an element of doubt in these definitions of the custom. Some definitions, for example, do not mention fair rents and security of tenure. Few of the witnesses who gave evidence to the Devon commission mentioned fair rents or security of tenure as parts of the custom. Definitions of the custom fell into two groups : (i) those which insisted that the custom applied only to tenants who gave up their holdings and (ii) those which insisted that the custom regulated the terms on which tenants held their farms.

16. Report from the select committee of the house of lords on the Tenure (Ireland) Bill (H.L.); together with the proceedings of the committee, minutes of evidence and index, p. 190, H.L. 1867 (518), xiv (hereafter cited as Select committee on tenure, 1867)

17. Ibid., p. 88

18. Barry O'Brien, The parliamentary history of the Irish land question, from 1829 to 1869; and the origin and results of the Ulster custom (London, 1880), p. 167

19. Lords' committee on the land act of 1870, p. 24 □

20. W.D. Henderson, Lecture on the history and origin of Ulster tenant right (Manchester, 1877), p. 8

Some modern scholars have accepted the comprehensive definitions of the custom. An American scholar, Elizabeth Hooker, believed that the chief rights recognized by the custom were (i) the right to continue in undisturbed occupancy, (ii) the right of a tenant to sell his tenant right and (iii) the right of the tenant to pay only a fair rent.²¹ Another American scholar, John Pomfret, who wrote the book which was to become the standard work on the land question, defined the custom as (i) security of tenure and (ii) the right to sell tenant right.²² However, an examination of a wide range of contemporary opinion suggests that both Pomfret and Hooker accepted these definitions too easily. This is not surprising because some contemporary definitions sounded convincing. And these scholars were interested in 'the land question' as a whole and the tenant right custom was to them an anomalous and exceptional institution. Therefore, they probably found it easy to accept the most comprehensive definitions and then to dismiss the custom with a satisfied feeling of having missed nothing.

I shall now look at contemporary descriptions more closely to see whether the comprehensive definitions were sound. It is not surprising that Pomfret and Hooker believed that the custom gave the tenants fair rents, undisturbed possession and the right to sell something more than their improvements because there is a wealth of evidence on these points in the printed sources. For

21. Elizabeth Hooker, Readjustments of agricultural tenure in Ireland (Chapel Hill, 1938), p. 32

22. John E. Pomfret, The struggle for land in Ireland, 1800-1923 (Princeton, 1930), p. 54

example, the weightiest contemporary opinions agreed that the sale of tenant right was something more than the sale of improvements.²³ And Mountifort Longfield declared that tenant right and compensation for improvements 'are totally different things'.²⁴ It was pointed out that the sums paid for tenant right were usually much greater than the value of improvements on the farm²⁵ and that farms which were offered for sale were often dilapidated.²⁶ It was also pointed out that improving tenants rarely sold their tenant right²⁷ and that the farms which were sold were often incapable of improvement²⁸ or were in areas where improvements were rare.²⁹ It seems that improvements were only one component of the out-going tenant's interest.

There was also an abundance of evidence on the custom and security of tenure. For example, witnesses told a select committee in 1872 that, under the custom, tenants were not disturbed as long as they were willing to pay a reasonable rent.³⁰ And one witness said that he had never heard landlords denying this.³¹ But other observers were more guarded about the custom and security of tenure. It was argued that there was only a 'likelihood and not a certainty that the tenant would not be disturbed.'³² Lord Dufferin did not think that the custom was an impediment to evictions.³³ Other observers thought that the custom made

23. Select committee on tenure, 1865, pp 14, 15, 30; Select committee on tenure, 1867, pp 98, 215

24. Select committee on tenure, 1865, p. 14

25. Ibid., p. 62 and Poor law inspectors' reports, p. 139

26. Select committee on tenure, 1867, p. 14 and Poor law inspectors' reports, p. 102

27. Select committee on tenure, 1867, p. 5

28. Select committee on tenure, 1865, p. 56

29. Ibid., p. 61

30. Lords' committee on the land act of 1870, p. 36

31. Ibid., p. 36 and Campbell, The Irish land, p. 122

it easier for landlords to get rid of tenants because the evicted tenant went away quietly being able to sell his tenant right.³⁴ H.S. Thompson put this strongly:³⁵

If anything in connexion with the Irish land-question is certain it is that it is easier for a landlord to part with a tenant in Ulster than in any other part of Ireland.... So far from tenant right giving security of tenure, it acts precisely the other way and makes it easier for the landlord to remove an objectionable tenant.

Therefore, while there is much evidence for the belief that the custom gave tenants security of tenure, there is also evidence which suggests that this security was not unlimited. The only fact which is not disputed is the right of the evicted tenant to sell his tenant right.

Evidence on the custom and rents, that is, fair rents, falls into two parts : (i) evidence about the way in which the custom controlled rents and (ii) evidence about rents in Ulster, where the custom was most highly developed. The second part of the evidence describes, by implication, the effects of the custom on rents and creates the impression that rents in Ulster were different from rents in other parts of Ireland. For example, William O'Connor Morris stated that he had heard hardly a single complaint of rack-renting in Ulster.³⁶ Others argued that rents in Ulster

32. David Ross, 'The tenant right of Ulster, what it is, and how far it should be legalized and extended to the other provinces of Ireland' in Jn. Stat. Soc. Ire., iii, pt. xxiv (July 1863), p. 391

33. Select committee on tenure, 1865, p. 78

34. Select committee on tenure, 1867, p. 190

35. H.S. Thompson, Ireland in 1839 and 1869 (Dublin and London, 1870) p. 94

36. William O'Connor Morris, Letters on the land question of Ireland (London, 1870), p. 274

were lower than in the other provinces,³⁷ and that rents on estates in Ulster were less than on estates of equal productive power in any other part of Ireland.³⁸ Lord Dufferin believed that rents in Ulster were at least 25 per cent under the competition rent.³⁹ However, others argued that rents in Ulster were as high as in the other provinces⁴⁰ and that landlords got as much under the custom as under any other arrangement.⁴¹ And one observer argued that rents in Ulster were about 9s.0d. an acre higher than rents for similar land in the other provinces.⁴² It was also thought that rents were more evenly laid on individual holdings in Ulster.⁴³

Much of the evidence in the printed sources goes further than a description of rents in Ulster because it explains how the custom actually regulated rent increases. Some observers were cautious when they tried to describe the relationship between rents and the custom. For example, George Campbell was puzzled by the relationship between rents and the custom:⁴⁴

The point which is hopelessly puzzling to an outsider is the question of how the rent is fixed. It is admitted to be liable to enhancement from time to time.... There is no intelligible rule.... The utmost point to which I could get was this: that if the landlord attempted to raise the rent to such a point as to destroy the value of the tenant right, the tenants would then very seriously kick.

But Campbell gave some clues as to how the custom regulated rent:⁴⁵

37. Bessborough commission, evidence, pt. i, p. 178

38. H.S. Thompson, Ireland in 1839 and 1869, p. 91

39. Lord Dufferin, Contributions to an inquiry into the present state of Ireland (London, 1866), p. 59

40. Select committee on tenure, 1867, pp II, 91, 192; Bessborough commission, evidence, pt. i, xlvii

41. Campbell, The Irish land, p. 48

42. Peter MacLagan, M.P., Land tenure and land culture in Ireland (Edinburgh and London, 1869), pp 7,22

43. Bernard Samuelson, Studies of the land and tenantry of Ireland (London, 1870), p. 33

44. Campbell, The Irish land, p. 48

45. Ibid., p. 123

it is clear that the rent cannot be raised beyond a valuation rent fixed with reference to existing standards, exclusive of any improvements, and that when such a revision takes place on the occasion of a change of tenancy (as is common) it must not destroy the tenant right.

It was argued that, under the custom, rents were fixed by valuation and not by competition,⁴⁶ that the valuation should allow the value of the tenant right to remain high⁴⁷ and that the valuation should not include the value of the tenant's buildings and improvements.⁴⁸ It was also argued that valuations should be made only on certain occasions and that revaluations should be made only after twenty-one or after twenty-five or thirty years.⁴⁹ The valuations were made by professional valuers who worked over large areas and made their valuations on rule-of-thumb principles which protected the tenants. According to one of these valuers, the valuation should be made in a way that left the tenant right worth ten years' purchase at the time of revaluation.⁵⁰

But some agents denied that there was any rule about how often valuations should be made.⁵¹ The tenants admitted that increases in prices permitted landlords to increase their rents but the whole question of how large the increases should be was obscure.⁵² As George Campbell admitted, rents and tenant right⁵³

46. Richey, The Irish land laws, p. 106; Lords' committee on the land act of 1870, pp 81, 241

47. Ibid., p. 276

48. Donnell, Practical guide, p. 103

49. Lords' committee on the land act of 1870, p. 240; Bessborough commission, evidence, pt. i, p. xliii

50. Lords' committee on the land act of 1870, p. 276

51. Select committee on tenure, 1867, p. 191; Bessborough commission evidence, pt. i, p. xliii

52. Lords' committee on the land act of 1870, p. 240

53. Campbell, The Irish land, p. 48

were settled among the natives by some sort of rule of thumb which a foreigner cannot exactly understand.

There is an apparent contradiction in the evidence on the relationship between the custom and rents. On the one hand, it was admitted that landlords could, on certain occasions, increase their rents. On the other hand, it was argued that the frequency and size of rent increases were limited by the custom. At the same time, it was recognized that any increase of rent, even a moderate increase, reduced the value of the tenant's interest. As Lord Dufferin said, the value of tenant right and rents were like buckets in a well : as one went up, the other came down.⁵⁴ But even this connection was not always clear because it was also claimed that rent increases did not always reduce the value of tenant right⁵⁵ and that incoming tenants would give something even for a farm whose rent was too high.⁵⁶ Attempts to reconcile increased rents and the stability of the tenants' interest by arguing that rent increases must be 'fair' and must be made by valuation do not make the situation clear. After all, a valuation could be framed on any principles and did not of itself guarantee a 'fair' rent. Some of those who claimed that the custom gave the tenants 'fair' rents found it difficult to explain what a fair

54. Select committee on tenure, 1865, p. 62

55. Select committee on tenure, 1867, p. 8

56. Ibid., p. 190

rent was. In an exchange with Lord Kimberley, a tenant could not explain how the 'fair' rent was different from the rent which the landlord could charge, and his references to 'the ordinary letting value of the district' did not convince Lord Kimberley.⁵⁷ Furthermore, it was admitted by a few observers that the custom did not positively guarantee fair rents and that this was one of the weaknesses of the custom.⁵⁸

Although it is easy to understand why some scholars have accepted definitions of the custom which include fair rents and security of tenure, there is enough confusion in contemporary definitions to arouse the caution of anyone who looks closely at the evidence. There are two apparent weaknesses in contemporary definitions of the custom: (i) many definitions, e.g. most of those heard by the Devon commission, do not mention fair rents and security of tenure and (ii) the relationship between the custom and rents and security of tenure is vague or contradictory. Only the right of the tenant to sell or assign his tenant right was generally accepted in most definitions.

Anyone who studies the custom during the years from the Devon commission to the Bessborough commission is struck by certain problems in defining tenant right. Why were rents and security of tenure not mentioned frequently until the later years?

57. Lords' committee on the land act of 1870, pp 240-2

58. O'Connor Morris, Letters on the land question, p. 248; Robert Russell, Ulster tenant right for Ireland or, notes upon notes taken during a visit to Ireland in 1868 (2nd ed., Edinburgh and London, 1870), p. 69

Why were the definitions of fair rents so vague? After all, rents were frequently revised, and tenant right was bought and sold frequently, and one would expect contemporaries to know how rents were regulated by the custom.

It would be intellectually satisfying if one could solve these problems by dividing the development of the custom into stages and by arguing that each stage was marked by an elaboration of the definitions of the custom. The right to sell permanent improvements would be the first stage and, in time, this right would become the right to sell something more than improvements. And eventually, security of tenure and fair rents would come within the bounds of the custom. To some extent, the evidence supports this idea of a developing custom. Most of the witnesses who gave evidence to the Devon commission mentioned only the right of an out-going tenant to sell his tenant right. But by 1870, a poor law inspector declared that:⁵⁹

I do not think that the term Ulster tenant right is limited, in popular opinion, merely to the claim for disturbance or goodwill.

And by 1880, the Bessborough commission recognized that⁶⁰

if the prevailing sentiment had stopped short at the question of sale, and had not affected the legal right of the landlord to raise the rent at his discretion, it is not likely there would long have remained anything for the tenant to sell.

59. Poor law inspectors' reports, p. 143

60. Report of the Bessborough commission, p. 3

Although this explanation is plausible it has certain weaknesses. Firstly, the stages of development cannot be clearly defined and separated from each other because there are references to fair rents and security of tenure before the 1870s. For example, John Hancock, the agent of Lord Lurgan's estate, told the Devon commission that the custom included 'the claim of the tenant and his heirs to continue in undisturbed possession of the farm so long as the rent is paid.'⁶¹ And his brother, William, argued in a tortuous way that the landlord was not entitled to the full economic rent of his land.⁶²

The second weakness of the argument that the custom developed in stages was the fact that no one seems to have noticed its development. A development of such importance would not have taken place unnoticed and, indeed, it could not have taken place without some friction. Some contemporaries noticed that the custom changed but they did not describe these changes as stages of development. For example, H.S. Thompson who visited Ireland in 1839 and 1869 wrote of the custom:⁶³

When the writer studied this question in situ, thirty years ago, Ulster tenant right had not assumed its present formidable proportions. In that interval it has widened its area; it has raised its terms, and is now striving to include within its range leases which were then entirely free from any claim of the kind, and other kinds of property besides land, such as mills, quarries etc. There are not also wanting indications that no long time will elapse before a strenuous attempt will be made to establish fixity of rent.

61. Devon comm. evidence, pt. i, p. 483

62. Hancock, The tenant right of Ulster, pp 7-9

63. Thompson, Ireland in 1839 and 1869, pp 98-9

An agent, Courtenay Newton, also noticed that the custom had developed since his youth:⁶⁴

the origin given very often by theorists for the Ulster custom is all wrong, because I know myself that the Ulster custom, when I was young, was not one seventh part of the value that it is now on several estates about me.

Neither of these men mentioned that the custom developed in stages and when they talked of changes in the custom they seem to have meant changes in the value of tenant right. And Thompson implies that the tenants' claim that the custom included fair rents was only a claim and not a fact. It is worth noting, too, that in the 1850s some witnesses told a parliamentary committee that the tenant right of the Tenant League was not the same as the old tenant right of Ulster.⁶⁵

Since there are obscurities and inconsistencies in the printed evidence and since it seems that some contemporaries were aware of the growing claims of the tenants, it is impossible to accept without question a definition of the custom which includes security of tenure and fair rents. If there was a connection between the sale of tenant right and rents and security of tenure it was indirect and vague. Certainly, the printed evidence alone would not justify the belief that the tenants of Ulster enjoyed the 'three F.s' before 1881 and that their rents and tenure were regulated by custom. Pomfret and Hooker oversimplified the complicated evidence in parliamentary reports and the writings of contemporaries, when they accepted that the custom included fair rents and security of tenure.

64. Lords' committee on the land act of 1870, p. 99

65. Report on outrages committed near Crossmaglen, 1852, pp 68, 87

Even if the custom did not give fair rents and security of tenure to the tenants, the connection of the custom with rents and security of tenure was mentioned too often to be dismissed as exaggeration. In the remainder of this section, I shall try to elucidate this connection between the custom and rents and security of tenure by using the evidence to be found in estate papers. If the custom, which was strongest in Ulster, gave tenants fair rents and security of tenure, one would expect rentals and estate papers to reveal two things : (i) that rents were lower on estates in Ulster than elsewhere and (ii) that tenants in Ulster who paid their rents punctually were not evicted.

As we have seen, contemporaries believed that rents were lower and more evenly laid on individual holdings in Ulster than in the rest of Ireland and that this was due to the custom. I have compared the results of an examination of rent increases and rent levels on individual estates in Ulster and in the rest of Ireland. Rent increases do not seem to have been more frequent in the south of Ireland than in the north. For example, rents on six estates out of twenty-seven estates in Ulster were steady for most of the period, but rents were steady on nine estates out of twenty-nine estates in the other three provinces. And, on other estates, most rents were increased only once in a twenty or thirty-year period.^{65a}

The following table shows the percentage of estates in Ulster and in the other provinces which had average rent increases of different sizes.^{65b}

65a. See appendices IV-XII, pp 382-491

65b. See below pp 387, 403, 417, 430, 441, 451, 465, 476, 486

3.1. Cumulative frequency distribution table of average rent increases on estates in Ulster and the rest of Ireland, 1850-81

average rent increases	percentage of estates	
	Ulster	rest of Ireland
less than 20 per cent	29	29
" " 30 " "	62	76
" " 40 " "	86	86
" " 50 " "	91	95
" " 60 " "	95	100
" " 70 " "	100	

This table shows that the size of rent increases was not markedly different in Ulster and in the other provinces. In both parts of Ireland most average rent increases were less than 30 per cent, and there were a handful of large increases in both parts of Ireland. The general averages in both parts of Ireland were almost the same. The average increase in Ulster was 22 per cent and in the other provinces it was 18 per cent.

3.2. Cumulative frequency distribution table of average rent levels on estates in Ulster and the rest of Ireland, 1850-81

tenement valuation	percentage of estates	
	Ulster	rest of Ireland
less than 100 per cent		3
" " 110 " "	30	14
" " 120 " "	74	31
" " 130 " "	93	59
" " 140 " "	96	72
" " 150 " "	96	90
" " 160 " "	100	97
" " 170 " "		100

This table shows that rent levels were lower in Ulster than in ^{65c}

the other provinces. However, some allowance must be made for the fact that the valuation was higher in Ulster than in other parts of Ireland.⁶⁶ The commissioner of valuation suggested that the valuation in the three southern provinces should be increased by amounts ranging from 10 per cent to 25 per cent to bring it into line with the valuation in Ulster. The general average level of rents in Ulster was 115 per cent of the valuation while the average level in the other provinces was 129 per cent of the valuation. But if the valuation in the south is increased to bring it into line with the valuation in Ulster, the level of rents in the south would be about 110 per cent of the valuation. Therefore, the difference between the level of rents in Ulster and the other three provinces was almost negligible.

It was often argued that rents were more evenly laid on individual holdings in Ulster. I have compared the coefficients of variation of rent levels on estates in both parts of Ireland.^{66a}

3.3 Coefficients of variation of rent levels on estates in Ulster and the rest of Ireland, 1850-81

coefficients of variation	percentage of estates	
	Ulster	rest of Ireland
less than 10	4	
" " 20	71	41
" " 30	96	97
" " 40	100	100

66. Report from the select committee on general valuation etc. (Ireland); together with the proceedings of the committee, minutes of evidence, and appendix, p. 242, H.C. 1868-9 (362), ix

66a. See below pp 391, 406, 420, 433, 443, 454, 468, 479, 488

This table shows that there was less variation in rent levels on estates in Ulster than in the other provinces. For example, 71 per cent of the estates in Ulster had coefficients of less than twenty while only 41 per cent of the estates in the rest of Ireland had coefficients of less than twenty.

A comparison of rent increases and rent levels on individual estates in Ulster and the other provinces thus shows that there was little difference between Ulster and the other provinces. The frequency and size of rent increases and the level of rents were no different in both parts of Ireland. Only the variation of rent levels was greater in the south. In practice, therefore, the custom seems to have conferred few advantages as regards rents on tenants in Ulster that were not enjoyed by many tenants in other parts of Ireland.

As we have seen, it was argued that the custom gave tenants the right to remain in their holdings as long as they paid their rents. The eviction statistics which I have referred to in the previous chapter show that evictions were less common in Ulster than in the other provinces. Between 1849 and 1880, only 10,806 of the 90,107 evictions which occurred in Ireland were in Ulster.⁶⁷ But an examination of some rentals reveals that tenants who were not in arrears were occasionally evicted. For example, a tenant on the townland of Dromore on the Hall estate was evicted in 1858 although he was not in arrears.⁶⁸ The correspondence of William Wann and Alexander Spotswood show that they often

67. Returns of evictions, 1849-80, pp 3-4

68. Rent ledger of the Narrowwater and Mullaglass estates of the Hall family in the counties of Armagh and Down, 1857-8 (P.R.O.N.I., D 2090/3/I2)

considered evicting tenants for reasons other than the non-payment of rent. For example, Wann wanted to evict trespassers on the Dungannon School estate although they were not in arrears:⁶⁹

I hardly like to say these parties should be ejected or made sell their holdings but I think it would be well to write me an official order stating if they again trespass ... that off the estate they will be put, and unquestionably I would carry it out for I know their conduct is bad.

However, evicted tenants had the right to sell their tenant right even if they were evicted for non-payment. As Wann told a tenant:⁷⁰

I never give up an ejectment decree but if I get your acceptance for the sum annexed I will not execute the decree and you shall have the full benefit of the crop and permission to sell at Nov. to the best buyer provided he is a solvent decent man.

Therefore, it seems that a tenant could be evicted in spite of the claims of some contemporaries that the custom gave tenants security of tenure. But the evicted tenant was allowed to sell his tenant right. The eviction of tenants without allowing them to sell the tenant right or without giving them compensation was rare. For example, Spotswood was very worried when Lord Garvagh instructed him to evict a tenant without compensation:⁷¹

69. Wann to Kyle, 4 Nov. 1857 in Copy letter book of William Wann, 1854-70 (P.R.O.N.I., D 1606/5/4)

70. Wann to Richard Murphy, 9 July 1851 in Letters from William Wann to Lord Gosford, 1848-56 (P.R.O.N.I., D 1606/5A/1)

71. Spotswood to Lord Garvagh, 31 July 1861 in Copy letter book of Alexander Spotswood, 1860-76 (P.R.O.N.I., D 1062/1/8A)

I made all the necessary arrangements for executing the ejectment decree against Charles Hagan and his herd, but ... I considered it more prudent to defer taking the final step until I again placed the matter before you, as since I first commenced business as an agent I have never been required to evict a tenant without compensation and as it is a most unusual proceeding ... I would strongly advise the eviction to be deferred.

The security of tenure enjoyed by tenants under the custom was not absolute because they could be evicted even if they were not in arrears. But evicted tenants were allowed to sell their tenant right or to receive compensation from the landlord. Definitions of the custom which included fair rents and security of tenure were, therefore, exaggerations of the custom. Since fair rents were not peculiar to estates in Ulster, it is difficult to see how the custom influenced rents. The security of tenure enjoyed by tenants in Ulster went no further than the right to sell their tenant right if they were evicted. Anyway, most tenants in Ireland were not likely to be evicted as long as they paid their rents. Only the right to sell tenant right was peculiar to areas where the custom prevailed.

But if the custom did not influence rents it seems that rents influenced the custom. According to Lord Dufferin, rent and tenant right were like buckets in a well : as one rose the other fell. However, we know that the behaviour of buckets in

a well is determined by the application of energy and the force of gravity working through ropes. But contemporary explanations of the connection between rents and the custom were vague and the ropes and wheels were either carefully concealed or forgotten. Although contemporary definitions of the custom seem to be deficient because they do not explain clearly the relationship between rents and the custom, the real reason why they are deficient is because they do not define what the tenants were buying and selling. Contemporary definitions are so confusing that the student of the custom is relieved to find that one aspect of the custom is clear and generally accepted : the right of the tenant to sell or assign his tenant right. And the student is so relieved when he makes this discovery that he is tempted to assume that the content of the tenant's interest is self-evident and that it was a moral claim which was devoid of any real economic content. But what was the tenant right of a farm and what were the tenants buying and selling when they bought and sold tenant right? The key to the enigmas of the tenant right custom lie in the answers to these questions.

But first, let us look at the prices which were paid for tenant right and at the conditions which, according to contemporaries influenced these prices. There is much information in the printed sources on the prices paid for tenant right. The value of tenant right was expressed in two ways: (i) at so much an acre and (ii) at so many years' purchase of the rent of the holding.

The following table shows the percentage of sales recorded in some printed sources which realized sums ranging from £1 to £50 and over and from one year's purchase to fifty years' purchase and over: 72

3.4 Frequency distribution table of tenant-right sales in the 1860s and 1870s

<u>value of tenant right</u>	<u>per acre</u>	<u>years' purchase</u>
0-9	17	12
10-19	42	28
20-9	21	40
30-9	13	12
40-9	4	4
50 +	3	4

This table shows that the majority of sales of tenant right realized from £10 to £30 an acre and from ten years' purchase to thirty years' purchase. These figures relate to the 1860s and 1870s and are open to the same objections as all statistical evidence taken from the printed sources. Some of this evidence is tendentious because landlords who gave evidence sometimes wanted to show the enormous proportions attained by tenant right. And the tenants who gave evidence sometimes wanted to show how valuable their interest was, or had been.

72. Select committee on tenure, 1865, p.31; MacLagan, Land tenure and land culture, p. 16; Poor law inspectors' reports, pp 13, 43, 102, 154; Lords' committee on the land act of 1870, pp 30, 80, 177, 216, 238; Bessborough commission, evidence, pt. i, xlvi, li, lii, 162, 191, 236, 257, 259, 264, 280, 294, 313, 364, 387, 394

Unfortunately, there is little evidence in rentals on the sums paid for tenant right. But on the Abercorn estates in Donegal and Tyrone every tenant-right transaction was recorded in a special ledger.⁷³

3.5. Value of tenant-right sales on the Abercorn estates in the counties of Donegal and Tyrone, 1868-81

years' purchase	no. of sales
0-9	1
10-19	48
20-9	46
30-9	12
40-9	8
50 +	3

The information on sales on the Abercorn estates confirms the information taken from the printed sources because it shows that most sales realized from ten to thirty years' purchase. These tables, in spite of their shortcomings, show two things about the value of tenant right: (i) its value varied from time to time and from holding to holding and (ii) the value of the tenant right was substantial. If the value of the tenants' interest ranged from ten to thirty years' purchase, it bears comparison with the value of the fee simple of Irish estates

73. Book of tenant-right sales on the estates of the duke of Abercorn in the counties of Donegal and Tyrone, 1868-85 (P.R.O.N.I., D 2400/21/I)

which was worth only twenty or thirty years' purchase. This leads to two questions: (i) what influenced the value of tenant right and (ii) what was the content of the tenant right which made it worth almost as much as the fee simple of Irish estates.

The value of the tenant right was influenced by economic factors and by the character of the landlord and his agent. The value of the tenant right of a farm was influenced by its convenience to markets,⁷⁴ the quality of its soil,⁷⁵ the state of roads in the neighbourhood,⁷⁶ the character of neighbouring tenants,⁷⁷ the prices of agricultural produce⁷⁸ and by competition among potential buyers of tenant right.⁷⁹ The tenants' ability to compete with each other depended on their savings or access to capital.⁸⁰ The custom encouraged frugality and thrift,⁸¹ so they had resources which they put into the purchase of land because there were few other outlets for money.⁸² Although the return on money spent on tenant right was small, the tenants invested in land because the rates of interest paid by the banks were small.⁸³

Occasionally, local conditions influenced competition. For example, retired sea captains had a predilection for small farms ~~in~~ in Island Magee and they gave large sums for small farms there.⁸⁴

74. Bessborough commission, evidence, pt. i, p. 247

75. Ibid., p. 163

76. Ibid., p. 201

77. Ibid., p. 201

78. Poor law inspectors' reports, p. 143

79. Select committee on tenure, 1865, p. 50

80. Report from the select committee on the working and results of the forty-fourth, forty-fifth and forty-seventh clauses of the Irish Land Act, 1870; with the proceedings of the committee, minutes of evidence, appendix and index, p. 130, H.C. 1878 (249), xv

81. Ibid., p. 131

82. Campbell, The Irish land, pp 48-9

83. MacLagan, Land tenure and land culture, p. 15

84. Select committee on the land act of 1870, 1878, p. 124

Small farms always sold best, because there were more buyers for small farms⁸⁵ and the buyers of small farms were less concerned about profits than the buyers of large farms.⁸⁶ Changes in the value of tenant right from year to year were caused by fluctuations in prices. For example, the value of tenant right increased during the American Civil War but in the late 1870s American competition caused a fall in the value of tenant right.⁸⁷

Although economic factors influenced the value of tenant right, the character of the landlord also influenced its value. As one poor law inspector wrote:⁸⁸

All the best informed correspondents concur in representing that there is no one circumstance which so sensibly influences the amount paid for the goodwill of out-going tenants as the character of the landlord concerned.

Other observers agreed with this⁸⁹ and pointed out that tenant right was more valuable on the larger estates whose owners were supposed to be more generous than the owners of small estates.⁹⁰

This description of the factors which influenced the value of tenant right suggests that it was influenced by the same factors that determined the value of any landed property. This suggests, I think, that tenant right had an economic content which went beyond its moral content. Although contemporaries often described

85. Select committee on tenure, 1865, p. 47; Select committee on tenure, 1867, p. 189; Lords' committee on the land act of 1870, p. 35; Bessborough commission, evidence, pt. i, p. 299

86. Select committee on tenure, 1865, p. 53

87. James Caird, The Irish land question (2nd ed., London, 1869), p. 10; Bessborough commission, evidence, pt. i, pp xlv, li

88. Poor law inspectors' reports, p. 106

89. Bessborough commission, evidence, pt. i, pp 163, 187, 201, 245, 247

90. Select committee on tenure, 1867, p. 88

the factors which influenced the value of tenant right, they rarely did more than hint at the content of the tenant right and at what the tenants bought and sold. The mass of the printed evidence suggests four possible explanations of the content of tenant right: (i) the incoming tenant bought immunity from outrage, (ii) he bought an outlet for his labour and capital (iii) he bought his predecessor's improvements and (iv) he bought the right to pay a fair rent rather than the full rack-rent of the holding.⁹¹

It was hinted by some observers that the incoming tenant paid the out-going tenant to buy immunity from outrage. This element was often present and it may have deterred landlords from denying the out-going tenant the right to sell his tenant right. For example, Spotswood warned Lord Garvagh of the dire consequences of evicting a tenant without compensation or without allowing him to sell his tenant right:⁹²

If Hagan and his herd are evicted at the next quarter sessions without compensation (a very unusual course in this country) and Johnston placed in charge, I am apprehensive that it might lead to very serious results both as regards the preservation of the game and the peace of the district, as there are many loose characters in that locality who would willingly assist in burning the mountain.

91. According to Lord Dufferin the real value of the tenant right was so many years purchase of the difference between the fair rent and the rack rent; see Select committee on tenure, 1865, p. 50

92. Spotswood to Lord Garvagh, 26 Apr. 1861 in Copy letter book of Alexander Spotswood, 1860-76 (P.R.O.N.I., D 1062/I/8A)

However, violent action was only the ultimate sanction of the custom and it is doubtful if the value of tenant right could have reached such proportions and worked so smoothly if violence had been its only foundation. The physical prowess or conspiratorial faculties of individual farmers could not have had a knowable market value and their value would not have responded to economic circumstances. The following agreement between a landlord and a tenant in Donegal is unique. The landlord agreed to give the tenant £75 for his tenant right and in return ⁹³

the said Hugh Sweeney, for himself, his wife, and children, doth hereby undertake and promise and pledge his faith as an honest man that Mr Woodhouse shall not get any kind of annoyance, trouble or disturbance, directly or indirectly, by acts, deeds, language, letter, notice or otherwise, for on account or by reason of taking said farm.

It seems clear, too, that tenants were not selling their improvements because the sums paid for tenant right were too large. For example, English tenants received about £4 or £5 an acre for their manures and way-going crops.⁹⁴ But tenants in Ulster might receive £20 or £30 an acre for their tenant right. The idea that the purchasers of tenant right were only buying an outlet for their labour and capital is more plausible. Small farmers were underemployed and their savings were probably not even deposited in a bank, so the acquisition of more land would have increased their incomes even if the return on the purchase money was negligible. But this argument is not

93. Committee on destitution in Gweedore, 1857-8, p. 238

94. Robert Baxter, The Irish tenant right question examined by a comparison of the law and practice of England with the law and practice of Ireland (London, 1869), p. 17

completely convincing because large farms were bought and sold and large farmers bought tenant right. For example, a farm on the Abercorn estate whose valuation was £89 was sold for £2,700 or twenty-nine and a half years' purchase.^{94a} It is doubtful if the purchaser of this farm was spending his money to buy an outlet for his own and his family's labour.

None of these three explanations is satisfactory and they do not explain fully what the tenants were buying and selling when they bought and sold tenant right. All of them, immunity from outrage, improvements and an outlet for labour could not account for the large sums which were paid for tenant right. In certain exceptional circumstances, the physical prowess of the out-going tenants and the value of his improvements might have persuaded a small tenant, hungry for land, to pay a large sum for the privilege of peacefully entering the farm. But such a combination of circumstances must have been very unusual, and it is clear that many purchasers were large tenants and that the value of improvements on the farms which were sold were often negligible. They may have been components of the tenant right but, on their own, they could not have caused the high prices paid for tenant right.

There are few clues to the real nature of tenant right in the writings of contemporaries, but several criticisms of the custom illuminate its real content, if one is looking for it.

^{94a}. Book of tenant-right sales on the estates of the duke of Abercorn in the counties of Donegal and Tyrone, 1868-85 (P.R.O.N.I., D 2400/2I/I)

A poor law inspector remarked of the purchase of tenant right:⁹⁵

the amount paid for tenant right is, in effect, a second rent, and it is thus clear that ... good and considerate landlords are practically subjected, in this way, to a heavy penalty for the character they enjoy.

Now, if an incoming tenant could pay a second rent in the form of an incoming payment, he could have paid the landlord a higher rent. This was also noticed by the economist, Nassau Senior, who was told by a landlord in Londonderry that his tenants sold their tenant right for £5 an acre:⁹⁶

'Such a tenant right,' I said, 'implies that the rent is too low. Why do you not raise it?'

'I cannot,' he answered, 'ask a larger rent than that which is usually paid in this neighbourhood for land of this quality. I should not, certainly, incur personal danger by doing so, but I should become unpopular which might affect my position.'

In other words, when tenants bought and sold tenant right they were buying and selling a part of the true rental of the land. The tenant right was not a 'second' rent but the capitalization of that part of the rent which the landlords did not or could not collect. The tenant right custom grew like ivy on the crumbling walls of a negligent or impotent landlordism. As we saw in the section on rents, rents were well below even that point at which increases in the value of agricultural output would have divided proportionately between landlords and

95. Poor law inspectors' reports, p. 106

96. Nassau Senior, Journals, conversations and essays relating to Ireland (London, 1868), ii, 171

tenants. And as we have seen, it was possible to make tenants pay rents which went well beyond that point. Therefore, most tenants were paying less for their land than it was worth and their income consisted of wages, interest and rent in its purest sense.

The share of the rental enjoyed by the tenants is difficult to estimate because we do not know what return the tenants expected from the capital they invested in tenant right. Mountifort Longfield implied that the tenants expected to get 5 per cent on their capital⁹⁷ and Robert Donnell reckoned that the tenants expected 3 per cent.⁹⁸ Now, if the tenants expected a return of 5 per cent, tenants who paid twenty years' purchase for tenant right were buying an annual return equal to the rent paid to the landlord. For example, suppose that the rent of a holding is £7 and the purchaser pays twenty years' purchase of the rent, that is, £140. If the purchaser expects a return of 5 per cent he expects £7 a year which is equal to the rent paid to the landlord. If the purchaser expects a return of 3 per cent, thirty-three years' purchase would show that he was expecting an annual return equal to the rent received by the landlord.

Since tenants paid for tenant right as well as their rents, they could have paid higher rents to the landlords. Tenant right was financially analogous to the old practice of 'fining down' the rent by giving the landlord a lump sum in return for

97. Select committee on tenure, 1865, p. 2

98. Donnell, Practical guide, pp 42-3

paying a smaller annual rent. Since tenant right was sold openly and was usually sold to the highest bidder, the competition for land which should have increased the rents paid to the landlords spent itself in payments for tenant right. The rents which the landlords received were, therefore, well below the value which tenants put on the land. For example, rents on the Abercorn estates were about 120 per cent of the valuation in the 1860s and 1870s and tenant right was about twenty years' purchase.⁹⁹ Therefore, if the duke's tenants expected a return of 5 per cent on their capital, the sales of tenant right show that the rents paid to the duke were only one half of what the tenants could and would pay for land. In other words, the real value of the land was about 240 per cent of the tenement valuation.

As we have seen in the section on rents, the tenants succeeded in absorbing a greater share of the value of agricultural output after the early 1850s. This success was reflected in increases in the value of tenant right.

3.6 Frequency distribution table of tenant-right sales in the 1840s (100)

years' purchase	percentage of sales
0-9	71
10-19	26
20-9	3

99. Book of tenant-right sales on the estates of the duke of Abercorn in the counties of Donegal and Down, 1868-85 (P.R.O.N.I., D 2400/21/I)

100. Devon comm. evidence, pt. i, pp 425, 442, 472, 483, 485, 496, 523, 537, 562, 564, 615, 616, 620, 622, 628, 634, 639, 721; Devon comm. evidence, pt. ii, 115, 149, 156, 164, 173

This table shows that the majority of sales realized less than ten years' purchase which is about half of what they realized in the 1870s when most sales realized from ten to thirty years' purchase.

When the tenant sold his tenant right he sold his share of the rent and the purchaser bought this share and the right to sell it in his turn, if he wished. Therefore, to say that the custom gave the tenants fair rents is a tautology founded on a profound misconception of the nature of tenant right. Rents which were low enough to give the tenant a saleable interest in his holding beyond the value of his improvements were, of necessity, fair to the tenant in the sense that he paid less to the landlord than he thought the land was worth. Such rents were 'unfair' to the landlord for the same reason. When contemporaries spoke of the custom giving tenants fair rents they were trying to demarcate two proprietorial interests. The tenants and their advocates were trying to institutionalize the tenants' share of the true rental of the land by insisting that rents should be fixed by valuation and that they should be increased only in certain circumstances. — Since the high prices paid for tenant right depended on low rents and security of tenure, it was natural for the tenants to try to perpetuate the impotence and negligence of the landlords by binding them with chains of custom and law.

The tenant right custom implied a form of dual ownership but this was only dimly discerned by contemporaries. The economic theory of the day did not encourage contemporaries to examine thoroughly the question of tenant right. According to the economic theory of the day, the income of land was rent and

according to legal theory the landlords owned the land. Therefore, the income of the landlords was rent, and the idea that tenants should permanently own a portion of the rent was contrary to the whole theory and practice of land tenure as understood by Victorians. Neither landlords nor tenants wanted to recognize this disturbance of the natural and intellectual order. On the one hand, the landlords could not recognize that they were only partners in the ownership of land but they did not deny that rents were moderate and security of tenure was general, because such assertions made by the tenants were flattering. But, of course, it was a different matter when flattering generalizations became detailed claims. On the other hand, for yearly tenants to claim that tenant right was a capitalization of a portion of the rent was tantamount to preaching communism and denying the providential order of human relations. Such an assertion would not have helped the tenants' cause.

Contemporary economic thought did not help landlords and tenants to recognize the reality of their relations because one of the weaknesses of the classical doctrine of supply and demand was its failure ^{to} recognize anything which disturbed its foundations: the free play of the factors of production. Since neither party could recognize the reality of landlord and tenant relations, they had to take refuge in half-truths about rents fixed by 'valuation' or by 'the custom of the country'. Explanations of

tenant right, such as that of William Neilson Hancock, which argued that tenant right was the sale of improvements, whether permanent or 'hereditary', were attempts to make economic sense of an institution whose real nature they could not recognize.

^x The fundamental difference between areas where the custom prevailed and where it did not lay not in the quality of landlordism or in the economic burdens imposed by rents. Estates whose rents were low and whose rent increases were moderate were found in all parts of Ireland. Therefore, tenants in all parts of Ireland enjoyed a portion of the rent as part of their incomes. But only where the custom prevailed could tenants capitalize this part of the rent by selling it to incoming tenants. Where the custom did not exist, the tenants enjoyed their share of the rent only as long as they remained in possession. When they left their farms they could not realize the value of their interest.

In conclusion, the tenant right custom may be defined as the right of tenants to sell as a capital sum the share of the rental which they enjoyed as part of their incomes. Most contemporary definitions of the custom were confused because they failed to recognize the essential nature of the custom. Definitions of the custom which speak of moderate rents fixed by valuation were only attempts by contemporaries to define something whose real nature could not be recognized openly.

2. The extent of the tenant right custom

Since moderate rents and security of tenure were not confined to estates in Ulster, the preconditions of the tenant right custom existed all over Ireland as well as in Ulster. Tenants on estates outside Ulster enjoyed a portion of the rent which the landlords could not or would not collect. Therefore, one would expect to find the sale of tenant right in many parts of Ireland.

In this part, I shall examine the incidence of tenant right in the whole country. The sources for such an inquiry are mainly printed sources, although some estate papers give useful insights into the working of the custom on individual estates. Contemporaries believed that the custom of selling tenant right was most common and most highly developed in Ulster and this belief was expressed in the habit, which grew up in the 1860s and 1870s, of calling the sale of tenant right 'the Ulster custom'. But the existence of tenant right outside Ulster did not escape the notice of some observers. For example, George Campbell's book contains a description of the extent of the custom which is a useful starting point for this discussion.

Campbell divided the country into three 'zones' and described

the form of the custom in each one.¹ The first zone was Ulster, where the custom 'has assumed a definite and recognized form, against which it is futile for the landlords to contend'.² The second zone was an area which stretched from Tipperary in the south to Ulster in the north. Here the custom was 'uncertain, and imperfect, but it is maintained by violence'.³ The third zone lay to the south of Tipperary, and in the extreme west of the country. In this area, there were many traces of tenant right but it was supported by neither custom nor violence, and the tenants were at the mercy of their landlords.⁴

If the strength of the custom varied outside Ulster, it seems that the strength of the custom varied inside Ulster too. According to William O'Connor Morris, the custom was most fully developed in the centre of Ulster and along the north-eastern seaboard. The custom was strongest in this area because it was the chief centre of the plantation. The custom was weaker in areas such as County Monaghan and in parts of Armagh and Cavan where the plantation was weaker. In these areas in the 1860s⁵

tenant right is less thoroughly sustained by usage; the general character of the land system more nearly approaches that of the south, and evictions and clearances have been less uncommon. It should be observed, too, that in this last named region agrarianism has often made its appearance, and to this day it is less prosperous, and in parts is more subject to social disturbance than the more fully colonized divisions of Ulster.

1. Campbell, The Irish land, p. 113

2. Ibid., p. 6

3. Ibid., p. 114

4. Ibid., p. 117

Morris also noted that tenant right was most valuable in the counties of Antrim and Down,⁶ less valuable in County Londonderry⁷ and even less valuable in County Fermanagh.⁸

It is possible to supplement the descriptions of Campbell and O'Connor Morris by using the poor law inspectors' reports. These reports cover the whole country, are detailed, and refine and fill out the descriptions of Campbell and O'Connor Morris. These reports show that the custom was strongest in Ulster but that there were variations in the strength of the custom within the province. They also show that the sale of tenant right did not come to an abrupt end on the borders of Ulster, but it existed in a weaker, vaguer form outside Ulster.

According to the poor law inspectors the custom was strongest in the counties of Antrim, Down and Londonderry, weaker in Cavan and Monaghan and least valuable in Fermanagh. In the north-east of Ulster⁹ 'the Ulster tenant right custom ... may be fairly described as universal, or nearly so.'¹⁰ Also, the custom prevailed on nearly all estates in the counties of Londonderry, Donegal and Tyrone.¹¹ In three unions in Armagh and south Down

5. O'Connor Morris, Letters on the land question, pp 279-80

6. Ibid., p. 265; prices ranged from seven to twenty-five years' purchase

7. Ibid., p. 254; prices ranged from five to twenty years' purchase

8. Ibid., p. 245; prices ranged from three to six years' purchase

9. Poor law inspectors' reports, p. 130; this area included 74 per cent of the arable land in Ulster

10. Ibid., p. 142

11. Ibid., pp 12-13; in Donegal which was the poorest county in Ulster the price of tenant right ranged from five to thirty years' purchase

the custom was established and recognized.^{I2}

So far, therefore, the poor law inspectors agree substantially with O'Connor Morris. But their agreement goes further than this because two poor law inspectors noted that the custom was less strong in the counties of Cavan, Fermanagh and Monaghan. One inspector compared the custom in seven unions in Cavan and Monaghan^{I3} with three unions in Armagh and south Down and came to the conclusion that^{I4}

here the custom is altogether of a more modified and permissive character and is subject to much greater control and restriction than in the more northern counties.

Likewise, an inspector stated that while the custom prevailed in Fermanagh, there were restrictions on it 'which are almost unknown and would hardly be tolerated further north'. On six of the largest estates in the county, the selling price of tenant right was limited by the landlords. On one large estate the sale of tenant right was prohibited.^{I5} Although there were estates in the 'strong' tenant-right counties on which the price of tenant right was limited, e.g. the Hertford estates in County Down,^{I6} these were exceptional. But in the counties of Cavan, Fermanagh and Monaghan the opposite seems to have been true.

I2. Poor law inspectors' reports, pp 81, 101; the unions were Armagh, Kilkeel and Newry

I3. Ibid., p. 81; the unions were Bailieborough, Cavan, Cootehill, Carrickmacross, Castleblayney, Clones and Monaghan

I4. Ibid., p. 101

I5. Ibid., p. 13; the price of tenant right was limited on the Archdale, Brooke, Ely, Enniskillen, Erne and Porter estates; tenant right was prohibited on the Irvine estate; the acreage of these six estates was about 170,000 acres which was almost half of the county; see Returns of owners of land, pp 249-53,

/c. 1492/, H.C. 1876, lxxx

I6. Bessborough commission, evidence, pt. i, p. 222

In Ulster, the custom prevailed over large areas, and estates where it did not exist were exceptional. In some areas, the value of tenant right was low or strictly limited by the landlords, but the total prohibition of the sale of tenant right was exceptional. However, outside Ulster, the custom seems to have existed only on individual estates or on small groups of neighbouring estates. The only area where, according to the poor law inspectors' reports, the sale of tenant right prevailed over whole districts as opposed to individual estates was five unions in County Mayo.¹⁷

Tenant right was sold openly on many individual estates in parts of the counties of Dublin, Carlow, Kildare, Meath and Queen's County. According to the poor law inspector who reported on this area:¹⁸

I find that upon about one third of the estates from which I have received returns, the system is either openly sanctioned, or carried out under another name.

There is evidence of sales of tenant right on individual estates outside this area but such estates were not numerous. For example, one poor law inspector reported that he knew of only two estates in his area where tenant right was sold.¹⁹ In County Waterford, on Lord Portsmouth's estate, out-going tenants were allowed to sell their tenant right by auction or

17. Poor law inspectors' reports, pp 57-8; according to the poor law inspectors' reports tenant right prevailed in the unions of Ballina, Ballinrobe, Castlebar, Claremorris and Swineford; its value ranged from four to seven years' purchase

18. Ibid., p. 29

19. Ibid., pp 73-4

private treaty and all buildings were presumed to belong to the tenant.²⁰ In County Galway, some large landlords allowed their tenants to sell their goodwill.²¹

There is information in sources other than the poor law inspectors' reports about the sale of tenant right on individual estates. According to Robert Russell, tenant right had developed on Lord Palmerston's estate at Mullaghmore in County Sligo and it was worth about £8 an acre in 1868.²² In Wexford, near Gorey, an agent told Murrough O'Brien that he allowed tenants to sell their tenant right. Tenant right was sold on the Lansdowne estate in Kerry and on estates worth £100,000 a year which were managed by one firm of agents. A landlord in Tipperary told Murrough O'Brien that a tenant on his estate near Emly sold his tenant right for £60 an acre.²³

On some estates, tenant right was not sold regularly but, occasionally, the landlord allowed an out-going tenant to sell his tenant right. But such permission to sell was given only as an act of special grace, and²⁴

[not] as a matter of course, or of right, but of favour, to part with their interest in a farm, or to receive from a successor, selected by the landlord himself, a sum of money for their goodwill.

20. Poor law inspectors' reports, p. 30

21. Ibid., p. 43

22. Robert Russell, Ulster tenant right for Ireland, p. 45

23. The commonplace book of Murrough O'Brien, 1878-1908 (MS in the possession of Prof. T.W. Moody, Trinity College, Dublin)

24. Poor law inspectors' reports, p. 101; see also, Ibid., pp 23, 126, 152-4

Finally, there were areas and estates where tenant right did not exist or was forbidden. On the Crosbie estate in Kerry the tenants were forbidden to sell tenant right.²⁵ And it seems that tenant right did not exist in County Meath,²⁶ in certain unions in Mayo²⁷ and in County Kilkenny.²⁸ However, there were areas where tenants were not allowed to sell tenant right but where the tenants sold it secretly. For example, tenant right was sold secretly in parts of Galway and Roscommon.²⁹ A poor law inspector, whose area included County Clare, north Limerick and part of the north riding of Tipperary, stated that tenants did not have the 'right' to sell their tenant right but they did, in fact, sell it.³⁰ Landlords knew of these sub rosa transactions, but they did not recognise them.³¹

Although this description of the custom is fragmentary, it shows that tenant right existed outside Ulster in an attenuated form. In Ulster, ~~tenant right~~ tenant right was sold openly over wide areas, and landlords had to accept the custom which seemed to exist independently of their will. On the other hand, tenant right in the south seems to have existed mainly on individual estates and to have been dependent on the will of individual landlords. In any one area, tenant right might be sold openly with the landlords' consent on a handful of estates, while on other estates tenant right was either sold secretly or with the occasional permission

25. Trench, Are the landlords worth preserving?, pp 46-54

26. Poor law inspectors' reports, pp 90, 98

27. Ibid., p. 58

28. Lords' committee on the land act of 1870, p. 253

29. Poor law inspectors' reports, p. 42

30. Ibid., p. 119

31. Select committee on tenure, 1867, p. 214

of the landlord.

Tenant right outside Ulster was uncertain in its incidence, permissive and less fully developed.³² In other words tenants outside Ulster could not realize or could only partially realize the capital value of their share of the rental. Tenant right outside Ulster did not have a clearly definable market value.³² In Ulster the poor law inspectors and other observers were able to give the current value of tenant right in the areas which they examined. But in the south, they found it difficult to give the value of tenant right. According to George Campbell tenant right in the south did not have the 'certainty of a fixed price'.³³ One poor law inspector gave the value of tenant right in his area as four or five years' rent but protested that this was only a guess.³⁴ Other inspectors refused to generalize and merely gave the prices of individual sales of which they had heard.³⁵ It seems, too, that the blackmail element was strong in southern transactions. According to one poor law inspector, the payment given to an out-going tenant³⁶

would, probably, not ordinarily amount to more than a very moderate sum, barely sufficient to insure (in its literal sense) the goodwill of the out-going tenant, a thing, in Ireland, which is always much and earnestly desired.

Tenant right was worth less in the south³⁷ because purchasers

32. Poor law inspectors' reports, p. 43

33. Campbell, The Irish land, p. 54

34. Poor law inspectors' reports, p. 143

35. Ibid., p. 31

36. Ibid., pp 102-3

37. Gerald Fitzgibbon, The land difficulty of Ireland (Dublin and London, 1869), p. 49; O'Connor Morris, Letters on the land question p. 257

were not always able to count on being allowed, in their turn, to sell what they had bought, especially if the transaction was made sub rosa. The contrast between the value and extent of tenant right in Ulster and in the other provinces is shown by the statistics of claims made under the land act of 1870. Tenants in all parts of Ireland could either claim under the custom or under sections 3 and 4 of the land act. Also, tenants who could not claim under the custom as such could claim for any incoming payments which they had made to their predecessors, if they could prove that they had made such a payment.³⁸ Therefore, tenants would claim under the custom or claim for the payment of an incoming payment if they hoped to get more than they would get under sections 3 and 4, which allowed compensation for improvements and a maximum of seven years' purchase for disturbance. The strength and value of tenant right in different parts of Ireland could be roughly measured by the number of claims made under the custom. Obviously, tenants who could prove that the value of tenant ^{right} in their district was worth optional. the value of their improvements and the amount they could claim for disturbance would claim under the custom. But if the existence of tenant right could not be proved or if its value was not great, tenants would claim under sections 3 and 4.

The returns of land cases in the judicial statistics for the years 1871-8 show that most tenants in Ulster claimed under the

38. Donnell, Practical guide, pp 19, 75, 119-20; Public general acts passed in the thirty-third and thirty-fourth years of the reign of H.M. Queen Victoria (London, 1870), pp 173-4

custom and that 57.9 per cent of the gross compensation awarded in the courts in Ulster was awarded under the custom. The remainder was awarded under sections 3,4 and 7. But in the other three provinces, only two claims were made under the custom and only negligible amounts were awarded for the making of incoming payments. Awards for incoming payments were made in only three years (1871, 1875 and 1876) and the amounts awarded accounted for less than 1 per cent of the total awarded under the act.³⁹ These statistics suggest that (i) tenants in the south were rarely able to claim successfully under the custom and (ii) tenant right or analogous payments were worth less in the south than in Ulster, even where their existence could be proved.

On the whole, therefore, the sale of tenant right was rare in the south. The descriptions of contemporaries show that the sale of tenant right was not confined to Ulster but the fact that they refer to individual estates where this was allowed shows that the sale of tenant right was exceptional. In Ulster, contemporaries usually referred to individual estates when they wanted to show that the custom was prohibited or modified. This is a complete reversal of emphasis. The judicial statistics of cases under the land act of 1870 show this more clearly because they show that few tenants outside Ulster thought it worth their while to claim for tenant right.

39. Judicial statistics (Ireland), 1871, pp 93-4, /c. 674/, H.C. 1872, lxxv; Judicial statistics (Ireland), 1872, pp 90-1 /c. 851/, H.C. 1873, lxx; Judicial statistics (Ireland), 1873, pp 86-7, /c. 1034/, H.C. 1874, lxxi; Judicial statistics (Ireland), 1874, pp 81-2 /c. 1295/, H.C. 1875, lxxxix; Judicial statistics (Ireland), 1875, p. 78 /c. 1563/, H.C. 1876, lxxix; Judicial statistics (Ireland), 1876, pp 78-80 /c. 1822/, H.C. 1877, lxxxvi; Judicial statistics (Ireland), 1877, p. 80 /c. 2152/, H.C. 1878, lxxix; Judicial statistics (Ireland), 1878, p. 70 /c. 2389/, 1878-9, lxxvi

However, before leaving tenant right in the south it is necessary to mention that some landlords gave compensation to out-going tenants. This practice resembled the sale of tenant right in Ulster because it recognized that the tenant had an interest in his holding but, at most, it was only tenant right in embryo. At worst, it was a poor substitute for tenant right because it was only a sort of blackmail payment and it did not resemble the most important aspect of tenant right : the right of an out-going tenant to realize the capital value of the portion of the rental value of the land which he had enjoyed during his tenancy.

The sums paid to out-going tenants were very small. On the Inchiquin estate in 1851 fourteen tenants received a total of £15. 0s. 6d. and in 1852 six tenants received only £4. 17s. 6d.⁴⁰ On the Crofton estate in Roscommon, out-going tenants received small sums which were only a fraction of their rents.⁴¹ But on the St George estates the out-going tenants received larger sums, and some received as much as five years' purchase.⁴² Occasionally, the incoming tenant contributed to these payments. For example, on the Ashtown estates, one out-going tenant was given money to emigrate by Lord Ashtown and the incoming tenant paid the arrears which were due.⁴³

On some estates, out-going tenants were compensated for their

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40. Rentals and accounts of the estates of Lord Inchiquin in County Clare, 1851-2 (N.L.I., MSS I4,523-I4,524)
41. Rentals and accounts of the estate of Lord Crofton in County Roscommon, 1852 and 1855 (N.L.I., MSS 5632-5633)
42. Rentals and accounts of the estate of Charles St George in the counties of Leitrim and Roscommon, 1850-6, 1861-71 (N.L.I., MSS 4006-4011)
43. Rent ledgers of the Castle Oliver estate of Lord Ashtown in County Limerick, 1850-64 (N.L.I., MS 5824, f. 627)

improvements either directly by the landlord or by the incoming tenant. On the Fitzwilliam estates, tenants were not allowed to sell their 'interest' unless they had a lease,⁴⁴ but they were allowed to sell their improvements. When a tenant left his holding the value of his improvements was estimated by arbitration. For example, there is a note signed by the agent in a memorandum book which declares:⁴⁵

I am willing that Gilbert and one person appointed by G. Williams shall meet and try and agree on the value of the crops and manure and I will allow Williams £45 over and above crops for everything else, but the half year's rent due must be paid out of it.

These payments were made on condition that the tenant left quietly, and, if he resisted, the costs of the ejectment were deducted.⁴⁶

The payment was not always made as a lump sum because, occasionally, the tenant was paid an annuity by the estate:⁴⁷

Mr Bate called with undertaking as to Casey in the ejectment case. Casey to give up possession on 1 April /and/ to have £12 per ann., [half] in advance. Signed this as £10 was offered some time ago and he is now over eighty and as I think there was a good defence, this is well settled.

Sometimes, the agent had to exercise a form of probate jurisdiction over the disposal of these sums. For example, the agents of the Fitzwilliam estates had to deal with a family dispute:⁴⁸

44. Robert Chaloner to John Perrin, 2 May 1848 in Letter book of Robert Chaloner, agent of the Fitzwilliam estates, 1842-53 (N.L.I., MS 3987)

45. Memoranda book of Ralph Lawrenson and Frederick Ponsonby, agents of the estates of Lord Fitzwilliam, 13 July 1874 (N.L.I., MS 5996)

46. Memoranda in respect of the estate of Lord Fitzwilliam in County Wicklow, 1860 (N.L.I., MS 4988, p. 26)

47. Ibid., p. 17

48. Memoranda book of Ralph Lawrenson and Frederick Ponsonby, 29 May 1873 (N.L.I., MS 5995)

Family of Judith Byrne have agreed about shares of her property except one son who ... won't allow the amount of £45 to stand over for three years or accept arbitration ... the son who is selected for tenant, Joseph, to pay off the one who is raising objections. If settled and Joseph made tenant, £25 a year to be rent.

On the Crosbie estate in Kerry the sale of tenant right was forbidden but out-going tenants were compensated for improvements, and arrears were deducted from this sum. These transactions were sharply carried out by the agent. For example, a tenant who was removed in 1849 received £34. 18s. 5d. for his house, barn, ditches and crops. But a total of £28. 10s. 6d. was deducted for arrears and 'allowances' and the tenant received only £6. 7s. 11d. But he was luckier than another tenant who was sent away with only 10½d. after deductions were made from improvements worth £33. 0s. 10½d.⁴⁹

Occasionally, the out-going and incoming tenants made private arrangements between themselves, but landlords and agents often refused to recognize these. For example, on the Powerscourt estate in Wicklow, an incoming tenant gave the out-going tenant £20 but the agent protested that he knew nothing of this arrangement.⁵⁰ The recognition of tenant right transactions by the agent was important because, as we shall see in the next part, the agent's authority was often used to enforce the transactions made by tenants. If the agent did not recognize these transactions they were uncertain and unpredictable because one of the parties might go back on his word.

49. Rent ledgers of the Crosbie estate in County Kerry, 1847-77 (N.L.I., MS 5037, ff 6, 11, 21, 22, 324)

50. Minute book of tenants' requests submitted to the guardians of Lord Powerscourt, 1852-6 (N.L.I., MS 16,377, no. 1071)

The treatment of out-going tenants on some southern estates had the same form as the treatment of tenants under the custom. The out-going tenant received money for improvements or for quitting peacefully. His property might be distributed amongst his heirs and, perhaps, his farm might be transferred to another member of his family. And the incoming tenant was often involved in these arrangements. But the resemblance was only a formal one because the substance of these transactions was not the same as tenant right. The tenants did not sell their interest which, in Ulster, went beyond improvements and blackmail. And the sums which out-going tenants received on these southern estates were very small compared with the value of tenant right in Ulster. Also, the transactions on southern estates were complicated three-sided arrangements which involved the landlord and the incoming and out-going tenants.

The fact that agents did not recognize sub rosa transactions over and above the arrangements made by themselves was important because it deprived these private transactions of authority and certainty. In the event of a quarrel between the parties the value of the sub rosa payments might be lost.

In conclusion, the existence of these arrangements on southern estates created the impression that tenant right was common outside Ulster. But the resemblance was, in many cases, only a formal one. The evidence of contemporary descriptions, of the judicial statistics and of the estate papers suggest that tenant right was exceptional in the south and was confined to individual estates. And many of the examples of tenant right in the south

which were noted by contemporaries were probably only examples of arrangements made by landlords to get rid of tenants quietly.

But it should be remembered that rents were as low on southern estates as on northern estates and the tenants enjoyed a share of the rent which they could not realize as a capital sum, when they quitted their holdings. Evicted tenants in the south had an 'interest' in their holdings which they were not able to realize openly in a market sustained by custom.

3. Tenant right on individual estates

In this section I shall describe sales and transfers of tenant right on individual estates. In the printed sources and estate papers there are many examples of actual sales of tenant right, and I shall allude to some of these to illustrate the problems of estate management created by the tenant right custom. On most estates, the agent exercised some control over tenant right transactions and his intervention was often necessary to settle disputes about the disposal of the purchase money and to protect the interests of the landlord.

Since tenant right was bought and sold and had a money value, the actual sale of tenant right was conducted like any other transaction in real estate. Its value was determined by auction, by valuation or by arbitration. Also, the purchase money often had to be distributed amongst the tenant's creditors or family, if he had any. The agent was interested in the sale of tenant

right because he wanted to avoid disputes between tenants, to secure a good successor to the out-going tenant and to recover arrears from the purchase money. An agent who managed an estate where the custom prevailed had to deal with two problems. Firstly, he had to protect the interests of the landlord. And secondly, he had to protect the interests of the out-going tenant, his family and creditors.

An agent protected his employer's interests by (i) controlling the way in which the tenant right was sold, (ii) by accepting or rejecting the purchaser and, (iii) by insisting that the farm should be sold to a neighbouring tenant, if the landlord wanted to consolidate holdings on his estate. For example, some agents objected to the sale of tenant right by auction because it was difficult to reject the highest bidder.¹ Sometimes, auctions were attended by 'sweeteners' who made inflated bids for the farm.² Alexander Spotswood who managed several estates in Londonderry objected to the sale of tenant right by auction:³

I have always had a great objection to allow[ing] tenants to sell their tenant right by auction, as it induces them to get friends to bid merely for the purpose of raising the price which I almost always find is too high, and it is not easy to object to a tenant after a sale takes place. My usual course has been to take written proposals and select from them a good tenant, always giving the farm to an adjoining tenant, provided he will give what I consider a fair value.

1. Bessborough commission, evidence, pt. i, p. 215

2. Ibid., p. 200; Wann to Rev. Peter Brady, 8 June 1858 in Copy letter book of William Wann, 1854-70 (P.R.O.N.I., D 1606/5/4)

3. Spotswood to Sir Thomas Bateson, 17 Jan. 1871 in Copy letter book of Alexander Spotswood, 1860-76 (P.R.O.N.I., D 1062/1/8A)

Agents were opposed to high bids for tenant right because purchasers who paid high prices for tenant right came into the farm either in debt or without capital. However, sales by auction were very common, e.g. on the Gosford estate in County Armagh.⁴ Some landlords were so worried by the high prices paid for tenant right that they put a ceiling on the price paid for tenant right on their estates. The amount per acre or the number of years' purchase of the rent were limited to a certain amount.⁵ On some estates this rule was relaxed by allowing the tenant to receive more than the limit if he had improved his farm.⁶ Some landlords, such as Lord Dufferin, felt so strongly about the crippling effects of buying tenant right on incoming tenants that they bought it themselves from the tenants on their estates, and abolished the practice of selling.⁷ These rules were resented by the tenants, and as one poor law inspector remarked:⁸

all such limitations are nugatory, and invariably prove ineffectual to prevent the incoming tenant from making a secret settlement with the outgoing tenant.

And even agents regarded limitations on the price of tenant right as an aberration of the custom.⁹

Many agents developed and promulgated estate rules which regulated the sale of tenant right. For example, on the Stewart estates in the counties of Donegal and Down, tenant right was sold under the following rules: (i) the holding must be sold to a

4. Rental of the estate of the earl of Gosford in County Armagh 1871 (P.R.O.N.I., D 1606/7A/77); in one advertisement of a sale the tenant is referred to as the 'proprietor' of the holding

5. Poor law inspectors' reports, pp 13, 104, 142; Bessborough commission, evidence, pt. i, pp 279, 284

6. Ibid., p. 279

7. Dufferin, Contributions to an inquiry into the present state of Ireland, p. 193

8. Poor law inspectors' reports, p. 12; see also, Ibid., pp 101, 142; Bessborough commission, evidence, pt. i, p. 227

9. Select committee on tenure, 1867, p. 10

neighbour, (ii) if the tenant were evicted for arrears he was allowed six and a half years' purchase less arrears, and (iii) if the landlord took the land into his own hands, the tenant would receive ten years' purchase.¹⁰ On the Blakiston Houston estate, tenant right was sold subject to the following rules: (i) the rent was re-valued, (ii) the holding must be sold to a neighbour, and (iii) the price of tenant right was not restricted.¹¹

However, on all estates where the custom prevailed, the agent insisted on two things: (i) he must be informed about the sale and (ii) he must approve of the incoming tenant. This practice is illustrated in a memorandum book of the Farnham estate in County Cavan. When a tenant on this estate wanted to sell his farm, he applied to the office and he was not allowed to sell until Lord Farnham approved of the purchaser. The character and resources of the purchaser were investigated, and Lord Farnham gave his opinion on his suitability. The prospective purchase^r was often turned down. For example, a purchaser was rejected because he was a bad farmer:¹²

I cannot comply for he never was able to manage the small quantity of land he had.

On the Gosford estates, Wann seems to have referred the choice of the incoming tenant to Lord Gosford.¹³ But the decision was

10. Poor law inspectors' reports, p. 105-6

11. Bessborough commission, evidence, pt. i, p. 256

12. Memorandum book of applications and representations made by tenants and other persons to Lord Farnham and decisions made in respect of these, 12 Mar. 1849 (N.L.I., MS 3118)

13. Wann to John Megaw, 25 July 1855 in Letters from William Wann to Lord Gosford, 1848-56 (P.R.O.N.I., D I606/5A/I)

usually in the affirmative if the purchaser was solvent and respectable.^{I4}

Obviously, the agent wanted a tenant who was solvent and who would not get into difficulties and cause trouble. But, occasionally, the agent was concerned about less obvious traits of character. For example, Wann enquired about the sporting interests of a prospective tenant:^{I5}

I understand Joseph Hagan ... is in treaty with a tenant of Lord Gosford for a farm of land, forty acres odd, which lies just at the back of his lordship's demesne where the fence is merely a hedge.... Will you kindly let me know Hagan's character, if he is a steady, industrious, well-disposed man. I hope neither himself nor any of his family would have a hunting or poaching propensity as these might be unpleasant neighbours. The dwelling is within a stone throw of the demesne where game is [plentiful].

Generally, landlords and agents preferred tenants on their own estates as purchasers because they knew them better. Sometimes, landlords insisted that the vacant holding should be sold to an adjoining tenant because they wanted to consolidate small holdings.¹⁶ On the estates managed by Wann and Spotswood, adjoining tenants were given the first option on farms offered for sale.^{I7} Occasionally, Wann's intervention came too late, because the tenants had come to an arrangement amongst themselves. But he usually insisted on having his way:^{I8}

I4. Wann to A.G. Daly, 3 Aug. 1853 in Letters from William Wann to Lord Gosford, 1848-56 (P.R.O.N.I., D I606/5A/1)

I5. Wann to P. Quinn, 19 Dec. 1877 in Letters from William Wann to Lord Gosford, 1875-8 (P.R.O.N.I., D I606/5A/4)

I6. Bessborough commission, evidence, pt. i, pp 245, 254, 324

I7. Spotswood to Sir Thomas Bateson, 17 Jan. 1871 in Copy letter book of Alexander Spotswood, 1860-76 (P.R.O.N.I., D I062/I/8A)

I8. George Archer to Samuel Beatty, 7 Mar. 1860 in Letters from William Wann to Lord Gosford, 1857-65 (P.R.O.N.I., D I606/5A/2)

Mr Wann is in receipt of a note from John Clinton saying that he had bought your interest in the small farm at Argonnell. On referring to the map Mr Wann finds the land lies into William Campbell's and according to Lord Gosford's orders he must get the preference of it. Mr Campbell will I am sure give what is fair for the land and you and he had better leave the matter to two men to settle.

But usually, Wann anticipated trouble by warning potential buyers that the farm must go to the adjoining tenant:¹⁹

I beg to give you notice if you purchase William McDonnell's farm ... I cannot accept you as tenant for it.... I have desired Mr Fyfe if the farm goes into any other hands but Prunty's (unless McDonnell holds it himself) to hand the matter over to Messrs. Armstrong to eject the purchaser.

At the same time, Wann often wrote to the adjoining tenant to encourage him to make an offer for a vacant farm.²⁰ Some landlords lent money to desirable tenants to buy adjoining farms when they were offered for sale. On the Dungannon School estate, £400 was provided for this purpose,²¹ and on the Murray Stewart estate money was lent to tenants who wanted to buy land.²² Lord Erne bought tenant right himself and gave the holdings, free of tenant right, to some of his tenants.²³

While agents encouraged consolidation, they also opposed sub-division. For instance, Wann did not allow tenants to sell only a part of their farms:²⁴

19. Wann to Michael Maguire, 5 Mar. 1852 in Letters from William Wann to Lord Gosford, 1848-56 (P.R.O.N.I., D I606/5A/I)
20. Wann to James Armstrong, 7 June 1864 in Letters from William Wann to Lord Gosford, 1857-65 (P.R.O.N.I., D I606/5A/2)
21. Wann to Kyle, 25 Dec. 1863 in Copy letter book of William Wann, 1854-70 (P.R.O.N.I., D I606/5/4)
22. Rent receipts and disbursements of the estates of H.G. Murray Stewart in County Donegal, 1862-9 (N.L.I., MS 5478)
23. Account book of the estate of the earl of Erne in County Donegal, 1848-78 (P.R.O.N.I., D I939/9/9)
24. Wann to Hugh Boyle, 4 Mar. 1880 in Copy letter book of William Wann, 1870-81 (P.R.O.N.I., D I606/5/5)

I understand White who is living on the farm asks time to sell 'part' of the land. To this I thoroughly object. The tenant may sell it all if he likes but I will not permit a partial sale.

When a tenant died and left several sons, agents were careful to make sure that the sons did not divide the farm. On the Salters' estate, Spotswood usually put one son in possession and encouraged the others to leave.²⁵ But Wann allowed the family of the late tenant to hold their father's farm as long as they did not attempt to divide it. As soon as they suggested dividing the farm, he insisted that the son who was tenant should pay his brothers and sisters their share of the tenant right and be quit of their claims.²⁶

the late Arthur McGra left a family of boys and girls. Peter ... was the eldest and I took him as tenant. Matters went smoothly on for a time and a division of the farm was required by some of the family but this I flatly refused; and desired that arbitrators should say what money Peter should pay but the others declined to accede to this.... I think this is a very good case to make an impression on the estate against the division of farms. A notice to quit should be served.

The estate rules about the method of sale, the choice of the incoming tenant, the purchase price, and consolidation were devised to preserve the interests of the landlord. But the agent was often involved in tenants' affairs because he supervised the disposal of tenant right, and his authority was used to dispose of the purchase money and to protect the interests of all parties.

25. Spotswood to P.W. Martin, 15 July 1869 in Copy letter book of Alexander Spotswood, 1860-76 (P.R.O.N.I., D 1062/1/8A)
26. Wann to Kyle, 22 Apr. 1867 in Copy letter book of William Wann, 1854-70 (P.R.O.N.I., D 1606/5/4)

Most transfers of tenant right were made by succession or assignment, and transfers by sale were relatively rare.²⁷ For example, on the Gosford estate, transfers of tenant right by succession and assignment outnumbered sales by two to one. The agent supervised transfers of tenant right to make sure (i) that the claims of creditors were settled, (ii) that the estate rules of succession were observed, (iii) that the late tenant's will was respected, and (iv) that the interests of young children and widows were protected.

Tenants often disposed of their tenant right in their wills. Before 1870 tenant right did not have any legal status and, in practice, only the agent could execute the tenant-right provisions of a will. These wills were made in formal terms, stamped and witnessed, and the executors were ordered to dispose of the value of the tenant right according to the wishes of the testator. However, if there was a dispute among the legatees the will was handed over to the agent for enforcement. There are several examples of wills in the Gosford papers, and here is a typical one:²⁸

I authorize my executors hereafter named to sell my farm which I now occupy together with all my cattle, crops, goods and chattels to the highest and fairest bidder and to put all the money arising therefrom to interest for the use of my beloved son, William Moore.

27. Samuelson, Studies of the land and tenantry of Ireland, p. 32

28. Surveys, valuations and memoranda of farms on the estates of the earl of Gosford, 1848-57 (P.R.O.N.I., D I606/I2/I2/576)

The courts could dispose of the cattle, crops, goods and chattels mentioned in this will, but they could not dispose of the tenant right until it was converted into money. And, in the last resort, only the agent could make sure that this happened, because he could evict members of the family who disputed the will and give vacant possession to the purchaser of the tenant right. After 1870, tenant right had a legal status and could be recognized as an asset by the courts.

Sometimes, sitting tenants assigned their tenant right during their lifetimes. In these transactions, the old tenant received a sum of money but remained in his old house. And the purchaser usually promised to look after the old man in his old age. Nevertheless it was felt that it was a wise precaution to tell the agent of this arrangement so that the interests of both parties would be protected.²⁹ It was the duty of the agent to see that the former tenant was well treated during his old age, and that he was not driven from his place at the hearth by unscrupulous relations.

The rules of succession were different on each estate. On the Gosford estates, the late tenant's widow was always taken as the tenant when her husband died:³⁰

It has been the invariable practice on the estate when a tenant dies to take the widow as tenant in his place and not leave her in the power of the children.

29. Memorandum of agreement between William Lamph and Michael Lamph, 25 Mar. 1861 (P.R.O.N.I., D I606/I2/I2/576)

30. Wann to Dobbin, 1 Sept. 1874 in Letters from William Wann to Lord Gosford, 1865-75 (P.R.O.N.I., D I606/5A/3)

But on the Sanderson estate in County Cavan, widows were treated less generously:³¹

If a man's farm is in good order when he dies and his son of a suitable age and willing to support his mother he should get the land. But under no circumstances should a widow with a helpless family or without one be retained.

If a tenant died in arrears, the land was not to go either to his wife or family.

Since agents supervised transfers of tenant right by assignment as well as transfers by sale, they became involved in the family affairs of the tenants. And they often faced opposition from families who did not approve of the late tenant's will. For example, a father might leave his farm to a favourite daughter instead of to his son, and the agent might have to force the son to acquiesce. For example, Wann wrote to a disgruntled son:³²

I understand your mother who was tenant for the farm ... made a will leaving it to her daughter, and unless there is something more than I at present see I cannot be a party to disturb her wishes. She told me in January last her desire was that her daughter should enjoy the farm after her death, taking care of a delicate brother who is with her. And I have letters from your mother dated a year or two ago not by any means favourable to the way you treated her.

31. Estate and family memoranda of the Sanderson family of Cloverhill, County Cavan, 1850-88 (N.L.I., MS 9492)

32. Wann to William Wood, 13 June 1873 in Letters from William Wann to Lord Gosford, 1865-75 (P.R.O.N.I., D I606/5A/3)

When the heir was a child, some agents insisted that the farm should be sold and the purchase money held in trust for the child.³³ Wann was more indulgent and often allowed the farm to be held in trust until the heir came of age. But, on one occasion at least, Wann refused to this because the child was illegitimate.³⁴ The agent often persuaded families to make arrangements for the support of relations who had been left destitute because the late tenant had died intestate. For example, in the Gosford rentals there is a note that two nephews had agreed to support their aunt:³⁵

Agreed that William Young is to pay James Young for the support of their aunt Anne ... nine pounds yearly but paid quarterly commencing 22 August 1871. Also William is to pay James two pounds as funeral expenses to be incurred at the aunt's death and in abiding by this decision William is to hold the 2a. 2r. 30p. wholly to himself.

When children were orphaned, the agent had to protect them from grasping relations. For example, Wann had to evict squatters who had seized a farm which belonged to three orphans:³⁶

Hugh McCane ... died leaving three orphan children who were scattered with friends. A little previous to his death his brother-in-law, Michael Taggart, an idle fellow with his family, came from another estate and retained possession. I ... informed him that I could not recognize his right to force himself into a place in such a way to the prejudice of the orphans. In April last I served him with a notice to quit and I have now ordered an ejection for the coming sessions.

33. Copy letter book of Alexander Spotswood, 1860-76 (P.R.O.N.I., D I062/I/8A, p. 86)

34. Wann to Kyle, 16 Feb. 1861 in Copy letter book of William Wann, 1854-70 (P.R.O.N.I., D I606/5/4)

35. Rental of the estate of the earl of Gosford in County Cavan, 1871 (P.R.O.N.I., D I606/7C/56)

36. Wann to Kyle, 19 Dec. 1859 in Copy letter book of William Wann, 1854-70 (P.R.O.N.I., D I606/5/4)

If the tenant's widow decided to marry again, the agent might write to her suitors to warn them that they would not be recognized as the tenant, if the widow had young children:³⁷

It has been reported to me that it is your intention to get married to Widow Davidson, and I wish to inform you that I am sure Lord Gosford will be very slow to recognize you as tenant for her farm to the prejudice of her large family.

Wann often kept an eye on a farm for years, especially if the successors were three or four brothers who might disagree when one of them decided to get married:³⁸

the eldest son was taken as tenant and they lived peaceably and quietly till a year or two ago, when the eldest married, but the others would not admit his wife to the house, and ill feeling has existed ever since ... the tenant was always willing to give the saying of two honest men to his brothers and let them go to America or elsewhere.

The agent made sure that creditors were paid out of the purchase money. Of course, arrears were always the first charge on the purchase money. But the agent usually held the purchase money for a short period to allow the creditors to come forward. And he usually wrote to the purchaser to remind him to hold back the purchase money until all claims had been settled:³⁹

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37. Wann to John Elliott, 29 Dec. 1857 in Letters from William Wann to Lord Gosford, 1857-65 (P.R.O.N.I., D I606/5A/2)
38. Wann to Kyle, 19 Dec. 1868 in Copy letter book of William Wann, 1854-70 (P.R.O.N.I., D I606/5/4)
39. Lord Gosford to James McParlin, 31 Dec. 1859 in Letters from William Wann to Lord Gosford, 1857-65 (P.R.O.N.I., D I606/5A/2)

I am given to understand that you are likely to become a purchaser of land held under me by Mr Edward Cordner.... Mr E. Cordner, I am informed, is in debt to the Rev. Henry Kidd, who has lent him money, and I find in the office a paper signed by E. Cordner to this effect - that in case of any of his land being sold, he, Edward Cordner, guarantees to the Rev. H. Kidd out of the proceeds of the sale the payment of the debt due to the Rev. H. Kidd after deducting the rent due to the earl of Gosford. I request therefore that no money may be paid by you to Mr Cordner until he has redeemed his pledge to the Rev. Kidd.

And creditors were often reminded when claims had to be settled.⁴⁰

Occasionally, the creditor wanted to buy the farm but this was not allowed if the agent wanted the farm to go to the adjoining tenant.⁴¹

When a sale in the open market was impossible or undesirable, the agent arranged to have the holding valued by arbitration or by valuation.⁴² This was necessary when the tenant right was assigned to heirs or when the agent wanted the farm to go to the adjoining tenant. Of course, if the parties did not accept the results of arbitration, the agent had to force them to accept it.

In disputes with tenants about the disposal of tenant right, the agent did not always have his way in spite of his power to evict the disputants. For example, on the Hall estate an adjoining tenant wanted a farm which was for sale and the agent was willing to let him have it. But they were forestalled and

40. George Archer to Thomas Cloyne, 10 Sept. 1863 in Letters from William Wann to Lord Gosford, 1857-65 (P.R.O.N.I., D I606/5A/2)

41. Wann to Kyle, 19 Dec. 1862 in Copy letter book of William Wann, 1854-70 (P.R.O.N.I., D I606/5/4)

42. George Archer to William Campbell, 7 Mar. 1860 in Letters from William Wann to Lord Gosford, 1857-65 (P.R.O.N.I., D I606/5A/2) see also Valuations, surveys, etc. of the estates of the earl of Gosford, 1848-57 (P.R.O.N.I., D I606/12/10/474) and Valuations, surveys, etc. of the estates of the earl of Gosford, 1857-9 (P.R.O.N.I., D I606/12/11/509)

the adjoining tenant wrote to the agent:⁴³

I hope your honour will pardon the liberty of which I have taken in writing to you. Sir, my reason for doing so is that John Mc Dondle sent me word that I would never get his land. As he had come to an arrangement with Francis McAteer and is going to give him his land and they McAteers has reported they have got it. And his cattle is already on the ground. And it appears he is taking McDondle home to his own house. He also says by taking him he will get the land.... Sir, you are aware this piece of ground is in the centre of my land. I am not looking for his land unless he is giving it up.

In spite of this act of defiance, the agent had to compromise with the McAteers who were allowed to hold the farm during the life of the sitting tenant. Wann had similar problems. Occasionally the tenants fell out amongst themselves and the purchaser might find himself faced with a squatter or a creditor who had not been paid.⁴⁴ Some of these disputes dragged on for years and, in the end, all the parties were dissatisfied.

This description of tenant right on individual estates shows that tenant right transactions were often complicated and that the agent often became involved in acrimonious disputes. Agents exercised a strict control over transfers of tenant right, and often modified the right to sell to suit the interests of the estate. Although they usually respected the tenants' wishes they put the enforcement of the estate rules first. However, the power of the agent to evict disputing parties played an important part in tenant-right transactions. This power was used to enforce the estate rules but it gave tenant right transactions an authority and certainty which they would not have had if the agent had not been involved. The co-operation

43. Rent ledger of the Narrowater and Mullaglass estates of the Hall family in the counties of Armagh and Down, 1867-8 (P.R.O.N.I., D 2090/3/22)

44. Wann to Pirie, 21 Mar. 1861; Wann to Kyle, 30 Mar. 1861; Wann to Kyle, 13 Nov. 1863; Wann to Kyle, 15 Jan. 1864 in Copy

of the agent and the systematic application of estate rules allowed buyers and sellers of tenant right to know when they could buy and sell with certainty. When the purchaser knew that the agent had accepted him, he could lay out his money in the sure knowledge that he would not be defrauded. The fact that tenant right arrangements could be written down and recorded in the estate office meant that tenants could make very complicated dispositions of their tenant right.

Also, the power of the agent was used to protect the interests of minors, orphans, widows and creditors. However, the supervision of tenant-right transactions added to the problems of managing estates. Some of these disputes were bitter and dragged on for years and the agent had to keep an eye on some parties for years. And he had to know the tenants and to have a rough knowledge of probate law and a sense of natural justice. Since landlords and agents became involved in the most intimate affairs of the tenants, they could incur unpopularity if they acted carelessly. A negligent paternalism was probably more dangerous in these situations than strictness and harshness. It seems, too, that the wishes of the tenants about the disposal of land were sometimes different from those of landlords and agents. Tenants wanted to sub-divide their holdings and the relations of dead tenants wanted to keep the land in the family while the agent wanted to give it to the adjoining tenant. And notions of what was due to widows and orphans were often different. And not infrequently, it was the unhappy lot of those who helped the weak to arouse the hostility of the strong and acquisitive.

4. The tenant right custom and the land act of 1870

The land act of 1870 legalized the custom of selling tenant right in Ulster and in any part of Ireland where its existence could be proved. Unfortunately, the act did not define the custom because it was assumed that its nature was well known. The land act of 1870 had three main results. Firstly, the act caused many disputes about the definition of the custom. Secondly, the act gave the tenant's interest a legal status which it had not had before 1870. And thirdly, evicted tenants were treated more generously in Ulster than in other parts of Ireland because they could claim under the custom as well as under the other provisions of the act.

The essential element of the custom, the right to sell or transfer tenant right, was clearly understood but there were many details of procedure which varied from estate to estate and from area to area. When the courts considered individual claims under the custom, they were often in doubt about the importance of these variations. Three aspects of the right to sell caused disputes: (i) did tenant right exist at the expiry of a lease, (ii) could the tenant right of town parks be sold, and (iii) what was the legal status of estate rules?

These disputes were exacerbated by a growing self-assertiveness on the part of both landlords and tenants and by the contradictory judgements given by the courts.

The question of leasehold tenant right was important because there were 35,000 leasehold tenancies in Ulster in the 1870s.¹ Opinions on leasehold tenant right varied greatly. Courtenay Newton, Lord Ranfurly's agent, believed that a lease extinguished tenant right² but other landlords and agents did not.³ Lawyers were divided on the question. The chairman of Londonderry decided that the custom did not extend to leases but the chairman of Down believed that it did.⁴ However, the tenants were probably right when they insisted on leasehold tenant right because it seems that the tenant right custom had its origins in the long leases granted by landlords in Ulster in the early eighteenth century.⁵

The tenants argued that the custom extended to town parks but some landlords argued that it did not. A tenant near Ballymoney complained that he had lost £180 because he was evicted from a town park and not permitted to sell his tenant right.⁶ The same tenant claimed that the act's failure to secure the tenant right of town parks 'has enabled the agent to put, I am convinced, thousands of pounds in the earl of Antrim's pocket, which, by right, belonged to the tenant'.⁶

This was an old cause of disputes because Wann had disputes with tenants about the tenant right of town parks in the 1850s.

1. Lords' committee on the land act of 1870, p. 270

2. Ibid., p. 93

3. Ibid., p. 187

4. Ibid., p. 158

5. W.H. Crawford and B. Trainor, Aspects of Irish social history, 1750-1800 (Belfast, 1969), p. 17

6. Bessborough commission, evidence, pt. i, p. 410

On that occasion, Wann told the tenants that they had no claims to tenant right because they had not purchased it when they took possession.⁷ But he had doubts on this question and wrote to the estate solicitor for advice.⁸

The legal status of estate rules was more complicated and more contentious because they affected more tenants than leasehold and town-park tenant-right. The tenants' spokesmen complained that landlords tried to have their estate rules treated as integral parts of the custom.⁹ Some tenants complained that on some estates these rules were introduced only after the passing of the land act of 1870.¹⁰ It was argued that estate rules were not part of the custom and that restrictions on the selling price of tenant right were as monstrous as restrictions on the value of the landlords' fee simple.¹¹ The landlords replied by arguing that estate rules were reasonable and were an old practice.¹²

Legal opinion was divided on the legal status of estate rules. One lawyer admitted that he was guided by the practice on individual estates¹³ but another lawyer argued that a practice which restricted tenant right must prevail throughout a whole district if it was to be accepted as part of the custom.¹⁴ In practice, it was difficult to judge individual cases,¹⁵ and the higher courts were reluctant to determine the status of estate rules.¹ However, in certain situations the chairmen acted in a way which pleased the tenants. For example, where a landlord had abolished the custom, the courts usually applied the custom of neighbouring estates to that estate.¹⁷

7. Letters from William Wann to Lord Gosford, 1848-56 (P.R.O.N.I., D I606/5A/I, pp 317-18)

8. Wann to Dobbin, 30 Mar. 1858 in Letters from William Wann to

Disputes about the application of the land act of 1870 were not confined to estate rules and leasehold and town-park tenant-right because the tenants also complained about rent increases. This was a much more serious cause of dispute because it brought the problem of tenant right and rents into the open. And this problem was not as simple and as amenable to legal decisions as the status of estate rules and leasehold and town-park tenant-right. The tenants argued that landlords increased rents more frequently since the passing of the land act and that landlords increased rents on every transfer of tenancy.¹⁸ And it was argued that these increases were a deliberate attack on the custom:¹⁹

there does seem to be a disposition on the part of some landlords to nibble up the rent a wee bit, and in that way to diminish the value of tenant right.

Some of these complaints were exaggerated because the rentals of individual estates do not suggest that rent increases were more frequent in the 1870s.^{19a} In any case, rent increases should have been more frequent in the 1870s because the value of agricultural output was increasing dramatically.

Although it is probable that some tenants fared badly under

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- Lord Gosford, 1857-65 (P.R.O.N.I., D I606/5A/2)
9. Lords' committee on the land act of 1870, p. 245
10. Bessborough commission, evidence, pt. i, pp 277, 296
11. Ibid., p. 175
12. Ibid., pp 236, 251, 259, 279
13. Lords' committee on the land act of 1870, p. 28
14. Ibid., p. 74
15. Ibid., p. 142
16. Ibid., p. 15
17. Ibid., p. 159
18. Bessborough commission, evidence, pt. i, pp li, 268, 349, 394, 487
19. Ibid., p. 260
- 19a. See above p. 199

the act, one gets the impression that most of these disputes were caused by landlords and tenants standing on their rights. Landlords and tenants seem to have become more self-assertive as the implications of the land act became obvious. Landlords were outraged by some of the awards made by the courts and by the sums which ordinary sales of tenant right realized after 1870. For example, in a case over land acquired by a railway company, the landlords received from twenty-three to twenty-five years' purchase but the tenants received thirty-five years' purchase.²⁰ The landlords believed that they were at a disadvantage in the courts because in giving evidence²¹

the tenants naturally stand shoulder to shoulder and hand to hand in the matter; and I do not think they have so strong a feeling in favour of the landlords.

William Wann was particularly aggrieved by sums realized in tenant right sales on the Cavan estate of Lord Gosford, because the tenants were selling their tenant right for larger sums than Lord Gosford had received when he sold parts of the estate:²²

I find John Maguire of Castlepoles has sold his 'tenant right' in forty-two acres there and got over twenty-three years' purchase for it. The person who bought the townland did not give much over nineteen!

20. Lords' committee on the land act of 1870, p. 177

21. Ibid., p. 83

22. Wann to Dobbin, 2 Feb. 1878 in Letters from William Wann to Lord Gosford, 1875-8 (P.R.O.N.I., D I606/5A/4)

Landlords were amazed by the fact that the courts in Ulster interfered with rents. The courts had no jurisdiction over rents as such but they could deal with 'exorbitant' rents. When tenants were ejected because they would not pay rent increases, the chairmen of the courts fixed the value of tenant right at the price it would have realized at the old rent. For example, in County Antrim, a tenant was ejected when his rent was increased from £32 to £42 but the chairman would not recognize the increase, because ²³

he considered that it would be inconsistent with the recognition of the Ulster custom which prevailed through that district, and he awarded the tenants at the rate of £10 an acre for the tenant right, or gave the landlord the option of allowing the tenants to remain on the farms at the old rent. This is a decision which has given very great satisfaction to the tenant farmers.

On the other hand, the tenants became more assertive. They argued about leases, town parks, estate rules and rent increases. They demanded the custom in its 'natural' state while ignoring the fact that the custom had often been restricted before 1870. Also, it was in the 1870s that the most comprehensive definitions of the custom were put forward and it was noticed that the tenants' claims to pay only fair rents were becoming more extreme:²⁴

/their claims/ always become more extravagant every day, and I think the time will arrive when you will have a claim that the land should be held by the tenant at a fixed rent, and that all that the landlord is to have out of his land is just a fixed rent.

23. Lords' committee on the land act of 1870, p. 266

24. Ibid., p. 166; see also Ibid., p. 100 for an account of a dispute between Lord Powerscourt and his tenants in County Tyrone

It seems that the tenants were trying to use the land act of 1870 to abolish estate rules and to extend tenant right to town parks and leasehold tenancies. Above all, they were trying to make explicit the implicit connection between rents and the value of tenant right, and to institutionalize the negligence and impotence of landlords who had not increased their rents in line with increases in the value of agricultural output.

It is idle to speculate about what would have happened to the custom if there had not been a crisis in the late 1870s. But one cannot help reflecting that the land act of 1870 would have destroyed the custom in the end, because it made landlords and tenants more self-assertive. The custom was a nebulous thing based on an uneasy concealment of the true relation between rents and tenant right. In practice, it worked well because landlords and tenants ignored the conventional wisdom of the times. On the one hand, landlords accepted but generally did not admit that tenant right was the capitalization of that portion of the rent which they could not or would not collect. On the other hand, tenants generally put up with rent increases which did not disturb too much the value of their tenant right at a time when agricultural prices were increasing steadily.

The estate rules which regulated sales of tenant right caused some friction but the intervention of the agent was often useful and desirable in the tenants' interests. And if the shoe of landlord control did not fit comfortably, the tenants were happy

in the belief that their feet were hard anyway. But when it became necessary to define, and at the same time, to apply these practices the old happy compromise was seriously disturbed. This was especially true when the hopelessly confused connection between rents and tenant right was investigated.

However, the immediate effect of the act was to strengthen the custom. The value of tenant right seems to have increased after 1870²⁵ but this may have been caused by increasing agricultural prices as well as by the land act of 1870. When the custom was legalized, the tenant's interest became a property which the courts could recognize as an asset.²⁶ Therefore, the probate functions of the agent were brought into the courts. Before 1870, the courts did not recognize tenant right as an asset but when the act was passed the courts were able to deal with tenant right like any other asset.²⁷ The main result of this was that the tenants' credit improved and they could borrow more easily.²⁸

Although tenants in Ulster complained about the operation of the land act they were better off than tenants in other parts of Ireland and they used the act more frequently and more effectively. The act was more favourable to tenants in Ulster because they could claim under the custom or under sections 3 and 4, if they hoped to get more for disturbance and improvements. Usually, tenants in Ulster received more than a proportionate share of the

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25. Bessborough commission, evidence, pt. i, pp 163, 191, 313
26. Select committee on tenure, 1867, pp 91, 194
27. Lords' committee on the land act of 1870, p. 33
28. Bessborough commission, evidence, pt. i, p. 220

total awards made under the act. For example, in 1871 and 1872 tenants in Ulster received 73 per cent and 51 per cent of the total compensation awarded in Ireland.²⁹

There were more claims in Ulster than in the other provinces and individual awards in Ulster were high.

3.7 The average value of awards made under the land act of 1870, 1871-7 (30)

	£.s per case						
	1871	1872	1873	1874	1875	1876	1877
Ulster	81	93	80	101	128	97	115
Munster	64	129	113	100	67	97	107
Leinster	49	109	76	66	93	55	60
Connaught	33	40	55	48	68	54	59

This table shows that in five out of seven years awards in Ulster were higher than awards in the other provinces, and in only two years, 1872 and 1873, the average awards in Ulster were smaller than the national average.

It seems that the land act of 1870 perpetuated the favourable conditions of tenure which the tenants in Ulster enjoyed before 1870. As one contemporary pointed out:³¹

the Irish land bill is planted as a breakwater so as to divide the stream once more. Again the nation is to be cleft asunder, but this time into classes.

29. Judicial statistics (Ireland), 1871, p. 94 /c. 674/, H.C. 1872, lxxv; Judicial statistics (Ireland), 1872, pp 90-1 /c. 851/, H.C. 1873, lxx

30. Judicial statistics (Ireland), 1871, p. 93 /c. 674/, H.C. 1872, lxxv; Judicial statistics (Ireland), 1872, p. 90 /c. 851/, H.C. 1873, lxx; Judicial statistics (Ireland), 1873, p. 86 /c. 1034/, H.C. 1874, lxxi; Judicial statistics (Ireland, 1874, p. 81 /c. 1295/, H.C. 1875, lxxxix; Judicial statistics (Ireland) 1875, p. 77 /c. 1563/, H.C. 1876, lxxxix; Judicial statistics (Ireland), 1876, p. 79 /c. 1822/, H.C. 1877 lxxxvi; Judicial statistics (Ireland), 1877, p. 79 /c. 2152/, H.C. 1878, lxxxix

31. Irish nationality in 1870, by a Protestant Celt (2nd ed., Dublin and London, 1870), pp 53-4

Since rents were much the same in north and south, the realizable interest of a tenant in the south was probably as valuable as that of tenants in Ulster who held under the custom. But the scale of values in section 3 of the act was much lower than the value of tenant right.^{32a} Therefore, southern tenants could not realize their interest to the full. Since the law gave out-going tenants less than their interest was worth, the landlord could easily recoup his losses from the incoming tenant. The irony of the the land act of 1870 was that it gave protection only to tenants who paid the full economic rent for their holdings. If the out-going tenant did not enjoy a share of the rent, the incoming tenant would hardly have given anything for the farm beyond paying for improvements. But most tenants outside Ulster did not pay the full economic rent so their interest was valuable and was, generally, more valuable than the scale of values in section 3.

Although the act did not establish the full tenant right custom outside Ulster and did not extend it where it already existed, the new arrangements did help tenants. Even tenants evicted for non-payment had a claim for improvements after 1870, where previously this had depended on the whim of the landlord. And tenants ejected on notices to quit were much better off after 1870. There was a new tone in disputes between landlords and tenants on estates outside Ulster after 1870. For example, on the Crosbie estate in Kerry, farms were not allowed to pass to nephews, but in one case after 1870 the landlord had to give a nephew £100 to leave quietly because he threatened to go into court.³² This was a far cry from the 10½d. which an out-going tenant had received on that estate in 1849.

32. Rent ledger of the Crosbie estate in County Kerry, 1847-77 (N.L.I. MS 5037)

In conclusion, the land act of 1870 had three effects on the custom of selling tenant right. Firstly, it caused many disputes about the working of the custom, and landlords and tenants became more self-assertive as the implications of the act became obvious. This probably weakened the custom because it had worked smoothly before 1870 only when neither landlords nor tenants stood on their rights. Secondly, the act gave tenant right a legal status which it had not had before 1870 and this increased the credit of the tenants. But this was a doubtful advantage because some of the tenants were tempted to over-reach their resources in the mid-1870s and collapsed in the late 1870s and early 1880s. And thirdly, tenants in Ulster were much better off under the act than tenants in the other provinces, because the act did not enable tenants outside Ulster to realize to the full their interest in their holdings. Nevertheless, the act gave southern tenants rights which they had not always had before 1870.

5. Tenant right, improvements and the prosperity of Ulster

In this section, I shall describe the belief, which was common in the nineteenth century, that rural Ulster was more prosperous than other parts of rural Ireland and that this prosperity was caused by the prevalence of the tenant right custom in Ulster. Also, I shall look at the whole question of tenure and improvements which was the basis of the idea that tenant right made rural Ulster prosperous.

The idea that Ulster was more prosperous than the other provinces was often expressed by contemporaries. According to Sir John Gray:¹

if all Ireland were brought to the same crop and food-producing condition as Ulster, where the small farms abounded, and security for the tenant was the rule, the gross produce of the country would be raised from £30,000,000 to £42,000,000 a year.

And Peter MacLagan believed that farming in Ulster was better than in other parts of Ireland and that rents in Ulster were 9s. 0d. an acre higher than for land of the same quality elsewhere.²

The less prosperous parts of Ulster were compared favourably with similar areas outside Ulster. For example, O'Connor Morris pointed out that Fermanagh was neither wealthy nor prosperous 'but contrasted with Connaught, it is another world'.³

It was also argued that Ulster was more peaceful and that landlord and tenant relations were better in Ulster because the custom gave out-going tenants money with which to pay their debts and go away peacefully.⁴ Evictions were not followed by outrages because the evicted tenant's descent in the social scale was eased by his sale of tenant right.⁵ It was also noticed that the catholics of Ulster were more peaceful than catholics in other parts of Ireland.⁶

Certainly, there was much to be said for the belief that rural Ulster was more prosperous and more peaceful than the other provinces. The tables in the section on evictions and

1. Sir John Gray, Irish land question speech, 1869, p. 34; O'Connor Morris, Letters on the land question, p. 246; Committee on destitution in Gweedore, 1857-8, p. 184

2. MacLagan, Land tenure and land culture, p. 7

3. O'Connor Morris, Letters on the land question, p. 240

4. Select committee on tenure, 1867, pp 5, II; Bessborough commission, evidence, pt. i, p. 241

5. Report of the Bessborough commission, p. 20

6. O'Connor Morris, op. cit., p. 239

agrarian outrages show that some of the Ulster counties had fewer fourth-class houses, more second-class houses and fewer outrages and evictions than counties outside Ulster. Ulster counties had fewer fourth-class houses than all of the other counties except Dublin. Even Donegal, the poorest of the Ulster counties, was ranked seventh when the counties were ranked according to their relative fewness of fourth-class houses. However, the incidence of second-class houses was less clearly in favour of Ulster. Apart from County Down, all of the Ulster counties had fewer second-class houses than at least four southern counties. Nevertheless, all of the Ulster counties, except Donegal which was ranked twenty-fourth, were well placed for second-class houses. Most of the Ulster counties had fewer evictions between 1856 and 1875 than all the other counties except Dublin and Cork. However, it should be noted that Donegal was ranked seventeenth. Six of the Ulster counties were consistently free from agrarian outrages but three counties, Armagh, Cavan and Donegal, ranked low in most periods.⁷

Therefore, there was much to be said for the idea that Ulster was prosperous and peaceful. But certain counties were more prosperous and peaceful than others and some of the Ulster counties were not very different from counties in Munster and Connaught. But was tenant right the cause of Ulster's prosperity? The tenant right explanation of Ulster's prosperity was attractive because

7. See above, pp 163, 166, 208

it was a good argument for reforming the law of landlord and tenant. This argument was put forward in three stages. Firstly, Irish agriculture, it was argued, was poorly developed because the tenants did not invest in the improvement of their holdings. But the tenants had plenty of money which was either hoarded or put into banks.⁸ Secondly, the tenants did not invest in their holdings because they did not have security of tenure. As one witness told the Bessborough commission:⁹

I know a man who has thousands of pounds in the bank, and he said he would tie a cow to a tree in an orchard before he would put a slate on for a landlord.

The final stage of the argument was that tenants in Ulster were prosperous because they improved their farms, and they improved their farms because the custom allowed them to sell their improvements.¹⁰

The argument that Ulster was prosperous because of the custom was attractive because it appeared to be empirically incontestable. And the impression that Ulster was prosperous was enhanced because the boundaries of Ulster were so placed that travellers always seemed to pass into a more prosperous countryside when they entered Ulster. The argument was also attractive because it was a conservative argument for reforming the law of landlord and tenant. The custom seemed to secure the rights of the tenant without limiting the rights of the landlords.

8. Select committee on tenure, 1865, pp 22, 124, 141; Report from the select committee on the Irish Land Act, 1870; together with the proceedings of the committee, minutes of evidence, appendix and index, p. 124, H.C. 1878 (249), xv

9. Bessborough commission, evidence, pt. i, p. 197

10. Select committee on tenure, 1867, pp 88, 189, 246-7; Campbell, The Irish land, p. 156

However, some contemporaries opposed or modified the argument that Ulster was prosperous because of tenant right. They argued that there were other causes of prosperity in Ulster and that tenant right did not encourage improvements because it swallowed up the incoming tenant's capital. To buy the tenant right of a farm, the incoming tenant parted with his ready money^{II} or borrowed money at high rates of interest.^{I2} But some contemporaries went further than this and argued that causes other than tenant right were responsible for Ulster's prosperity and that tenant right was only a contributory cause or only the result of the prosperity which it was supposed to cause. For example, according to Peter MacLagan, farming was better in Ulster because (i) linen was manufactured in the province, (ii) flax was cultivated, (iii) the Ulstermen were of a different race and (iv) tenant right gave the tenants a sense of security.^{I3}

Racial characteristics are something of which the historian is suspicious, but the Victorians took race seriously, especially in Ireland. It seems that the Ulster protestants were regarded as racially distinct and racially superior. Where, asked George Campbell, a Scotsman and an Indian civil servant, have we a more distinguished race than that of the north of Ireland?¹⁴ According to MacLagan, differences of race in Ulster were clearly defined:^{I5}

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- II. Thompson, Ireland in 1839 and 1869, p. 93
I2. Caird, The Irish land question, p. 12
I3. MacLagan, Land tenure and land culture, p. 7
I4. Campbell, The Irish land, pp 53-4
I5. MacLagan, op. cit., pp 7-8

We can trace, even now, the origin of the different farmers in Ulster from the appearance of the holdings and townlands. The orchards, and general neatness about the doors, and the tidiness and substantial comfort within show the descendants of the English settlers; the want of order and neatness about the offices, and the rough comfort within, disclose the Scotch origin of others; while the slovenliness about the doors, and the dirt and discomfort in the house, distinguish the descendants of the native Irish.

According to the racial school of thought, the tenant right custom was an extension of the sturdy character and powers of association possessed by the Ulster protestants.¹⁶ And the prosperity of Ulster had the same origin. The fact that many catholics enjoyed the benefits of the custom, if not its superior hygienic tradition, was explained by their long association with their protestant neighbours.¹⁷

Although the historian is suspicious of such arguments and must reflect that Englishmen in the nineteenth century were not unwilling to trace the lineaments of their own greatness in the faces of their kinsmen in Ulster, these ideas are interesting because they challenge the idea that tenant right made Ulster prosperous. But there were other explanations for the prosperity of Ulster. For example, it was argued that the cultivation of flax made farmers prosperous.¹⁸ This argument was a powerful one because the cultivation of flax was confined to Ulster and flax was an ideal cash crop for small farmers. It was also a very valuable crop. Calculations of the value of agricultural output

16. Campbell, The Irish land, p. 55

17. O'Connor Morris, Letters on the land question, p. 240

18. A demurrer to Mr Butt's plea by an Irish land agent (Dublin, 1867), pp 23-4

showed that in one year, 1864, flax accounted for £4.1 millions of the total of £31.7 millions. The agents of Sir George Hodson's estate in County Cavan believed that the flax crop, which occupied only one eleventh of the acreage of the estate, was worth £4,070, paid the rent of £3,655 and left a surplus of £1,500 in the pockets of the tenants.¹⁹

The case of the tenant right advocates who argued that tenant right was the cause of Ulster's prosperity was, at best, not proven. Certainly, the idea that tenant right was the cause of Ulster's prosperity is less convincing than the idea that it was only a contributory cause. But it is worth mentioning this argument because the prosperity and peace of Ulster was a powerful argument in favour of reforming the law of landlord and tenant and most attempts to reform the law were based, at least superficially, on the tenant right custom.²⁰

The argument that tenant right was the cause of Ulster's prosperity draws attention to the idea that Ireland was poor because tenants did not improve their farms and that they did not improve because they did not have security of tenure. When one reads the writings of contemporaries, one gets the impression that a fortune awaited any tenant who ploughed deep, extirpated weeds, dug drains, built out-offices and lavishly used manure, guano and marl. And according to contemporaries this happy state of affairs could be brought about only by giving the tenants security of tenure. In the remainder of this section, I shall

19. Rentals, accounts and agents' reports of the estate of Sir George Hodson in County Cavan, 1861-7 (N.L.I., MS 16,419, p. 114)

20. Pomfret, The struggle for land in Ireland, p. 70

suggest that this argument was exaggerated because Irish agriculture was not as backward as some contemporaries liked to believe and because the law of landlord and tenant was not the only obstacle to improvements.

The traditional interpretation of landlord and tenant relations in this period places great emphasis on tenure as an obstacle to improvements. Since landlords could, in theory, increase the rents of yearly tenants or evict them when they pleased, it was thought that tenants did not invest in agriculture or improve their houses because they were afraid that their rents would be increased. A tenant near Ballina told Murrough O'Brien:²¹

If they saw you getting any way comfortable, or clane or snug, they'd raise the rent on you saying you were too well off.

Travellers in Ireland, especially English travellers, noticed broken fences and undrained fields²² and the miserable dwellings of many tenants.

There is no satisfactory way of measuring the extent of tenants' improvements. For example, comparisons of the value of agricultural output before and after the introduction of security of tenure in 1881 would reveal little, because 1881 was an economic as well as a tenurial turning point. But the statistics of houses in the censuses are a guide to the conspicuous spending of the tenants. They do not reveal the investment of farmers in agricultural improvement but they can be used to test the

21. The commonplace book of Murrough O'Brien, 1878-1908 (MS in the possession of Prof. T.W. Moody, Trinity College, Dublin)

22. Caird, The Irish land question, pp 19-20

assumption that tenants were afraid to improve their living standards. Here are the number of houses of different quality in rural Ireland in 1851 and 1881.

3.8 Number of houses of different classes in Ireland in 1851 and 1881 (23)

	1851	1881
first class	22,209	33,441
second "	242,515	300,534
third "	500,757	352,332
fourth "	130,756	38,804
total	896,237	725,111

This table shows that the number of good houses increased by 70,000 between 1851 and 1881. The decline in the number of bad houses was partly caused by emigration because the total number of houses fell by 171,000. But the building of new houses and the improvement of old ones played a large part in the general improvement of houses because the total number of third and fourth class houses fell by 240,000. In other words, in spite of their fears, about 70,000 tenants improved their houses substantially. And these second-class houses which many tenants built were substantial houses with over four rooms.²⁴

Of course, the building of dwelling houses does not improve agricultural production and, at first sight, contemporaries were right when they lamented the stagnation of Irish agriculture. As we have seen, the value of agricultural production increased

23. Census Ire., 1851, vi, pp 624-5; Census Ire., general report, 1881, p. 104

24. Census Ire., general report, 1881, p. 7

dramatically between the early 1850s and the mid-1870s but the volume of output did not increase. If the value of agricultural output is calculated at constant prices, e.g. the prices used in the tenement valuation, one finds that the value of output remained steady at £20 millions.^{24a} In other words, the volume of output did not increase and Irish farmers increased their incomes by responding to the market and not by producing more.

Nevertheless, the backwardness of Irish agriculture was exaggerated. Contemporaries took English and Scottish agriculture as their model and were impressed by house-feeding and the interesting new machines which appeared in this period. They seem to have believed that mechanised house-feeding, steam ploughs and the other improvements which delighted the leisure hours of great English noblemen were suitable for Irish farmers. Now, it is true that Irish agriculture was backward when compared with English agriculture, but this is not a fair comparison because English agriculture was the most advanced in the world.

3.9 The value of agricultural output per agricultural worker in certain European countries in the mid-1880s (25)

	output per head (£.s)		output per head (£.s)
Austria	29	Norway	45
Denmark	84	Poland	34
France	71	Russia	25
Holland	46	Sweden	57
Hungary	35	England	118
Germany	52	Scotland	145
Greece	60	Ireland	60
Rumania	38		

24a. See below p. 372

25. Michael G. Mulhall, Dictionary of statistics (London, 1892), pp 18, 20, 24, 25, 26, 28, 30, 31, 33, 34, 35, 36, 37

This table shows that the productivity of Irish agriculture was poor when compared with that of England and Scotland, but it was remarkably high compared with all European countries except Denmark and France. Mulhall also shows that yields of wheat, oats, barley, potatoes and hay in Ireland compared very well with yields of those crops in France and Germany.²⁶ And he argued that the progress of agriculture in Ireland since 1841 surpassed the progress made in any other European country.²⁷

However, the stagnation of the volume of agricultural output suggests that there were some obstacles to progress in Ireland. But was the law of landlord and tenant the only obstacle or even the most important obstacle to agricultural improvement? The main weakness of Irish farming seems to have been bad cultivation. Irish farmers were famous for their toleration of weeds. As one observer remarked, they had a lurking respect for those genuine children of the soil.²⁸ Irish gates and fences were fanciful contrivances which bewildered curious Englishmen. But it is doubtful if the law, even before 1870, discouraged good husbandry. The use of good seeds, deep ploughing, and the use of manures did not require a large outlay of money and the returns were immediate. And these improvements were not at risk because the law gave out-going tenants rights to compensation for growing crops before 1870. Furthermore, investment in better breeds of livestock was not a serious risk because, in an emergency, animals could be concealed from bailiffs who were sent to distrain on them.

26. Mulhall, Dictionary of statistics, pp 14, 19, 22

27. Mulhall, The progress of the world (London, 1880), p. 130

28. Thompson, Ireland in 1839 and 1869, p. 63

More expensive and more permanent forms of improvement were possible without serious risk. For example, the building of barns and the house-feeding of cattle was possible without risking loss because houses could be built in such a way that they did not belong to the landlord.²⁹ The maintenance and digging of drains was a more risky business, but any small farmer worth his salt will clear his drains to pass the time during the quiet times of the year. Furthermore, the idea that landlords watched like vultures to snatch every crumb was grossly exaggerated. In fact, most landlords and agents were probably pleased when they found their tenants improving because an improving tenant was also a punctual tenant on rent-days. Neither the pattern of rent increases nor the evidence of evictions on individual estates suggest that landlords took advantage of their tenants' improvements.

If Irish farmers did not farm to the satisfaction of contemporary observers, they probably had good reasons for their backwardness. For one thing, many observers were too enthusiastic in their advocacy of modern farming and they ignored the instinctive wisdom of Irish farmers. Observers like Caird lamented the ruinous state of gates and fences, but they exaggerated the importance of these: bullocks do not grow fatter more quickly because they are confined by neat fences and iron gates. And the luxuriant

29. John Wilson, Our farm crops (London, n.d.), ii, 298; R.O. Pringle, 'A review of Irish agriculture' in J.R.A.S.E., 2nd series, viii, no. 33, p. 66

hedges and clumps of bushes which were the despair of some observers often gave better shelter to animals than houses. But some farmers did have strange ideas. For example, some of them believed that it was 'unlucky' to keep dairy cows in houses because they were more likely to abort.³⁰

However, there were more substantial reasons why Irish farmers did not invest their savings in agriculture. Firstly, there was not a great incentive for improvement because farmers did very well between the early 1850s and the late 1870s. Their incomes seem to have increased by 56 per cent because rent increases lagged behind increases in the value of agricultural output. Since they were doing so well, it is unlikely that farmers felt the need to improve their incomes by investing in fancy farming. Instead, they increased their incomes by adapting rapidly to changes in the market and this was a form of investment which escaped the notice of contemporaries. Secondly, Irish farmers were reluctant to part with their ready money. When times were hard, money tied up in barns, machinery and drains was not much use because these could not be eaten. The memory of the Famine must have haunted farmers and some farmers were haunted by stranger fears. For example, in County Monaghan, some farmers hoarded their money against the coming of the 'big war'.³¹ Finally, farmers with daughters had to give them dowries.³² If farmers put all their savings into agriculture, they robbed

30. J.P. Sheldon, Dairy farming, being the theory, practice and methods of dairying (London, n.d.), p. 356

31. Trench, Realities of Irish life, pp 197, 208

32. Campbell, The Irish land, p. 56

their daughters for the benefit of the son who inherited the farm.

In conclusion, many contemporaries ascribed the prosperity of Ulster and the poverty of other parts of Ireland to conditions of tenure. Ulster was generally more prosperous and peaceful than other parts of Ireland but it is doubtful if the custom of selling tenant right was the main cause of this prosperity. The argument that Ulster was prosperous because of tenant right was really a conservative argument for reforming the law of landlord and tenant by extending tenant right to other parts of Ireland. But the whole question of security of tenure has been exaggerated. Irish agriculture was not as backward as many contemporaries believed and the shortcomings of Irish farmers cannot be explained only in terms of insecurity of tenure. Many fashionable improvements were unnecessary in Ireland and it seems that Irish farmers had other uses for their savings. Although security of tenure cannot be dismissed, if only because it was used as an excuse for bad farming, its importance has been exaggerated. A careful examination of Irish agriculture after 1881 would probably show that many of the farmers' investments under the new dispensation were only an inverted form of conspicuous consumption. Farmers who sold their donkeys and bought a horse were, in economic terms, no more rational than farmers who sold their horses and bought tractors in more recent times. And anyone who cares to walk through low-lying fields to-day sees that ninety years' of security of tenure have not encouraged many Irish farmers to drain their fields.

6. Conclusions

The tenant right custom gave tenants the right to sell or transfer their 'interest' in their holdings. This interest seems to have consisted mainly of that portion of the rent which the landlords could not or would not collect. Although rents were as low in the south as in the north, the sale of tenant right was confined mainly to the north. Tenant right existed outside Ulster on individual estates and, occasionally, out-going tenants on other estates were given some compensation but this practice had only a formal resemblance to tenant right.

The control of tenant right on estates where it prevailed required the constant supervision of the agent but this supervision was usually in the interests of the tenants or their families because it gave tenant right transactions a certainty which they would not otherwise have had. The will of the late tenant, the claims of creditors and the security of the incoming tenant all depended on the agent's power to enforce settlements on recalcitrant parties. The custom worked well because landlords and agents recognized the right of tenants to sell their interest and the tenants did not, on the whole, object when the agent exercised some general supervision over tenant right transactions.

The great advantage of the custom was that it recognized reality. Tenants enjoyed an interest in the land which included a share of the rent and, in the north, landlords allowed their tenants to buy and sell this interest. The custom may have been illogical, vague and contrary to the accepted ideas of the rights

of property but it worked. It eased the removal of tenants who had got into difficulties and it guaranteed the landlords' arrears. In the south, most tenants enjoyed a portion of the rent but they were not able to realize it when they left their holdings. The rights of property were better maintained in the south but landlords were probably worse off financially, and one more element of irrationality was added to a situation which was already riddled with inconsistencies.

But the tenant right custom had two weaknesses. Firstly, it was difficult to define and its untroubled working depended on the forbearance of both parties. Many advocates of tenant right wanted to legalize it and extend it to the whole country, and the prosperity of Ulster was one of their main arguments for doing this. But it seems that the legalizing of the custom in 1870 would have weakened it in time. In any case, the importance of tenant right as a cause of the prosperity and peace of Ulster was exaggerated and the idea that security of tenure would release the productive capacities of Irish farmers was also exaggerated.

The second weakness of the custom was that its value fell in bad years, that is, in those years when tensions between landlords and tenants increased. After a series of bad seasons, many tenants failed and offered their farms for sale but at such a time other tenants were reluctant to buy or unable to buy,

and tenant right might become unsaleable.^I And since more farms came up for sale in bad years, the price of tenant right fell, even if other tenants were prepared to buy.

3.10 Number of tenant right sales on the Abercorn estates, 1876-81 (2)

	sales	years' purchase
1876	6	26
1877	10	27
1878	13	26
1879	16	21
1880	9	19
1881	4	20

This table shows that the number of sales increased slightly in the late 1870s but the price of tenant right fell by about a quarter. Tenants who were evicted in these years were usually in arrears and deductions from the purchase money further diminished the sum which the tenant received.

All tenants wanted abatements of rent in bad years to reduce the fall in their incomes caused by falls in the value of agricultural output, but tenants who could sell their tenant right had an additional reason for demanding abatements: they wanted to keep their tenant right at the level it had reached before

1. Rentals, accounts and agents' reports of the estate of Sir George Hodson in County Cavan, 1861-7 (N.L.I., 16,419, pp 83, 158)
 2. Book of tenant-right sales on the estates of the duke of Abercorn in the counties of Donegal and Tyrone, 1868-85 (P.R.O.N.I. D 2400/21/1)

the depression. The size of the abatements which the tenants demanded depended on the size of the fall in the value of tenant right and the return which tenants expected on money which they had invested in tenant right. Suppose that the tenant right of a holding whose rent was £20 fell from twenty years' purchase to ten years' purchase. Therefore, the depression had deprived the tenant of £200 and if he expected a return of 5 per cent on his money he needed an abatement of £10 to recover his loss. If he expected 3 per cent, he needed an abatement of £6 or 30 per cent. For example, tenant right fell by about eight years' purchase on the Abercorn estates in the late 1870s. Therefore, tenants who expected a return of 5 per cent needed abatements of 40 per cent and tenants who expected a return of 3 per cent needed abatements of 28 per cent to recover their losses. From the landlords' point of view, the tenant right custom was a useful institution in normal years, but in a severe crisis it was only one more nuisance in the management of Irish estates.

CONCLUSION

The traditional interpretation of landlord and tenant relations in this period assumed that tenants were poor because their rents were high and that they did not improve their farms because the law did not give them security of tenure. The tenants were discontented because of evictions and swinging rent increases and their discontent led to the perpetration of agrarian outrages. It was assumed that a change in the law which gave the 'three Fs' to the tenants would solve all of these problems. The tenant right custom of Ulster, often described as giving the tenants the 'three Fs' in practice, was usually the model for legislative proposals. The relative prosperity and peace of rural Ulster was a powerful argument in favour of these proposals. The land act of 1870, based on the assumption that the extension of the tenant right custom would satisfy the tenants, was the most important manifestation of the contemporary school of thought which argued in favour of changes in the land law.

In this thesis, I have examined some of these assumptions, and challenged the traditional interpretation of landlord and tenant relations. Studies of individual estates, supported by contemporary statistics, have shown (i) that rent increases were neither large nor frequent and that rents were not high,

(ii) that evictions and agrarian outrages were not frequent, (iii) that tenants were not impoverished by high rents, (iv) that the tenant right custom was vague and ill-defined and (v) that changes in the law did not necessarily improve landlord and tenant relations.

Rents were increased only once in this thirty-year period and few rents were increased more than once. Also, rents were low when compared with the tenement valuation except on five estates, two of which were the estates of Lord Leitrim in the counties of Donegal and Leitrim.

Since the value of agricultural output increased by almost 60 per cent, or more conservatively, by 40 per cent, these rents were moderate and allowed the incomes of the tenants to increase dramatically. This argument is further supported by the fact that some tenants were able to pay very large increases. Lord Leitrim's tenants in Donegal were able to pay average increases of 60 per cent, which shows that tenants who paid increases of only 20 or 30 per cent were not pressed to their full capacity. Indeed, the existence of the tenant right custom in Ulster can be explained only by the fact that rents were fixed well below the full value of the land and that tenants could and would pay more for their land than was charged by the landlords. It is arguable that the tenants would have paid

more for their land under any other system of land tenure.

An examination of statistics of evictions and of the incidence of evictions on individual estates showed that they were rare after the early 1850s. Between 1853 and 1880 only about 2 tenants in every 1,000 were evicted annually. In other words, it would have taken five hundred years to have evicted all the tenants of Ireland. Most of the tenants who were evicted were in arrears, and only a small number of these were actually removed. Most of those removed, therefore, were insolvent and the annual removal of only 2 tenants in every 1,000 was not an impressive rate of wastage. Under peasant proprietary, it is possible that insolvencies would have been more common.

The threat of eviction was more important than actual evictions and landlords used the threat to manage their estates. It was used to settle disputes between neighbours, to threaten poachers and to discourage bad farming. But, generally, it was used most frequently to force tenants to pay their arrears or to prevent tenants falling into arrears. The typical victim of eviction was not the solvent and improving tenant but the tenant who was insolvent or an inveterate trouble-maker. There were some capricious evictions, for example the Derryveagh evictions, but the attention which they received from contemporaries suggests that they were rare.

Agrarian outrages were regarded by many contemporaries as the mere epiphenomena of evictions and there is no doubt that they were related because fluctuations in the number

of outrages coincided with fluctuations in the number of evictions. But serious outrages were rare and they were less frequent than evictions : there were, annually, only three or four outrages per 10,000 holdings. Many of these outrages were trifling incidents such as the sending of threatening notices.

The argument that the tenants were impoverished by high rents and by their reluctance to improve their farms has little foundation. A conservative estimate of increases in tenants' incomes suggests that their incomes increased by almost 50 per cent while the landlords' incomes increased by only 20 per cent. A sign of the improvement of the tenants' incomes was the fact that 58,000 second-class houses were constructed in rural Ireland between 1851 and 1881.

Although many contemporaries believed that Irish agriculture was backward, the work of Michael Mulhall suggests that the per capita income of Irish farmers was high when compared with the incomes of farmers in all European countries except Denmark and France.¹ And yields of wheat, oats, barley, potatoes and hay were higher in Ireland than in France and Germany.

It is true that the law of landlord and tenant before 1870 presumed that permanent improvements belonged to the landlords, but it did not discourage the use of good seeds, deep ploughing and manures. The pattern of rent increases

1. See above p. 323

does not suggest that landlords took advantage of tenants' improvements by increasing rents. There were reasons other than the state of the law which discouraged the tenants from investing in the improvement of their farms. For instance, the tenants' incomes increased regardless of their efforts to improve their farms because the prices of agricultural produce increased during this period and the tenants were able to take advantage of these changes. Furthermore, many farmers were unwilling to part with their ready money because they feared another famine and because they needed it for dowries.

The tenant right custom of Ulster was regarded by many contemporaries as the panacea of Ireland's maladies. But an examination of the custom showed that it was difficult to define and, certainly, it did not explicitly confer the 'three Fs' on the tenants because only the right of tenants to transfer their 'interest' was clearly defined. In fact, sales of tenant right were the capitalization by tenants of the margin of economic rent which the landlords did not or could not appropriate. The smooth working of the custom depended on concealing its real character, and the land act of 1870 might have destroyed it, because landlords and tenants became more self-assertive after 1870 and the old, useful compromise was disturbed. It is doubtful if the custom possessed as many virtues as its advocates claimed. It was not the

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only cause of Ulster's relative prosperity and, indeed, the custom and poverty existed side by side in the highlands of Donegal. Furthermore, it did not always make landlord and tenant relations easier because agents became involved in disputes about the disposal of the purchase money involved in tenant-right sales.

Attempts to change the law of landlord and tenant were not likely to improve landlord and tenant relations if such attempts were based on the assumption that landlords were rapacious. The land act of 1870 addressed itself to the problem of the solvent tenant who was capriciously evicted. But this tenant was not the most common victim of eviction and the act did little to help the tenant who was evicted because he was in arrears. Eviction statistics show that evictions were not less frequent after 1870. The main cause of evictions was arrears, which were caused by falls in the value of agricultural output. When the value of output decreased in the late 1870s, arrears and evictions increased in spite of the land act of 1870. Even the land act of 1881, which granted all the reforms previously demanded by the tenants, did not deal effectively with the problem of insolvent tenants. However, the land act of 1870 improved landlord and tenant relations in that it prevented the recurrence of harsh acts such as the Derryveagh evictions.

The traditional interpretation of landlord and tenant relations is defective in many of its assumptions,

because an examination of individual estates shows that landlords were not as powerful in practice as they were in theory. But if the tenants were not oppressed by predatory landlords, why were they discontented and why did their advocates demand changes in the law of landlord and tenant? There were three tangible reasons for the existence of discontent: (i) the prosperity of the tenants was insecure, (ii) estates were not effectively managed, and (iii) landlords did not create a community of interest between themselves and their tenants because they did not invest in the improvement of their estates.

The tenants' incomes increased dramatically between the early 1850s and the mid-1870s. Not only did their incomes increase but their share of the value of total agricultural output increased at the expense of the landlords. But their prosperity was insecure because it did not coincide with economic reality. The landlords were in an apparently powerful bargaining position. The law favoured the landlords; land limited the tenants' application of labour and capital; labour was plentiful while capital was dispersed into thousands of small units; and the tenants had not formed open and legal combinations which could have bargained with the landlords. Furthermore, the development of agricultural production after the early 1850s was such that the costs of production declined while the prices of agricultural produce increased steadily. In these circumstances, vigorous landlords could have increased their rents by 60 or 70 per cent. Indeed, Lord Leitrim increased his

rents by these amounts. If the land had been owned by the farmers, its value would have doubled in this period. Since only the inertia of the landlords stood between the tenants and the loss of their gains, it was natural that they should look for changes in the law which would have perpetuated the impotence of the landlords.

The management of estates was cumbersome and created many inconsistencies and anomalies. Rents did not fall evenly on all holdings, and some tenants paid high rents and large increases while other tenants' rents were low and were increased by only small amounts. Also, there was a tendency for the smallest holdings to pay higher rents and larger rent increases than the larger holdings. Rent increases were unpredictable, and even moderate rent increases of 20 per cent must have put strain on the tenants, when they were imposed suddenly and at short notice. The whole system of rent-paying was riddled with inconsistencies, and any system of extracting money which was riddled with inconsistencies was bound to create discontents which had little to do with the amount of money extracted.

If the tenants did not or could not pay their rents, the landlords could evict them. Although evictions were rare, eviction was a desperate remedy even for the chronic disease of insolvency. It made the landlord and his agent the instrument of economic necessity, and it was they who seemed to effect the complete ruin of the unfortunate tenant. Although the landlord was, objectively, in the same position as any other creditor such as a bank or a money-lender, it was by his authority and on his initiative that the tenant was evicted. His actions were public and, seemingly, out of all

proportion to the faults of the tenant. Under the system of peasant proprietary, when creditors foreclosed on a tenant who could not pay his debts, they did not incur the odium of the landlords whose bailiffs removed insolvent tenants. Perhaps, the main advantage of peasant proprietary was that it allowed farmers to ruin themselves unobtrusively and in their own time.

Although rents were low, they accounted for about one third of the gross value of agricultural output. Since tenants paid a third of their incomes to the landlords, it was not unnatural if they expected something in return. But Irish landlords did not invest a large proportion of their rents in the improvement of their estates. On the estates whose accounts I have examined, the landlords spent less than 10 per cent of rent-receipts on improvements and it is probable that many landlords spent nothing. This was a poor performance because English landlords spent, on average, 20 per cent of their rent-receipts on improvements. Irish landlords did not spend lavishly on the improvement of their estates because there were few realistic opportunities in Ireland for the expenditure which was the pride of English landlords. But such expenditure would have created a bond between landlords and tenants and would have made the landlords, in the eyes of the tenants, a useful class in rural society.

Although tenants did not feel secure and were often aggrieved by clumsy estate management, landlord and tenant relations were not inherently explosive. Serious trouble

occurred only in certain periods, in certain areas and among certain groups of tenants. Since arrears were the main cause of evictions and arrears were highest in those years when the value of agricultural output decreased, friction between landlords and tenants was worst in the early 1860s and late 1870s, when the value of output decreased. Some counties were more troubled than others. Evictions were consistently most frequent in the counties of Kerry, Mayo, Tipperary, and King's County. Outrages were consistently most frequent in the counties of Leitrim, Limerick, Longford, Tipperary, Westmeath, and King's County. Furthermore, the smaller and poorer tenants seem to have been more likely to fall into difficulties than larger tenants because there was a strong correlation between evictions and the incidence of fourth-class houses.

This study of landlord and tenant relations suggests that the inertia of the landlords was more important than either their rapacity or their legal powers. Their wealth, power and prestige suggested that they should have been the dynamic class in rural society. But they did not exploit their estates to the full and they used the invidious threat of eviction to settle disputes which were amenable to the influence of less drastic methods. For example, if they had allowed rents to move in unison with fluctuations in the value of agricultural output, they would have been better off, and, what is more important, the tenants would have known where they stood. And a system of guarantees based on cash deposits would have secured arrears

more effectively than threats of eviction. But Irish landlords did not experiment with the management of their estates and there^y were, apparently, passive, conservative and helpless. It is difficult to account for the character of ^a whole class of property owners, but there are several explanations for the landlords' inertia: (i) the aristocratic ethos of landlords and agents, (ii) the tenure of land was a public issue in this period, (iii) estates were difficult to manage because holdings were small, and (iv) many landlords were dependent on a steady income.

The impotence of the landlords had important consequences for themselves because their ineffective estate management gave their critics many examples of apparent oppression. But their impotence had important effects on the economic development of Irish agriculture. Although tenants' incomes increased dramatically, the increase owed more to rising prices and low rents than to intensive farming by the tenants. It is possible that tenants would have farmed more vigorously if the increase in their incomes had been less dramatic. Since rents were relatively inflexible and since tenants were relatively secure in their holdings, the land market did not operate freely and, in such circumstances, land was not always used to the best advantage. A more vigorous estate management would, of course, have made the use of land more flexible.

Effective estate management would have done more for rural Ireland than legislative solutions whose main results were the perpetuation of inconsistencies and anomalies: after 1881, estate management of any kind became almost impossible. If the landlords had managed their estates more

vigorously, tenants would have been forced to respond vigorously and constructively, especially in the crisis which developed in the late 1870s. But the weaknesses and inconsistencies of estate management tempted the tenants to opt for legislative solutions which would perpetuate the inertia of the landlords. And in the great depression of agriculture which occurred in the late 1870s, the tenants naturally thought in terms of stabilising their incomes by forcing the landlords to reduce their rents. A more rational solution would have been more intensive production, but this did not appeal to men who had, for years, thought only in terms of legislative action.

APPENDIX I

The calculation of the value of agricultural output
in Ireland, 1851-82

For the purpose of evaluating the significance of rent increases, it is necessary to estimate changes in the value of agricultural output in Ireland between 1851 and 1882. This is formidable problem which forces one to do something which the economic historians have rarely attempted to do.¹ However, one does not need precise estimates of the value of agricultural output because the evaluation of rent increases depends only on a comparison of changes in the value of agricultural output. Although it is interesting to know the actual value of agricultural output in a given year, the chief need is to be able to compare one year with another, and to be able to say that the value of output increased or decreased by so much in a given period. Therefore, I have attempted, perhaps rashly, to devise methods of calculating the value of output whose shortcomings are mitigated by the limited demands imposed on them. My aim is to calculate the gross annual cash income of Irish agriculture by using the agricultural statistics² and the official series of agricultural

1. For an interesting and useful attempt to calculate the value of agricultural output in 1868 see Micheal O Suilleabhain, Discussion paper submitted to the Fourth Annual Meeting of the Irish Economic History Group, relating to historical national income accounting in Ireland, held in Dublin, 2-3 Oct. 1870 (hereafter cited as O Suilleabhain, National income)

2. Agricultural statistics (Ireland), 1862 / 3286/, H.C. 1864, lix, 327; Agricultural statistics (Ireland), 1872 /c. 880/, H.C. 1874, lxxix, 199; Agricultural statistics (Ireland), 1882 /c. 3677/, H.C. 1883, lxxvi, 825

prices compiled by the registrar-general, Thomas Wrigley Grimshaw.³

Before one can combine annual returns of crops and livestock with agricultural prices to calculate the annual value of agricultural output, one must know (i) the amount of crops used as seeds and retained for fodder, (ii) the number of animals sold annually, (iii) the annual output of livestock products and (iv) the average prices paid for agricultural products. In this appendix I shall describe the ways in which I have attempted to solve these problems.

(i) agricultural prices

Grimshaw gives the highest and lowest prices of agricultural products for each year from 1846 to 1886 and I have used these to calculate the average price of agricultural products. Prices quoted as a range give no indication of the volume of business transacted at each end of the range, and averages based on ranges may exaggerate or under-estimate the value of agricultural prices.⁴ According to Grimshaw annual average prices exaggerated the value of agricultural production but nothing can be done to remedy this because he does not give any information

3. Report of the royal commission on the Land Law (Ireland) Act, 1881 and the Purchase of Land (Ireland) Act, 1885, vol. ii, minutes of evidence and appendices, pp 960-6 /c. 4969/, H.C. 1887, xxvi (hereafter cited as Cowper commission, evidence, ii)

4. Edith H. Whetham, 'Livestock prices in Britain, 1851-93' in Ag. Hist. Rev., xi (1963), p. 28

about the amount of exaggeration.⁵ However, if average prices exaggerate the value of production in one period, they will exaggerate it in other periods and comparisons are possible. To form an average price by using the highest and lowest prices quoted by Grimshaw may seem a clumsy arrangement but it has a respectable precedent in the scale of prices used by Sir Richard Griffith for the making of the tenement valuation.

(ii) seeds and fodder

The amount of seeds used by farmers depended on the quality of the seeds, the time of sowing, the nature of the soil and the predilections of the farmer himself. It is doubtful if the 'practical farmer' knew precisely how much seeds he used from one year to the other and it is expecting too much to find a consensus of information on seeding. O Suilleabhain suggested that farmers used 1.5 cwt. of seeds for wheat, and 2.7 cwt. for oats.⁶ But Thomas Skilling, writing in the 1840s, suggested that 1 cwt. an acre for wheat and 6-8 st. an acre for oats were enough although he admitted that Irish farmers used more than this.⁷ Therefore, it seems better to accept O Suilleabhain's estimates which are based on considerable research. He allowed 1.5 cwt. an acre for wheat, 2.7 cwt. an acre for oats and 2 cwt. an acre for barley. Again, O Suilleabhain allows 1 ton an acre

5. First report of her majesty's commissioners appointed to inquire into the financial relations between Great Britain and Ireland, minutes of evidence with appendices, p. 160 /c. 7720-1/, H.C. 1895, xxxvi (hereafter cited as Childers commission, evidence)

6. O Suilleabhain, National income, p. 5

7. Thomas Skilling, The science and practice of agriculture (Dublin, 1846), pp 230-3

for potatoes⁸ which is more than the 16 cwt. suggested by Bourke,⁹ and the 8-12 cwt. suggested by Purdon.¹⁰ There is no way of deciding which of these authorities is the most reliable and I have followed O Suilleabhain because his figure is a round one and easily used. Likewise, I have followed O Suilleabhain in not allowing any deduction from the flax crop for seeds because this agrees with my knowledge of estate management in Ulster.¹¹

This description of the amount of seeds used may seem an arbitrary and unsatisfactory selection of available estimates, but some arbitrariness is inevitable in this context. And the amounts involved were small because only a small fraction of the crop was set aside for seeds. For example, the difference between the amount of wheat set aside for seed by O Suilleabhain and Skilling is only $\frac{1}{2}$ cwt. but the average yield of wheat was about 12 cwt.. Therefore, the difference in seeding rates will affect the calculation of the annual value of the wheat crop by about 4 per cent one way or the other.

Tillage production may be divided into three classes: (i) crops which were entirely cash crops because they could not be used unprocessed on the farm, e.g. wheat and flax, (ii) crops which were partly cash crops and partly fodder crops, e.g. oats, barley and potatoes, and (iii) crops which were entirely fodder crops, e.g. hay and straw. Naturally, the third class do not

8. O Suilleabhain, National income, p. 6

9. P.M.A. Bourke, 'The use of the potato crop in pre-Famine Ireland' in *Jn. Stat. Soc. Ire.*, xxi, pt. vi (1967-8), p. 73

10. W.S. Purdon, *Purdon's practical farmer* (Dublin, 1863), p. 327

11. O Suilleabhain, op. cit. p. 7

do not count in calculations of the annual cash value of agricultural output and cash crops such as wheat and flax are easily disposed of, because they contribute to the incomes of the farmers after seeds have been deducted. But the disposal of oats, barley and potatoes is more complicated because the proportions of these crops which were either sold or used as fodder varied from year to year. For example, the amount of potatoes fed to pigs depended on the price of pork, the amount of potatoes available and on the price of potatoes. Obviously, if the potato crop was a poor one, most of the potatoes would be eaten by the farmers and their families.

O Suilleabhain reckoned that $\frac{13}{21}$ of the oat crop was retained for fodder and this agrees with R.M. Barrington who believed that only $\frac{1}{3}$ of the oat crop was sold by farmers.^{I2} Therefore, I have decided to count only $\frac{1}{3}$ of the oat crop as a cash crop. Likewise, O Suilleabhain allows 10 per cent of the barley crop for fodder and I have decided to use this as the best estimate available.^{I3}

Finally, how much of the potato crop was taken to market? Potatoes are the most complicated crop of all because they could be sold, or eaten by the farmer and his family, or they could be fed to the pigs. To calculate their market value one must deduct from the total crop (i) the amount eaten by the farmer and his family, (ii) the amount fed to pigs and (iii) the amount retained for seeds. According to Bourke, the pre-Famine 'statistical' family consumed 4.368 tons of potatoes

I2. R.M. Barrington, 'The prices of some agricultural produce and the cost of farm labour for the last fifty years' in Jn. Stat. Soc. Ire., ix, pt. lxxv (1886-7), p. 141

I3. O Suilleabhain, National income, p. 4

and each pig consumed 2 tons a year.^{I4} However, after the Famine the appetite of the 'statistical' family seems to have been smaller because Thomas Baldwin believed that 3 tons were enough to feed a family for a year.^{I5} But if one allows 1 ton of potatoes an acre for seeds, 2 tons for every pig enumerated, and 3 tons for every holding, one finds that there was no surplus of potatoes for sale in the 1860s and 1870s. It seems, therefore, that only a fraction of the potato crop was sold and that production for the market was confined to certain areas. Since there were complicated changes in the disposal of the potato crop after the Famine, I have decided to assume that the potato crop was used entirely as a fodder and food crop by farmers.

This discussion of methods of calculating the annual cash value of tillage production may suggest that it is almost impossible to make accurate estimates of the value of tillage production. At every point one faces imponderables and variables and one is forced to impose rigid solutions on highly volatile data. Precision is impossible and refinement is dependent on guesses based on elusive scraps of information. However, any refinement which reduces the value of total tillage production is a step in the right direction. And since there are four commodities, wheat, barley, oats and potatoes, in the calculation an error in one of them will not distort the total to any great extent. In any case, the calculation of cash income is not an end in itself: it is only a means of calculating changes in the value of that income.

I4. P.M. A. Bourke, 'The use of the potato crop in pre-Famine Ireland in Jn. Stat. Soc. Ire., xxi, pt. vi (1967-8), pp 78,87

I5. Thomas Baldwin, Introduction to practical farming (7th ed., Dublin, 1881), p. 27

(iii) livestock production

The agricultural statistics give the number of horses, cattle, pigs, sheep, goats and poultry in Ireland in each year from 1847, and there are prices for cattle and sheep and for beef, butter, eggs, mutton, pork and wool. There are no prices for horses, goats and poultry and, in practice, the calculation of the value of livestock production is confined to cattle, pigs and sheep and to their products.

The usual method of calculating the annual value of livestock production is to estimate the proportion or number of animals sold, put a per capita price on them, and multiply the number sold by the value of each one. The proportion of animals sold can be estimated in two ways. Firstly, one can take a reliable contemporary estimate, e.g. Grimshaw estimated that $\frac{2}{7}$ of all cattle were sold annually.¹⁶ Secondly, one can use the 'disappearance' technique which relies on comparisons of the numbers of animals of different ages enumerated in consecutive years.¹⁷ When one has estimated the number of animals sold or slaughtered, one must apply a flesh-weight to each animal sold and the flesh-weight must be related to the price of beef, pork or mutton. These methods have certain weaknesses. Firstly, it is difficult to assign flesh-weights to animals because any choice

16. Childers commission, evidence, p. 150; see also Leo Drescher, 'The development of agricultural production in Great Britain and Ireland from the early nineteenth century' in Manchester School of Economic and Social Studies, xxiii (May, 1955), pp 153-75

17. Hans Staehle, 'Statistical notes on the economic history of Irish agriculture, 1847-1913' in Jn. Stat. Soc. Ire., xviii (1950-I), pp 441-471

of contemporary estimates of the weights of animals will be arbitrary. If it is remembered that there were several breeds of animals in Ireland and that the breeds and size of livestock probably changed between 1850 and 1881, the choice of flesh-weights appears more complicated. Secondly, even if one had reliable flesh-weights one would still have to face the problems created by the age categories of animals enumerated in the agricultural statistics. One does not know the precise age of animals which 'disappeared'. For example, one can estimate that 600,000 cattle aged over two years 'disappeared' between enumerations in 1854 and 1855. But since a year separates the two enumerations and since the two categories which are compared include animals whose ages range from just over one year old to three and a half or four years old, the figure of 600,000 does not represent a homogeneous group of animals.

However, the problem of choosing flesh-weights can be avoided because Grimshaw gives the price per head of cattle and lambs, and the Ballinasloe prices give the prices of older sheep. Only pigs have to be converted into flesh equivalents. But the availability of these prices does not make the use of the 'disappearance' technique any simpler. Therefore, I have decided to use a different method which might be called the 'value added' method. The aim of this method is to calculate the value added to animals, at each stage of growth, in one year. For example, we know that there were 570,000 cattle aged between one and two years old in Ireland in 1855, and that cattle of this age sold for between £4 and £7. The average age of these cattle would

be about one and a half years and their average price was £5. 10s. 0d. Since their average age is one and a half years, $\frac{2}{3}$ of their value was added in one year, that is, about £3. 14s. 0d. The value added to this branch of livestock in 1854-5 was £2,100,000 and this was its contribution to the value of total agricultural output. This method has the virtue of being well-suited to the statistics which are available, and I shall now describe the way in which I have dealt with each branch of livestock production.

(a) cattle

The agricultural statistics give (i) the number of cattle aged under one year, (ii) the number aged between one and two years and (iii) the number aged over two years. Grimshaw gives the price of (i) cattle aged between one and two years and (ii) cattle aged over two years. The problem is to decide how much value to assign to each class of cattle and this resolves itself into two detailed questions. Firstly, how much should be assigned to calves since there are no calf prices? Secondly, at what age were cattle aged over two years sold or slaughtered?

Since cows calve at all times of the year, the average age of cattle aged under one year is six months, and the average age of cattle aged between one and two years is one and a half years. Therefore, if one were logical one would accept that the value of calves was one third of the value of yearlings. But this would probably under-value calves because the annual

enumerations missed large numbers of calves which were dropped in the early spring and sold or slaughtered before the annual enumerations.¹⁸ In dairying areas, many calves were slaughtered when they were a few days old.¹⁹ Even if the calves were brought to prime veal condition, this took only 8-12 weeks.²⁰ And it seems that veal was more profitable than beef or mutton.²¹ Therefore, if one proceeds logically and assumes that calves represent only $\frac{1}{3}$ of the value of yearlings, one will undervalue calves, so I have decided to compromise by assigning $\frac{1}{2}$ of the value of yearlings to each calf enumerated.

The easiest class to dispose of is the yearlings because their average age was one and a half years and, in one year, $\frac{2}{3}$ of their value were added. However, cattle aged over two years are more complicated because the agricultural statistics do not show the age at which these cattle were slaughtered or sold. The age at which these cattle were slaughtered depended on their breeding and on the way in which they were fed. For instance, the calves of short-horn bulls and Ayrshire cows could be fattened at the end of their second year.²² And it was argued that a bullock could be brought to $7\frac{1}{2}$ cwt. in two years.²³ Another contemporary argued that a short-horn could be fattened in two and a half years.²⁴ However, the estimate of Grimshaw that $\frac{2}{7}$ of the cattle were sold each year suggests that it took three and a half years to finish cattle in Ireland. On

18. W. MacDonald, 'On the relative profits to the farmer from horse, cattle and sheep breeding' in J.R.A.S.E., xii (1876), p. 8

19. John M. Wilson (ed.), The rural cyclopedia, or a general dictionary of agriculture (Edinburgh, 1847), i, 649

20. Ibid., p. 651

21. Ibid., p. 649

22. John C. Morton (ed.), A cyclopedia of agriculture (London, 1855), i, 616

23. Ibid., ii, 529

24. M.M. Milburn, The cow: dairy husbandry and cattle breeding (London, n.d.), p. 38

the whole, three years is probably a safer estimate than either two or two and a half years. If cattle were disposed of at three years, the average age of cattle aged over two years is two and a half years. Therefore, in one year, 40 per cent of the value of mature cattle was added to this class.

In conclusion, I have calculated the value of cattle by assuming that the annual value of calves was half of the average price of yearlings, that the annual value of yearlings was $\frac{2}{3}$ of their average price, and that the annual value of cattle aged over two years was 40 per cent of their average price.

(b) sheep

The agricultural statistics give (i) the number of sheep aged under one year, (ii) the number of ewes aged over one year and (iii) the number of tups and wedders aged over one year.

Grimshaw gives the price of lambs but he does not give the price of older sheep. However, the Ballinasloe price series give the prices of ewes and wedders.²⁵

Irish sheep had been much improved by the 1850s. The old long-haired Irish sheep which had excited the scorn of John Wilson²⁶ was crossed with imported Leicesters. It is a moot point whether Irish sheep were not much inferior to English Leicesters²⁷ or equal to them in quality,²⁸ but certainly by the 1850s Irish sheep had improved.

25. For a summary of Ballinasloe prices see R.M. Barrington, 'Notes of the prices of Irish agricultural produce illustrated by diagrams' in Jn. Stat. Soc. Ire., ix, pt. lxxiii (1892-3), pp 679-802

26. Wilson, The rural cyclopedia, iv, 188

27. G. H. Andrews, Modern husbandry; a practical and scientific treatise on agriculture (London, 1853), p. 182

28. Morton, A cyclopedia of agriculture, ii, 283

Since there are prices for lambs it is relatively easy to calculate the value of sheep aged under one year because it can be assumed that all sheep under one year old were that season's lambs. However, many lambs were sold before they were enumerated in June. For example, in Wicklow, lambs were dropped in December, force-fed on ewe's milk or cow's milk, and taken to market when they were six weeks old.²⁹ If this were true of all Ireland, most of the season's lambs would have been sold by June. But Wicklow was exceptional because of its nearness to Dublin. However, I think it is wise to follow O Suilleabhain by adding 10 per cent to the annual value of lambs.³⁰ In the 1850s, the usual ratio of ewes to lambs was about 1.4 millions ewes to 1.1 million lambs, so 10 per cent seems a reasonable adjustment to allow for infertility and mortality.

Tups, wedders and ewes are not so easily disposed of. There are no prices for tups but they were probably only a small proportion of the 'tups and wedders' category. Therefore, I have ignored sexual distinctions and treated the tups as wedders for the purpose of calculating their value. At what age were wedders ready for the market? According to Purdon sheep were sold when they were from two and a half to three years old.³¹ Baldwin also gives three years but says that these were poor sheep and that good sheep would have matured more quickly.³² According to Morton the average Leicester reached 90-100 lb. in

29. Morton, A cyclopedia of agriculture, ii, 834

30. O Suilleabhain, National income, p. 12

31. Purdon's practical farmer, p. 428

32. Baldwin, Introduction to practical farming, p. 107

twenty-two months.³³ Therefore, the truth seems to lie between just under two years and three years and it is reasonable to assume that the average Irish wedder was ready for sale in two and a half years. If wedders matured in two and a half years, 40 per cent of their value was added in one year.

Ewes began to reproduce when they were two years old and continued until they were five years old when they were fattened and sold.³⁴ It is safer to assume that the ewes enumerated realized most of their value through their progeny which has already been counted as lambs and wedders because their annual value as a source of mutton was only a fraction of their average price when slaughtered.

In conclusion, I have calculated the annual value of sheep by assuming that the value of sheep under one year was the average price of lambs, and that this should be increased by 10 per cent to allow for lambs which were sold before the enumeration. I have also assumed that the value of ewes was realized through their progeny and that the annual value of tups and wedders was 40 per cent of the average price of wedders.

(c) pigs

The agricultural statistics give the number of pigs aged under one year and the number of pigs aged more than one year. But Grimshaw gives only the price of pork and there are no readily available pig prices. To calculate the value of the pig industry

33. Morton, A cyclopedia of agriculture, ii, 244

34. Ibid., p. 840

one must convert the pigs enumerated into a pork equivalent.

It is important to assess the value of pig production because of the size of the industry. In the 1850s there was over a million pigs in Ireland and by the 1870s there was almost a million and a half. Also, by the 1850s, Irish pigs were much improved³⁵ and the old Irish 'grey-hound' pig, whose only virtue seems to have been his 'bright, quizzical eye',³⁶ had almost disappeared.³⁷ Irish pork and bacon were equal in quality with English pork and bacon, because Irish pigs had been crossed with Berkshires and improved Suffolks.³⁸ Irish pigs were not easily distinguished from English pigs³⁹ and much of the bacon sold in England as pure Wiltshire was, in fact, Irish in origin.⁴⁰ It is difficult to say which of the English breeds had most influence in Ireland. According to Pringle the Berkshire was most important⁴¹ but it seems that the Sussex was common in the midlands.⁴²

This discussion of Irish pigs suggests that Irish pigs were not unlike English pigs in this period, and this is an important

35. Andrews, Modern husbandry, p. 194

36. Sir William Wilde, 'The food of the Irish' in D.U.M., xliii, no. cclv (Mar. 1854), p. 332

37. R.F. Scharff, 'On the Irish pig' (reprint from The Irish Naturalist, xxvi (1917), p. 74)

38. Morton, A cyclopedia of agriculture, ii, 943

39. H.D. Richardson, Domestic pigs (London, n.d.), p. 48

40. Andrews, op. cit., p. 195

41. R.O. Pringle, 'A review of Irish agriculture' in J.R.A.S.E., 2nd series, viii, no. 33, p. 13

42. Andrew Corrigan, Theory and practice of modern agriculture (2nd ed., Dublin, 1858), p. 140

point because much information about pigs is about English pigs. If one can assume that Irish pigs were not unlike English pigs, one can use some of this information to answer two questions which must be answered before one can calculate the annual value of Irish pigs: (i) how long did it take to fatten a pig and (ii) what was its weight when fattened?

There are several answers to the first question. Wilson said that pigs could be fattened in 10-12 months but most pigs took 18-20 months.⁴³ MacDonald said that pigs were slaughtered at eight months but some lived longer than twelve months.⁴⁴ According to Baldwin, as many pigs were sold annually as were enumerated in the agricultural statistics, that is, most pigs were fattened in one year.⁴⁵ But Morton thought that pigs should be stores until they were fifteen months old.⁴⁶ Two conclusions can be drawn from these statements: (i) it did not take long to fatten a pig because the longest period named was twenty months and (ii) the period could be very short indeed. But where does one draw the line and what was the practice in Ireland?

The agricultural statistics show that two thirds of the pigs in Ireland in the 1850s were less than one year old and 75 per cent to 80 per cent of the pigs in the 1870s were less than one year old. If it is accepted that each sow had an average litter of six pigs and that sows were usually over one year old, sows were about one seventh of the total pig population.⁴⁷

43. Wilson, The rural cyclopedia, ii, 670

44. W. MacDonald, 'On the relative profits to the farmer from horse, cattle and sheep breeding' in J.R.A.S.E., xii (1876), p. 8

45. Baldwin, Introduction to practical farming, p. III

46. Morton, A cyclopedia of agriculture, ii, 940-52

47. Ibid., p. 941

Since sows were 14 per cent of the pig population, it is possible to estimate the number of older pigs which were not sows and were, therefore, kept for fattening. In the 1850s, when one third of the pigs was older than one year, less than 20 per cent of the pigs were kept longer than one year for fattening. In the 1870s, when only 20 per cent or 25 per cent were older than one year, less than 10 per cent of the pigs were kept longer than one year for fattening. Therefore, most pigs in Ireland were kept only for one year for fattening.

Having discovered that most pigs were fattened in a year, one must answer the question : how big were Irish pigs? Here are some weights of English pigs in the 1840s:⁴⁸

breed	weight
Sussex	18-20 stones
Shropshire	40-50 "
Rudgwick	70-72 "
Suffolk	16-19 "
Berkshire	50-60 "
Yorkshire	12-18 "

However, other estimates of the size of English pigs do not agree with these weights. For example, Richardson thought that Berkshires could be as heavy as 96 stones.⁴⁹ If the most common breed in Ireland was the Berkshire crossed with the old 'greyhound', Irish pigs must have been large. According to Richardson the improved Irish hog weighed 41 stones.⁵⁰ Certainly, bacon curers

48. Wilson, The rural cyclopedia, ii, 663-4; J.P. Sheldon, Dairy farming, being the theory, practice and methods of dairying (London, n.d.), p. 548

49. Richardson, Domestic pigs, p. 47

50. Ibid., p. 50

encouraged farmers to breed smaller pigs. For example, the Waterford bacon merchants would not buy pigs which were heavier than 20 stones,⁵¹ and Shaw and Matterson tried to get pigs which weighed not more than 12 stones.⁵² But Richardson's estimate of 5 cwt. could not apply to Irish pigs which were not kept for longer than a year. It would have been a prodigious feat to have produced a pig of 5 cwt. in one year. It was reckoned that a well-fed pig put on 11lb. of flesh a day and even if Irish pigs were well-fed it is doubtful if the best of them would have weighed more than 26 stones before they were one year old.⁵³

All of the foregoing may be summarised as (i) Irish pigs were not kept for longer than a year and (ii) it is doubtful if the annual output of pork was greater than 26 stones per pig. Can this estimate be refined? There are three estimates which are useful. Firstly, MacDonald allowed 140 lb. of pork for each pig.⁵⁴ Secondly, Staehle estimated that every pig in existence in Ireland was the equivalent of 1.71 cwt. of pork.⁵⁵ And thirdly, Morton estimated that pigs which were fattened for one year weighed about 2 cwt.⁵⁶ Also, Bourke assumed that 2 stones of potatoes produced 1 lb. of pork when they were fed to pigs.⁵⁷ Since he reckoned that each pig ate 2 tons of potatoes, fattened pigs would produce 160 lb. of pork in a year. Therefore, there are three possible estimates of the annual output of pork per pig: 140 lb., 160 lb., 190 lb. and 224 lb. On the whole,

51. Corrigan, Theory and practice of modern agriculture, p. 153

52. O'Donovan, Econ. hist., pp 271-2

53. James Dickson, The breeding and economy of livestock (Edinburgh, 1851), p. 212

54. W. MacDonald, 'On the relative profits to the farmer from horses, cattle and sheep breeding' in J.R.A.S.E., xii (1878), p. 7

55. Hans Staehle, 'Statistical notes on the economic history of Irish agriculture, 1847-1913' in Jn. Stat. Soc. Ire., xviii (1950-1), p. 468

56. Morton, A cyclopedia of agriculture, ii, p. 941

57. P.M.A. Bourke, 'The use of the potato crop in pre-Famine Ireland' in Jn. Stat. Soc. Ire., xxi, pt. vi (1967-8), p. 84

I prefer the last one of these because Irish pigs seem to have been large.

In conclusion, most pigs were kept for only one year and it is possible to calculate the value of pig production by allowing 2 cwt. of pork for every pig enumerated in the agricultural statistics.

(iii) livestock products

The main livestock products were eggs, butter, milk and wool and I shall deal with these separately. The agricultural statistics do not give any information on livestock products although they give the number of milch cows after 1854 and the number of sheep and poultry for every year after 1847. However, Grimshaw gives the price of butter, eggs and wool and it is possible to make rough estimates of the value of butter, eggs and wool. There are no readily available milk prices so one is forced to convert milk and butter production into a single product by using Grimshaw's butter prices.

(a) milk and butter output

There are many estimates of milk yields in the second half of the nineteenth century. O Suilleabhain, after a very thorough examination of the evidence, decided that the average cow gave 329 gallons of milk a year.⁵⁸ At first sight, this is not an impressive quantity. For example, Pringle suggested 500-700

58. O Suilleabhain, National income, pp 18-22

gallons⁵⁹ and Connolly suggested 530 gallons as average annual yields.⁶⁰ And it was thought that a cow which did not give more than 300 gallons was a poor milker which was not worth her keep.⁶¹ And the good milking breeds such as Ayrshires gave over 900 gallons a year even in the nineteenth century.⁶²

O Suilleabhain's estimate of 329 gallons appears an under-estimate when it is compared with these estimates. But it is doubtful if these estimates were meant to apply to the national herd. For example, when Morton attempted to estimate the total milk yield of the national herd, he assigned only 440 gallons to each cow.⁶³ Therefore, I have decided to accept O Suilleabhain's estimate of 329 gallons but, to simplify calculations, I have increased it to 350 gallons.

The disposal of milk was complicated because it was used for the feeding of calves and young pigs, for butter and for cheese. Also, of course, much of it was sold or consumed by the farmers. However, there are no prices for liquid milk and it is doubtful if much cheese was made in Ireland in the nineteenth century. The problem of disposal resolves itself into two questions : (i) how much was consumed on the farm and (ii) what was the butter equivalent of the remainder? O Suilleabhain allows 64 gallons for each calf, which is twice as much as Baldwin allowed,⁶⁴ 5 gallons for each pig aged less than one year and 15 gallons for each member of the farmer's family. I have followed O Suilleabhain in making these deductions and I have assumed that the remainder was turned into butter.

59. R.O. Pringle, 'A review of Irish agriculture' in J.R.A.S.E., 2nd series, viii, no. 33, p. 58

60. James Connolly, 'Note of some points in Irish agricultural statistics' in Jn. Stat. Soc. Ire., vii, pt. liii (July, 1878), p. 254-6

61. James Long, Farming in a small way (London, 1881), p. 78

The amount of butter which could be made from milk depended on the quality of the milk. For example, $5\frac{3}{4}$ quarts of Jersey milk or 13 quarts of Ayrshire milk produced 1 lb. of butter.⁶⁵ However, Jerseys and Ayrshires were good milkers and it seems that it took 12-13 quarts of the milk of ordinary cows to produce 1 lb. of butter.⁶⁶ According to Fitzpatrick, $3\frac{1}{2}$ gallons of Irish milk produced 1 lb. of butter⁶⁷ and O Suilleabhain allowed 3 gallons of milk to make 1 lb. of butter.⁶⁸ It is doubtful if there were many Jerseys in Ireland, indeed, it is doubtful if the good milking breeds were favoured by Irish farmers, so I have accepted O Suilleabhain's estimate of 3 gallons.

In conclusion, I have calculated the annual value of milk production (i) by assuming that every milch cow gave 350 gallons of milk, (ii) by deducting from this the amount of milk which was consumed on the farm by calves, pigs and the farmers' families, and (iii) by assuming that 336 gallons of milk produced 1 cwt. of butter.

(b) wool

The agricultural statistics do not give any information about

62. Corrigan, Theory and practice of modern agriculture, p. 178; James Jackson, A treatise on agriculture and dairy husbandry (Edinburgh, 1840), p. 108

63. John C. Morton, 'Dairy farming' in J.R.A.S.E., xiv (1878), p. 647

64. Baldwin, Introduction to practical farming, p. 78

65. Long, Farming in a small way, p. 56

66. J.P. Sheldon, Dairy farming, being the theory, practice and methods of dairying (London, n.d.), p. 357

67. J.I. Fitzpatrick 'Dairying in the Irish agricultural economy' (Dublin University, Ph.D. thesis, n.d.)

68. O Suilleabhain, National income, p. 23

the size or value of the wool clip. According to Corrigan, the Leicester gave 6-9 lb. and the Leicester was the most common sheep in Ireland.⁶⁹ O Suilleabhain allows 6 lb.⁷⁰ so I have calculated the annual value of the wool clip by assuming that every sheep over one year old produced 6 lb. of wool.

(c) eggs

The annual value of eggs is the most vexatious aspect of calculating the value of agricultural output. But some attempt must be made to calculate the value of eggs because the number of poultry kept increased between 1850 and 1880, and the price of eggs increased too. However, it is impossible to say anything about the stock-output ratio of what must have been a very heterogeneous poultry population. Nor can one say how many eggs were sold, or what proportion of the poultry were kept on farms.

According to Baldwin a 'good' hen layed 120 eggs in a year⁷¹ but Sheldon put it at 140 or 150 eggs.⁷² And according to Corrigan a duck layed 150 eggs in a year.⁷³ I have assumed that a hen layed 144 eggs a year because this is a rough average of these estimates and it has the great advantage of being a round number which is peculiarly suitable for calculating the value of large numbers of eggs.

69. Corrigan, Theory and practice of modern agriculture, p. 131

70. O Suilleabhain, National income, p. 13

71. Baldwin, Introduction to practical farming, p. 122

72. Sheldon, Dairy farming, p. 557

73. Corrigan, op. cit., p. 189

However, we do not know how many of the poultry enumerated layed eggs, and we do not know how many of these eggs were sold. I have assumed that all of the poultry laid 144 eggs a year because roosters and drakes are always a small part of the farmyard population, and I have assumed that only one third of the eggs were sold. Therefore, the annual value of egg production is estimated by assuming that every bird enumerated layed 144 eggs a year and that 4 doz. of these were taken to market.

This description of the methods which I have used to calculate the value of agricultural output shows that such calculations are complicated and unsatisfactory. At every stage, one has to compromise, and to impose clumsy solutions on uncertain data. One is forced to use information in a way in which it was never meant to be used and to ask questions which few contemporaries thought it worth their while to ask. However, limited ends justify limited means, and the evaluation of rent increases depends on comparisons of the value of output at different times. My aim is to calculate changes in the cash incomes of farmers because their cash incomes were the basis of their rental capacity. The following table shows the results of my calculations. But it should be remembered that these figures do not include the value of the potatoes, milk, eggs and poultry consumed by the farmers and their families. Nor does it include the value of horses, donkeys, straw and poultry sold by farmers to other members of the community.

Gross agricultural outputI85I-82

(£ million)

I85I	2I.3	I859	32.8	I867	32.6	I875	4I.2
I852	20.6	I860	32.9	I868	35.0	I876	42.6
I853	27.6	I86I	29.8	I869	35.3	I877	38.9
I854	32.4	I862	27.5	I870	36.9	I878	38.8
I855	35.0	I863	28.5	I87I	37.7	I879	33.9
I856	3I.6	I864	3I.7	I872	38.9	I880	35.5
I857	3I.5	I865	37.2	I873	38.5	I88I	35.3
I858	33.8	I866	40.5	I874	40.6	I882	37.3

There are no other estimates with which to compare these, except those made by Grimshaw for the Cowper commission. He estimated that the total value of wheat, oats, barley, flax, cattle and sheep was worth £58 millions in I855, and £7I millions in I875.⁷⁴ Grimshaw did not attempt to estimate the annual value of output and his figures represent the capital value of crops and livestock, but his figures show that the capital value of crops and livestock increased by 22 per cent between I855 and I875. My calculations show that the annual cash value of output increased by I8 per cent.

74. Cowper commission, evidence, ii, 953, 956

APPENDIX II

Sir Richard Griffith and the tenement valuation of Ireland

Sir Richard Griffith is best remembered in Ireland as a pioneering geologist and as the 'father of Irish geology'. But in his own day he was known chiefly for his work on the official valuations of Ireland. He was commissioner of valuation from 1827 to 1868, and although his last days in that office were darkened by disputes and scandals the significance of his work was enormous.¹ He cannot, however, be called the father of Irish valuation because he had no creative successors except, possibly, in Northern Ireland.

His greatest and final work of valuation was the tenement valuation which was carried out in the 1850s and 1860s. The aim of this work was the valuation of every holding in Ireland in a way which ensured²

that a valuation of the lands of Ireland should be made on a uniform principle and scale of prices for agricultural produce, so as to ensure that the relative value of the lands within any county, though ascertained at different periods, and also that the relative value of the lands of different and distant counties, though ascertained at different and distant periods, should be the same.

The work of the valuers, who were trained and supervised by Griffith, was to discover the net annual value of each holding.

1. D.N.B., viii, pp 681-2

2. Sir Richard Griffith, Instructions to the valuers and surveyors appointed under the 15th and 16th Vict., cap. 63 (Dublin, 1853), p. 1 (hereafter cited as Griffith, Instructions)

The net annual value of each holding was calculated by deducting from the gross produce of the holding (i) the cost of cultivation and management, (ii) the amount of taxation paid by the tenant, (iii) interest of 5 per cent on the tenant's capital and (iv) compensation for the wear and tear of farm implements. The result of this calculation was supposed to equal 'the rent for which, one year with another, the soil might in its actual state, be reasonably expected to let from year to year'.³

The valuers were instructed by Griffith to divide the process of valuation into five stages. Firstly, they were to examine the quality of the soil. Secondly, they were to classify the soil according to a table of values drawn up by Griffith. Thirdly, they were to calculate the cost of the annual outlay per acre to which the tenant was liable. Fourthly, they calculated the value of the gross produce of each farm. And fifthly, the valuers were supposed to adjust their calculations to take account of local circumstances.

The valuator was supposed to examine the quality and depth of the soil by digging it up and by reference to Griffith's geological map of Ireland.⁴ Also, he examined the indigenous plants of the locality because they often showed the quality of the soil. For example, dockweed and nettles often grew on good dairying land.

When the valuator had examined the quality of the soil he classified it by referring to tables of soil quality which Griffith

3. Griffith, Instructions, pp 2-3

4. Ibid., pp 13, 17

had drawn up. If the land were arable it was classified into one of twelve classes ranging from very superior, deep, friable soil to poor moory or boggy land.⁵ If it were pasture land it was classified according to its usefulness. Pasture land ranged from prime fattening land through dairy land to store pasture.⁶ Griffith gave an average value for each class of land. For example, the best arable land was worth £1. 10s. 0d. an acre while the best fattening land was worth £1. 15s. 0d. an acre. However, these values were given only as guide to the valuator and he was supposed to adjust them according to local circumstances.

The valuator was supposed to calculate the amount per acre of the annual outlay incurred by the tenant.⁷ Griffith gave tables showing the cost of cultivating wheat, oats, rye, flax, hay, potatoes, turnips, and mangel wurzels.⁸ Also, he gave some estimates of the cost of managing livestock, e.g. the wages of herds and dairy maids.⁹ However, the valuers were warned to remember that 'expense of cultivating bad land is comparatively more than that of cultivating good land'.¹⁰ It should be noted at this stage that the allowances which Griffith made for the costs of production were relatively generous. For example, Richard M. Barrington made estimates of the cost of producing potatoes, turnips, wheat, oats and barley on a farm at Fassaroe in County Wicklow.¹¹ He estimated that all of these products cost just over £2 an acre to produce in the 1850s.¹² But Griffith

5. Griffith, Instructions, p. 27

6. Ibid., p. 30

7. Ibid., p. 26

8. Ibid., p. 28

9. Ibid., pp 32-3

10. Ibid., p. 28

11. Richard M. Barrington 'The prices of some agricultural produce and the cost of farm labour for the past fifty years' in Jn. Stat. Soc. Ire., ix, pt. lxxv (1886-7), pp 137-53

12. Ibid., p. 149

allowed over £3 an acre for the cost of cultivation and he was referring to statute acres while Barrington was referring to Irish acres. For the cultivation of potatoes Barrington allowed £3 to £5 an Irish acre but Griffith allowed £8. 10s. Od. for a statute acre. This shows, I think, that Griffith was very generous to the cultivators of the soil. In fact, Griffith's estimates were in his own words 'the average maximum cost' of production.¹³

When the valuator had calculated the cost of production, he calculated the value of the gross produce of each farm. If the land were used for tillage he took the average production per acre of the district in which he was working.¹⁴ If the land were pasture the quality and quantity of the herbage was considered and 'the quality and suitability of the stock must be carefully considered and discriminated'.¹⁵ In valuing land used for dry stock the valuator was supposed to estimate the average annual increase or improvement which one year's grazing produced in the animals which were kept.¹⁶ If the land were used for dairy cattle the valuator was supposed to calculate the average output of butter per cow. All of these values were calculated on the basis of a scale of prices laid down by an act of parliament.¹⁷ When the valuator had calculated the gross value of the produce of the holding he deducted the cost of production per acre from it. As well as allowing for labour costs he was supposed to allow for interest on working capital. Also, with dry cattle he made an

13. Griffith, Instructions, p. 28

14. Ibid., p. 29

15. Ibid., p. 33

16. Ibid., pp 32-3

17. Report from the select committee on general valuation, etc. (Ireland); together with the proceedings of the committee, minutes of evidence, and appendix, p. 72, H.C. 1868-9 (362), ix, 1 (hereafter cited as Committee on general valuation)

allowance for the commission on the sale of the beasts and for contingencies. With dairy stock he was supposed to allow for the costs of cooperage and craneage, and for servicing.

Finally, the valuator adjusted his results to take into account local circumstances. These local circumstances were climate, altitude, situation, and proximity to supplies of manure and to markets.¹⁸ For example, five shillings in the pound were deducted from land which was more than 800 feet above sea level,¹⁹ but fourteen shillings were added to town parks which were close to large towns.²⁰ Griffith produced very elaborate tables for the guidance of the valuers who made adjustments for local circumstances.

The valuers were supposed to enter all these calculations in field books which were sent to Dublin where the results were adjusted to allow for local rates of taxation.²¹ Then the results were printed and published. These books gave the name of each occupier, the name of the immediate lessor, the size of the holding, and the value of the land and buildings. The books were sent to the workhouse and to police barracks in each union and the public was allowed to examine them. If a tenant was dissatisfied with his valuation he served the clerk of the union with a notice and this was sent to the valuation office in Dublin. Then the valuator who had valued the farm was sent back to re-value it. If the tenant was still dissatisfied he could appeal to the quarter sessions.²²

18. Griffith, Instructions, pp 36-43

19. Ibid., p. 38

20. Ibid., pp 41-3

21. Committee on general valuation, pp 38, 53, 61

22. Ibid., p. 2

Two points must be added to this description of the making of the tenement valuation. Firstly, it gave the value of land as it was actually used when the valuation was made. For example, if a field was used to grow wheat when it would have been more profitable to keep sheep on it, the valuers valued it as arable land. Secondly, although the valuers asked the tenants what rents they paid they were instructed not to settle the valuation according to the rent.²³ Therefore, the rent and the valuation do not coincide and they were not supposed to coincide. The discrepancy between rent and the valuation has always caused confusion in discussions of the valuation because it is not always realized why the discrepancy should exist. Griffith's valuation was a scientific attempt to assess the net value of land and it did not simply take the common letting value as a standard and, in this respect, it was radically different from public valuation in other parts of the United Kingdom. The tenement valuation was, therefore, a reproach to landlords whose rents were either high or irregular. To avoid friction, Griffith instructed his valuers not to make invidious comparisons between the valuation and the rents:²⁴

Complaints having been preferred by several agents and landed proprietors of injurious observations having been made by valuers employed on the general valuation, respecting rents paid by the occupying tenants, it is desired that no remarks whatever on the subject of rent shall, in future, be made by any valuator or surveyor.

Griffith's plan for making a uniform valuation of all holdings

23. Committee on the general valuation, pp 55, 75

24. Griffith, Instructions, pp 81-2

in Ireland was clearly conceived, systematic, easy to understand and based on years of experience. It is probably the best guide to the value of land in Ireland which is available. It is so complete and so clearly conceived that it is tempting to use it to evaluate the level of rents on individual estates. But the tenement valuation has often been criticized and dismissed as useless as a guide to the value of land.²⁵ These criticisms must be examined before one can use the tenement valuation to evaluate rents. They fall into three classes. Firstly, it was alleged that the valuation had been carelessly made. Secondly, it was argued that the valuation was internally inconsistent. And thirdly, it was argued that the valuation did not represent the real value of land.

Firstly, it was alleged that the valuation was carelessly made. One critic of Sir Richard Griffith told a committee of inquiry:²⁶

There was an immense amount of valuation made by Sir Richard Griffith in Tipperary, in Galway, in Roscommon and in Cavan that was as bad as any valuation ever made by man.

Another critic told the committee that:²⁷

the valuation has got to such a point now that it is a laughing stock. No one takes it as a criterion.

The committee was also told that one of the valuers who worked in Kerry was not able to do the field work because:²⁸

he was a moderately old man, and he was nineteen stone weight; he was physically incapable of examining the ground with anything like the degree of minuteness that I examined it.

25. It is worth remembering that the tenement valuation is still the basis of local taxation in the Republic of Ireland.

26. Committee on general valuation, p. 95

27. Ibid., p. 175

28. Ibid., p. 95

The tenement valuation was an enormous undertaking and it is possible that there were some derelictions of duty, but it is difficult to see how these could have been on a large scale because of the system of checking and reviewing which was an integral part of the work of valuation.²⁹

Most of the criticisms of the actual work of the valuers were concerned with the difficulties of valuing certain kinds of land, especially rocky limestone pastures. According to Griffith:³⁰

the valuation of rocky limestone pastures is peculiarly difficult. In the summer there is nothing visible; in the autumn and the beginning of winter they will look best. The spade is of no use and the eye may be deceived, consequently the price must be determined rather from enquiry than judgment.

Some districts in Kerry presented the same problems:³¹

now if you see some of the land in Kerry in the middle of the winter it will appear to a stranger not worth half a crown; but if you see it in summer with exceedingly good grass upon it, it will appear good land.

It seems that some of the valuers did not understand the intricacies of valuing such land because it was unfamiliar to them:³²

all the rocky pastures of Clare and Galway were valued too low because the northern valuers became the checks in the midland districts. They understood spade husbandry in the north, and they had a man with them with a spade; where the man could sink a spade in the earth, he put on a smart value, and if he could not they put on a very small value.... There are farms of this sort where you could cut with a spade the entire soil and roll it up like a piece of cloth.... This land will fatten three or four sheep per acre.

29. First report of H.M. commissioners appointed to inquire into the financial relations between Great Britain and Ireland; minutes of evidence with appendices, p. 229 [C 7720-1], H.C. 1895, xxxvi

30. Committee on general valuation, p. 95

31. Ibid., p. 65

32. Ibid., p. 105

These statements show that some mistakes could have been made but it is unlikely that they were made on a large scale if only because Griffith was aware of the difficulties.

The most cogent critic of Sir Richard was a former valuator called Lynam and it was he who pressed most of these points. Lynam had been dismissed by Griffith because his carelessness had made it necessary to re-value a whole union. This may not have been strictly true but Lynam did admit:³³

I left the valuation office, whether you call it dismissed or not, in anger.

Lynam seems to have been an opinionated and mercurial character who quickly came into conflict with his colleagues as well as with the imperious Sir Richard. Although Lynam's criticisms are worth remembering they should not be used to discredit the whole valuation. His evidence refers only to certain kinds of land and some of the examples of mistakes which he quotes look more like misprints in the printed books than mistakes in the valuation. For example, he gives the case of a holding whose valuation was revised, after an appeal, from £5 to five pence. But the Victorian habit of expressing sterling as '5L' or '5d' may have caused this mistake.³⁴

However, allegations of negligence should not be taken too seriously. Critics of the valuation often pointed out that the publication of the printed books was followed by thousands of appeals and complaints. This would suggest that many mistakes had been made but it seems that many of these appeals were due to disputes about taxation and the exemption of schools and religious establishments from taxation.

33. Committee on general valuation, pp 25, 46, 96

34. Ibid., p. 99

If land had been valued carelessly one would expect to find many changes in the manuscript books which were compiled after the printed books were published. I have compared the provisional entries in the printed books and the final entries in the manuscript books. In an electoral district of twenty-five townlands I have found only slight discrepancies; on only one townland was there a difference as large as 10 per cent.³⁵ If the valuation had been carelessly made and carelessly recorded there would have been dozens of discrepancies. The tenurial structure of the average parish was so complicated that only painstaking care could have produced results which were generally acceptable. On the whole, I think that the valuers can be acquitted of gross carelessness. Nevertheless, Griffith was guilty of slight exaggeration when he declared that:³⁶

the tenement valuation of Ireland has nearly put an end to all other valuations; our valuation is used as the criterion everywhere; at present there are scarcely any valuers employed in Ireland.

In the end, the guarantee of the accuracy of the valuation and of the care with which it was made was the fact that it was a valuation of every tenement in Ireland. If it had not been carefully made it would have broken down under the weight of the revisions which would have followed the publication of the printed books.

The second major criticism of the tenement valuation was that it was internally inconsistent. It was argued that land

35. Manuscript books of the tenement valuation of the electoral district of Newporton, County Fermanagh, 1863-82 (P.R.O.N.I., uncatalogued manuscripts)

36. Committee on general valuation, p. 47

in Ulster was more highly valued than land in other parts of Ireland. This distortion was caused by the fact that the valuation was made at different times in different counties. For example, Kerry was valued in the early 1850s but Armagh was not valued until the early 1860s.³⁷ When Kerry was valued it was suffering from the effects of the Famine but the northern counties were valued at time when they had recovered completely from the effects of the Famine. Furthermore, local taxation was a factor in the valuation and this caused some distortions because taxation was higher in the early 1850s than in the late 1850s and early 1860s. The valuation office admitted that these two factors caused internal discrepancies in the valuation, and Griffith and Greene, who was Griffith's successor, produced a table which showed how the valuation in each county should be adjusted to secure internal consistency.³⁷ The largest discrepancy was 25 per cent but most were smaller.

The third criticism of the valuation was the most serious because it suggested that the valuation was out of step with the economic conditions which developed after the early 1850s. It was argued that the price scale on which the valuation was made was too low, that the structure of agricultural production changed after the early 1850s and that the growth of the railways was not taken into account by the valuation.

The price scale on which the valuation was made was based on prices in Ireland in the years 1849-51, but prices increased greatly in the mid-1850s. For example, Greene reckoned that prices had risen between the early 1850s and late 1860s.

37. Committee on general valuation, p. 228

4.1 Percentage increases in the prices of certain commodities between the early 1850s and the late 1860s (38)

	per cent
wheat	20
barley	27
oats	22
beef	51
butter	64
mutton	67
pork	31
flax	45
average	41

The unfortunate thing about Griffith's price scale was that he chose the three years when prices were lowest in the whole period between the Famine and the late 1870s. If he had waited for three years his scale of prices would have been less anachronistic because the turning point in the price trend seems to have been 1852-3.

The structure of agricultural production changed in the 1850s and 1860s. More land was turned into pasture or meadow while the area under crops declined. The valuers valued the land as they found it and land which was valued as arable land must have been turned over to pasture after the valuation was made. But the value of livestock products increased more rapidly than the value of cereals and, therefore, discrepancies between the official value of the land and its actual value must have been considerable. Furthermore, Griffith ignored wool and eggs which became more important as the years passed. The development of the Irish railways in the 1850s and 1860s distorted the relative value of land because they affected costs of production and the market structure of Irish agriculture.

38. Committee on general valuation, pp 17-18

The differences between the official value of land and its actual value in the 1860s and 1870s is shown by the fact that private valuations made in those years were much higher than tenement valuation. For example, a valuation of the estate of Sir Charles Domvile in 1871 was 192 per cent of the valuation.³⁹ But this does not mean that the tenement valuation is unreliable after the early 1850s, because the effects of changes in production can be avoided by comparing the valuation with rents as they were in the year in which the valuation was made.

Of all the criticisms of the tenement valuation, it seems that only the difference in prices was important because this difference increased the gap between the official value and the actual value of land and brought the tenement valuation into disrepute. There were many suggestions about how much the valuation should be increased to keep in line with price increases. Greene suggested that it should be increased by 25 per cent.⁴⁰ But William O'Connor Morris suggested that corn lands should be increased by 15 per cent and that that grass lands should be increased by anything from 30 per cent to 50 per cent.⁴¹ This is a difficult question, and contemporary estimates are often unreliable. Many of these estimates were given to the Bessborough commission and the tenement valuation had become politically contentious by the 1880s.

39. Report on the estates of Sir Charles Domvile by Thomas Fitzgerald, 1871 (N.L.I., MS 11,305)

40. Committee on general valuation, p. 3

41. Lords' committee on the land act of 1870, p. 71

I have attempted to solve this problem by using the data on the value of agricultural output which I have already discussed. This can be done by comparing the value of agricultural output in any given year when it is calculated at current prices and at the prices used by Griffith. The prices used by Griffith cannot always be used because they do not coincide with the methods which I have used to calculate the value of agricultural output. However, I have used his prices where it was possible but I have had to calculate different prices for dry cattle and sheep. To do this, I have used Grimshaw's prices for dry cattle for the years 1849-51 and Ballinasloe prices for sheep for the same years.

By calculating the value of agricultural output at Griffith's prices (i.e. average prices for the years 1849-51) and the value of output at current prices, it is possible to estimate the amount by which the valuation should be increased in any given year. This is based on the assumption that the cost of production increased by the same percentage as the value of total output.

4.2 The value of agricultural output, at constant prices, 1852-76

								£ millions
1852	19.9	1859	22.1	1865	21.3	1871	22.4	
1853	21.6	1860	21.6	1866	22.9	1872	21.9	
1854	23.1	1861	19.9	1867	22.1	1873	21.3	
1855	21.9	1862	19.0	1868	20.8	1874	21.8	
1856	20.8	1863	19.9	1869	21.6	1875	22.6	
1857	21.7	1864	21.0	1870	22.7	1876	23.0	
1858	22.6							

This table shows that the volume of agricultural output was stable during this whole period. The value of output, on the other hand, increased dramatically.⁴² This suggests that Irish farmers increased their incomes by adapting production to more profitable outlets: they did not increase their incomes by producing more.

If the value of agricultural output at Griffith's prices and its value at current prices are compared and expressed as an index table, one can discover how much the valuation fell under the real value of the land after the the early 1850s.

Index table showing the relationship between the value of agricultural output at Griffith's prices and the value at current prices, 1852-76

1852	104	1859	148	1865	175	1871	168
1853	128	1860	152	1866	177	1872	177
1854	140	1861	150	1867	147	1873	181
1855	160	1862	145	1868	168	1874	186
1856	152	1863	143	1869	164	1875	183
1857	146	1864	150	1870	162	1876	185
1858	141						

This table shows that the valuation was relatively low for the whole period, and by the mid-1870s, the discrepancy had reached its height. The average difference between the two estimates for the years 1852-76 was 60 per cent.

This table shows the amount by which the valuation would have increased if Griffith had based his scale of prices on current prices. For example, if he had based his scale on prices

42. See above p. 358

in 1856, the value of each tenement would have been 52 per cent higher, if one also assumes that the cost of production had been allowed to increase by 52 per cent. Therefore, rents which were 152 per cent of the valuation in 1856 were reasonable according to Griffith's estimates of the net value of land and would have allowed landlords and tenants to share proportionately increases in the value of agricultural output.

If this series of index numbers is reasonably reliable it can be used to mitigate some of the shortcomings of the tenement valuation. It enables one to use the tenement valuation to evaluate the level of rents at different times. For example, rents which were 130 per cent of the valuation in the early 1850s were reasonable but these rents could have risen to 180 per cent of the valuation by the mid-1870s. The index can be used as a base-line, a bench mark and an ultimate ceiling in the evaluation of rent levels. For example, if rents were 120 per cent of the valuation in the early 1850s they would have been rather low. If a series of sporadic rent increases whose average was 33 per cent were imposed on these rents, the level would have risen to 160 per cent which would have been a reasonable level by the mid-1860s. In other words, if the increases were sporadic and spread over a number of years, landlords and tenants would have shared proportionately in increases in the value of agricultural output.

In this discussion I have sometimes used words like 'reasonable' when talking of comparing rents with the tenement valuation. Griffith's definition of net value was supposed to be the 'live and let live' rent and my adjustments of his valuation imply an attempt to assess the reasonable rent. But I do not think that

that this use of the valuation should be pushed too far. The chief use of the valuation and the index is that they enable one to guess how increases in the value of agricultural output were distributed between landlords and tenants. If the level of rents on an estate approached the ceiling suggested by the valuation index, then the value of agricultural output was distributed in the way Griffith expected it to be distributed when he planned the tenement valuation. In other words, the tenant received a generous return for his labour and capital, and the balance went to the landlord as rent. If the levels of rents were below the ceiling, the balance had moved towards the tenants and their share of output had increased while that of the landlords had declined. If the rents were above the ceiling, the balance had moved towards the landlords.

In conclusion, three things can be said about the tenement valuation which was made under the direction of Sir Richard Griffith in the 1850s and 1860s. Firstly, the whole operation was brilliantly conceived and planned by Griffith. Secondly, much of the criticism of the valuation was caused by the fact that the scale of prices on which it was based was too low after the early 1850s. Thirdly, the valuation can be adjusted by calculating and comparing the value of agricultural output at current prices and at Griffith's prices. When this is done, the valuation can be used to measure changes in the distribution of the value of agricultural output.

APPENDIX III

The rentals and the analysis of rent increases.

In the fourth part of the second section, I summarised an analysis of the movement and level of rents on fifty-six estates.¹ In the following appendices these results are given in detail. The fifty-six estates are divided into nine groups and each group is dealt with in a separate appendix. In this appendix I shall describe how I used the rentals to answer the following questions: (i) how often were rents increased, (ii) how many holdings had their rents increased, (iii) how large were the rent increases, (iv) what was the level of rents compared with the tenement valuation and (v) did the smaller holdings pay higher rents and larger rent increases than the larger holdings.

One gets an idea of the frequency of rent increases by following the fortunes of individual holdings. The timing of rent increases usually followed a certain pattern and, in general, rents were increased in one or other of two ways. Firstly, all or most rents might be increased at the same time. Secondly, rent increases were made sporadically, either arbitrarily or on certain occasions such as the falling in of leases, the transfer of holdings, or on the death of the sitting tenant. Sometimes rent increases followed both of these patterns but usually a general increase was followed by a period of stability.

1. See above pp 47-65

The proportion of holdings whose rents were increased is not always obvious in the rentals but, in most cases, it is easy to make a rough guess. When there was a general increase on an estate it is easy to make an accurate estimate of the proportion of total rents affected. When the rents were increased sporadically it is more difficult to make an accurate estimate, but it is not impossible to make a shrewd guess. Therefore, in the following descriptions of the frequency of rent increases, I have usually expressed the proportion of holdings whose rents were increased as fractions because to express them as percentages would endow them with a precision which they do not deserve.

Finally, I have been careful to spot holdings whose rents were increased more than once. When I have found these I have treated the multiple increase as a single increase and where they were frequent I have made a note of them.

One can get a rough idea of the size of rent increases by looking at the totals at the foot of each rental, that is, if the totals are given. This is the easiest and quickest way of measuring rent increases but it is unsatisfactory for three reasons: (i) the totals often include items which are not agricultural rents, e.g. town houses, fisheries, harbour dues and market tolls, (ii) increases in the total rental of an estate might be caused by additions to the estate, e.g. land bought or inherited and (iii) rent totals do not show how many rents were increased or when they were increased.

What I have just said about rent increases also applies to the comparison of rents and the tenement valuation. Therefore, I examined the size of rent increases and the level of rents on individual holdings on each estate.

Although this is a laborious business, it is worth-while because (i) it is more precise because it shows the level of rent and the rent increase on individual holdings, (ii) the frequency of rent increases on each holding and the number of rents increased on each estate can be estimated, and (iii) it lends itself to more elaborate analysis, e.g. one can make statements about rent increases on different sizes of holdings. However, this method of examining rents has some disadvantages: (i) it is sometimes difficult to follow individual holdings through a long series of rentals, (ii) it is sometimes difficult to identify rent increases and (iii) the holdings in the rentals do not always coincide with holdings in the tenement valuation books.

If the items in the rentals are not systematically arranged it is very tedious to follow individual holdings, and if the arrangement of the items is changed or if the series is broken one often loses track of some holdings. If the rentals do not have marginal notes explaining changes in rents one cannot be sure that the increase is not due to an addition of land to the holding. However, a certain amount of care and a substantial amount of guess-work can overcome both of these disadvantages. On the whole, I have found it easy to spot rent increases : one gets the 'feel'

of a rental quickly. When the arrangement of the accounts in a rental was irregular, I used the townland totals as a guide. In the course of looking at more than fifty collections of rentals I found only one collection which defeated me. In that series the tenants' accounts were entered in the ledger in the order in which they paid their rents on rent day. The handwriting of the clerk was execrable, the amount of rent paid was not distinguished from the amount due, and the punctuality of the tenants was anything but consistent.

The holdings in the rentals are not always arranged in the same way as in the valuation books. In the valuation books each parcel of land is listed separately but in the rentals all the parcels of land belonging to one tenant are often put together in one account. If the acreages of holdings are not given in the rentals one cannot be sure that the holding in the rental is the same as the holding in the valuation book. However, the amalgamation of holdings took place very slowly so one can reduce discrepancies by comparing the valuation with rents for the year which was closest to the year in which the valuation was made. Of course, some discrepancies are inevitable and these may go a long way to explain some of the extreme values which occur.

Having identified rent increases and having compared the rents of individual holdings with the tenement valuation my next step was to assemble samples of rent increases and rent levels. On the large estates I have taken samples which are only a fraction of the total holdings although

the sample might include over one hundred observations. On the smaller estates the samples are a large percentage of the total holdings and, on the very small estates of say twenty holdings, the sample includes all or most of the holdings. Of course, the samples were assembled in a way which included all parts of the estates. Having assembled the samples, the next step was to arrange the results in a way which made it possible (i) to compare one estate with another, (ii) to compare the movement and level of rents, changes in the value of agricultural output and with the tenement valuation index and (iii) to show concisely the fortunes of individual holdings and, at the same time, the fortunes of large groups of holdings.

To do this I first calculated (i) increases of rents as a percentage of former rents and (ii) rents as a percentage of the tenement valuation of land exclusive of the value of houses and out-offices.² Secondly, I arranged these results into cumulative frequency distribution tables, calculated the average and median values of the sample and, then, calculated the standard deviation and coefficient of variation of the sample. Also, I have quoted the ranges of the samples

2. Contemporaries who compared rents with the tenement valuation gave rents as percentages above or below the valuation. For example, if the valuation of a holding was £10 and the rent was £12 then the rent was 20 per cent above the valuation; if the rent was £8 the rent was said to be 20 per cent below the valuation. But it is confusing to have to say whether a rent is above or below the valuation and when calculating averages etc. all observations have to be reduced to a common scale. Therefore, I have used a common scale of percentages. For example, if the valuation is £10 and the rent is £12 this is 120 per cent of the valuation; if the rent is £8 this is 80 per cent of the valuation; when the rent and the valuation are equal this is, of course, stated as 100 per cent of the valuation.

to show some of the extreme values which occurred in the sample.

At first sight, this array of statistical expressions seems excessive but they all serve some purpose which could not be served by the familiar average. For example, the median is a useful companion to the average because it is a more accurate measure of central tendency than the average, when there are very high and very low values in a sample. The cumulative frequency distribution tables show the percentage of rent levels and rent increases which were above and below the appropriate ceilings suggested by the agricultural output and tenement indexes. Also, they show the enormous variation in rent levels and rent increases on individual estates. The standard deviation summarises these variations and the coefficient of variation makes it possible to compare the variation of rent levels on different estates.

Finally, I have produced tables which show the level of rents and the size of rent increases paid by large and small holdings. The first table, which compares the level of rents, classifies holdings according to valuation. The second table, which compares the size of rent increases, classifies holdings according to the rents which they paid.

In conclusion, the following appendices describe the the movement and level of rents on groups of estates. Each appendix is divided into six sections : (i) a description of the scope of the rentals, (ii) an examination of the frequency of rent increases, (iii) an analysis of rent increases, (iv) an analysis of rent levels, (v) an examination of rents on large and small holdings and (vi) conclusions.

APPENDIX IV

The movement and level of rents on seven
estates in the counties of Armagh and Down,
1850-81

The rentals of these estates vary in scope, copiousness and in the amount of detail which they give. They fall into different classes according to their scope. Firstly, the Gosford¹ and Manchester² rentals are an unbroken series which cover the whole period, 1850-81. Secondly, the rentals of the Blacker estate cover most of the period; they go as far as 1877 and they are continuous from year to year.³ Thirdly, the rentals of the Atkinson⁴ and Hall⁵ estates cover most of the period; the former are slightly broken but they go as far as 1870. The latter are continuous from year to year and they go as far as 1874. Finally, the Johnstone⁶ and Moore⁷ rentals are neither continuous nor do they cover long periods. The Moore rentals do not cover the years between 1851 and 1872 but it is possible to use them because the estate is small and the rental is well arranged. The Johnstone rentals cover only the years 1852-63 but they are useful because they give details of a general increase in rents in the early 1860s.

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1. Rentals of the estates of the earl of Gosford in County Armagh, 1848-81 (P.R.O.N.I., D 1606/7A/54-84)
 2. Rentals of the estates of the duke of Manchester in County Armagh, 1850-80 (P.R.O.N.I., D 1248/R/15-43)
 3. Rentals of the estate of Col. Wm. Blacker in County Armagh, 1845-56 (P.R.O.N.I., D 959/2/2); Rentals of the estate of Stewart Blacker in County Armagh, 1856-77 (P.R.O.N.I., D 959/2/3)
 4. Rentals of the estate of the Atkinson family in County Armagh, 1850-7, 1859, 1865-70 (P.R.O.N.I., D 1815/3/2-3)
 5. Rent ledgers of the Narrowater and Mullaglass estates of the Hall family in the counties of Armagh and Down, 1846-74 (P.R.O.N.I., D 2090/2/2-3, D 2090/7/1, 7-28)

1. The frequency of rent increases

The frequency and number of rent increases varied on these estates. There were no increases on the Atkinson and Moore estates and most rents on the Blacker estate were steady from 1850 to 1877. However, rent increases were frequent on the Gosford, Hall, Johnstone and Manchester estates. General increases of rent were exceptional : there was a general increase on the Lucas division of the Manchester estates in 1857 and on the Johnstone estate between 1861 and 1863. But rents were increased sporadically on the Gosford and Hall estates and on most of the Manchester estate. Sometimes rents were increased when leases expired, e.g. most increases on the Gosford estate took place when leases expired. Sometimes rent increases took place when holdings changed hands or when the agent decided that a rent increase was due. But there was no rule on these estates about the occasions when rents were increased. Likewise, on none of these estates is it clear that any one occasion was used more than other occasions as the excuse for increasing rents.

Although the timing of rent increases varied, the frequency of rent increases was much the same on these estates : rents were increased only once during the period covered

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6. Rentals and receivers' accounts of the Johnstone estate in County Armagh, 1852-63 (P.R.O.I., M. 3508-3520)
 7. Rentals of the estate of the Moore family in County Armagh, 1850-1, 1872 (P.R.O.I., M. 2977)

by the rentals and they remained stable after they were increased. There are a few examples of multiple rent increases especially on the Manchester estates but these are rare and were usually caused by the recurrence of the tenurial accidents which were associated with rent increases.

Although the rents of most holdings on five of these estates were increased, there were many holdings whose rents were stable during the periods covered by the rentals. On the Blacker estate, nine tenths of the holdings paid the same rents from 1850 to 1877, and on the Gosford estate, about three quarters of the rents were stable during the period 1850-81. On the Hall estates about two thirds of the rents were stable from 1850 to 1874, and one third of the holdings on the Johnstone estate were unaffected by the general increase which took place in the early 1860s. Only on the Manchester estates were most of the rents increased during the period 1850-81.

Finally, four things can be said about the frequency of rent increases on these estates. Firstly, most rents were increased once but the rents remained stable after the increases. Secondly, many rents on all of the estates were not increased at all during the periods covered by the rentals. Thirdly, there were very few multiple rent increases. If rents had been elastic one would have expected multiple rent increases to have absorbed increases in the value of agricultural output. For example, one would have expected frequent rent increases in the mid-1850s and in the mid-1870s because of the sharp increases

in agricultural output which immediately preceded these periods. However, only the general increases on the Manchester and Johnstone estates conform to this expectation. And finally, most rent increases took place sporadically and were unpredictable. The movement of rents was not systematic : they were not related to the movements of prices except in the general sense that in a thirty-year period of rising agricultural output rents tended to rise too. Rents increased erratically and they did not follow on the heels of increases in the value of agricultural output. If rents had been elastic and if landlords had been intent on absorbing increases in agricultural output one would expect to find systematic rounds of multiple rent increases during this thirty year period.

2. The size of rent increases

In this section I shall give the results of my calculations of rent increases on the five estates in this group on which rents were increased. Since there was only a handful of increases on the Blacker estate I have given only their average value : to do anything more would be an unnecessary elaboration. Also, I have included the general increase on the Lucas division of the Manchester estates with the other increases on that estate. Here are the results in the form of a cumulative frequency distribution table; the distributions are given as percentages of the samples to make it possible to compare the estates.

1. Cumulative frequency distribution table of rent increases on four estates

rent increases (per cent)		holdings (percentages)			
		Gosford	Hall	Johnstone	Manchester
less than	10 per cent	8	17	9	21
"	" 20 "	25	30	45	51
"	" 30 "	34	47	93	79
"	" 40 "	40	50	95	91
"	" 50 "	51	63	97	91
"	" 60 "	60	70	100	95
"	" 70 "	69	77		97
"	" 80 "	75	84		97
"	" 90 "	84	87		99
"	" 100 "	92	90		99

This table shows several things about the distribution of rent increases. Firstly, the size of the increases varied greatly and on three of the estates the size of the increases ranged along the whole scale of values from less than 10 per cent to more than 100 per cent. Secondly, the evenness of the distribution varied. On the Manchester and Johnstone estates the majority of the increases were at the lower end of the scale, but they were more evenly distributed on the Gosford and Hall estates. Thirdly, the proportion of increases above the ceiling suggested by the agricultural output index was considerable on the Gosford and Hall estates.^{7a}

7a. See above p. 35

Since rents were increased sporadically on three of these estates, rent increases of 40 per cent would have distributed increases in agricultural output evenly between landlords and tenants. On the Gosford and Hall estates, 60 per cent and 50 per cent of the increases were greater than 40 per cent but on the Manchester estates 91 per cent of increases were less than 40 per cent. On the Johnstone estate the rents were increased when the appropriate increase suggested by the agricultural output index was about 25 per cent or 30 per cent. Therefore, 48 per cent of the increases on this estate were close to the ceiling because they were between 20 and 30 per cent but only 7 per cent of the increases were greater than 30 per cent. However, before concluding that high rent increases on individual holdings were common on the Gosford and Hall estates and that the landlords of these estates forced their rents beyond the point at which increases in the value of output were distributed evenly, one must remember that only a fraction of the total holdings on these estates had their rents increased.

Although the cumulative frequency distribution table is useful for isolating extreme observations it does not give the general picture.

2. Summary table of rent increases on five estates

	range	median	average	s.d.
Blacker			23	
Gosford	3-100	46	50	40
Hall	2-100	38	44	32
Johnstone	4-51	20	20	9
Manchester	1-100	19	23	18

The ranges in this table show the enormous variety of the size of rent increases : the smallest increases were only a fraction of the largest increases. The standard deviations summarise and confirm the pattern illustrated by the frequency distribution table : the size of rent increases varied more on the Gosford and Hall estates than on the Manchester and Johnstone estates.

The average rent increases on two of these estates were above 40 per cent but the other three averages were well below this ceiling. The medians modify this picture slightly because only one median was above 40 per cent. The average and median rent increases on the Blacker and Manchester estates show that these landlords did not take a proportionate share of increases in the value of agricultural output. On the Johnstone estate an average increase of about 25 per cent would have shared increases in output evenly between landlords and tenants, but the median and average increases on this estate were slightly below 25 per cent and, therefore, they favoured the tenants. However, on the Gosford and Hall estates, the landlords seem to have done well but this applies only to those holdings whose rents were increased. On both of these estates large numbers of rents were not increased and on the Gosford estate most of the large increases which inflated the average took place on holdings whose leases expired and the level of the new rents when compared with the tenement valuation was moderate.⁸

⁸. For examples, see Surveys and valuations on the estate of the earl of Gosford in County Armagh, 1851-76 (P.R.O.N.I., D 1606/12/9-14)

Finally, two conclusions can be drawn from these figures. Firstly, rent increases on the Blacker, Johnstone and Manchester estates did not absorb a proportionate share of increases in the value of agricultural output. Secondly, rents on the Gosford and Hall estates seem to have absorbed a large proportion of increases in output, but this impression is misleading because only a fraction of the rents on these estates were increased. Therefore, it is reasonable to assume that landlords did not share proportionately in increases in the value of output. By the 1870s most of the tenants on these estates were better off in two ways : (i) their incomes had increased and (ii) their share of total agricultural output had increased while that of the landlords had suffered a relative decline. Of course, the actual rental of five of these landlords had increased but their incomes had not increased to the same extent as that of the tenants.

3. The level of rents

In this section I shall examine in detail the level of rents on five of these estates. The other two estates, the Moore and Atkinson estates, were so small that it is unnecessary to give more than the average levels of their rents. The following table gives the levels of rents on individual holdings on five estates:

3. Cumulative frequency distribution table showing the levels of rents on five estates

					Blacker	Gosford	Hall	Manchester	Johnstone
level of rents					holdings (percentages)				
less than	100	per	cent		19	17	24	21	6
"	"	110	"	"	38	39	48	38	17
"	"	120	"	"	63	72	71	56	33
"	"	130	"	"	79	91	91	74	63
"	"	140	"	"	88	94	95	84	87
"	"	150	"	"	94	94	97	95	95
"	"	160	"	"	97	94	99	97	98
"	"	170	"	"	97	97	100	97	100
"	"	180	"	"	100	97		97	
"	"	190	"	"		97		97	
"	"	200	"	"		100		99	

This table shows several things about the level of rents on these estates. Firstly, it shows that the level of rents varied greatly on each estate and that the degree of variation was different on each estate. Secondly, it shows that the number of rents which were high were few. The valuation was completed in these counties in the early 1860s and the tenement valuation index suggests a ceiling of 150 per cent of the valuation for these years.^{8a} Therefore, this table shows that most levels were below this ceiling and that only 5 per cent or 6 per cent of the levels were above it. Thirdly, it shows that there were many holdings with low rents and this might explain some of the high rent increases on the

8a. See above p. 45

Hall and Gosford estates where there were many holdings whose rents were less than the valuation. And the Gosford results show that the large rent increases did not inflate the level of rents on that estate. Finally, the variety of levels shows the effects of sporadic rent increases which ensured that some rents were higher than others. It is worth noting that the spread of rent levels on the Johnstone estate was less than on the other estates.

Although the level of individual rents varies greatly this table shows that they tend to cluster round points between 100 per cent and 140 per cent of the valuation.

4. Summary table of rent levels on seven estates

	range	median	average	s.d.	c.v.
Atkinson ⁹			120		
Blacker ¹⁰	82-170	114	120	19	16
Gosford ¹¹	88-199	112	114	20	18
Hall ¹²	63-163	110	111	17	15
Johnstone ¹³	82-167	126	125	15	12
Manchester ¹⁴	58-200	115	115	24	21
Moore ¹⁵			110		

9. Tenement valuation of the union of Armagh (Dublin, 1864), p. 74
 10. T.V. of the union of Lurgan, County Armagh (Dublin, 1864), pp 76-9, 195-6
 11. T.V. of the union of Armagh (Dublin, 1864), pp 116-20, 124, 132, 135-44, 155, 163, 166-9; T.V. of the union of Banbridge, County Armagh (Dublin, 1863), pp 30-2; T.V. of the union of Newry, County Armagh (Dublin, 1864), pp 158-60
 12. T.V. of the union of Newry, County Armagh (Dublin, 1864), pp 25, 58-61, 68-73; T.V. of the union of Newry, County Down (Dublin, 1864), pp 79-83, 88-90, 107-19
 13. T.V. of the union of Armagh (Dublin, 1864), pp 417-24, 431-2
 14. T.V. of the union of Banbridge, County Armagh (Dublin, 1863), pp 15-16, 28-30, 33-54; T.V. of the union of Lurgan, County Armagh (Dublin, 1864), pp 81-94, 111-23, 154-5, 189-95
 15. T.V. of the union of Banbridge, County Armagh (Dublin, 1863), pp 1-2

These results show several things about the levels of rents. Firstly, the average and median levels on all of these estates were relatively close to each other. They range from 110 per cent to 126 per cent of the valuation. Average rent levels were highest on the Johnstone estate but the sample on which these results are based was taken after the general increase of rent. Secondly, the median and average levels were well under the ceiling of 150 per cent of the valuation suggested by the valuation index. Thirdly, the ranges and standard deviations show that the level of rents varied greatly, and the coefficients of variation show that the distribution of levels varied from estate to estate. The coefficient of variation of the Johnstone estate was the lowest and this suggests that the general increase in rents tended to bring the levels of rent closer together. Finally, the level of rents on the estates where rent increases were negligible were not, on average, much lower than levels on those estates where rents were increased. One would have expected the opposite to be true.

4. Rents on holdings of different sizes

In this section I shall give two tables which show the level

of rents paid by holdings of different valuation and the size of rent increases paid by holdings paying rents of different sizes. Ideally, valuation should have been the standard in both cases but this is difficult. Most of the increases of rent took place at times remote from the year in which the valuation was made and the further one moves in time from the year in which the valuation was made the less sure one is that the holdings in the rentals are the same size as the holdings in the printed books of the valuation. Here is the first table:

5. Table showing the average level of rents paid by holdings of different sizes

	Blacker	Gosford	Hall	Johnstone	Manchester
tenement valuation (£.s)	level of rents (percentage of the valuation)				
I-4	I33	I30	I06	I38	I23
5-9	I09	II2	II2	I28	II5
10-14	II3	II5	I09	I27	II3
15-19	II5	I21	I07	I22	I21
20-4	II4	III	II2	I26	II2
25 +	II5	I08	II9	II9	II7
average	I20	II4	III	I25	II5

This table shows that the smallest holdings on four of the five estates paid rents which were, on average, higher than the average rent paid on those estates. Also, the smallest

holdings on the same estates paid rents which were higher than the rents paid by holdings valued at £25 and above. On three of the estates, the largest holdings paid rents which were below average. However, if these differences at the upper and lower ends of the scale are ignored rents were fairly evenly distributed.

The following table shows the different sizes of rent increases paid by holdings of different sizes:

6. Table showing the size of rent increases paid by holdings of different sizes

rents (£.s)	Gosford	Hall	Johnstone	Manchester
	rent increases (per cent)			
I-4	46	43	28	23
5-9	46	40	21	24
10-14	60	51	21	26
15-19	56	54	22	15
20-4	25	23	-	16
25 +	50	13	12	29
average	50	44	20	23

This table shows that the smallest holdings paid increases which were either close to the average or slightly above it. On two of the estates the smallest holdings paid larger increases than the larger holdings whose rent was more than £25. On only

one estate the largest holdings paid the largest rent increases, and on two estates they paid considerably less than the average. However, the class of holdings which paid the largest rent increases varied from estate to estate and no clear pattern is discernable.

5. Conclusions

Several conclusions can be drawn from this examination of the movement, level and distribution of rents and rent increases on these seven estates. Firstly, rent increases were not frequent. Secondly, rent increases were not large. And thirdly, the level of rents in the early 1860s was low.

Many rents were stable for the whole period and when they were increased it was usually only once in a twenty or thirty-year period. Multiple rent increases were uncommon and were greatly outnumbered by rents which were not increased at all. Also, the size of rent increases was moderate when they are compared with increases in agricultural output. None of these landlords can be said to have shared proportionately in the increases in the value of agricultural output. But the absolute incomes of the tenants increased in step with increases in output, and their share of the total value of output increased while the share of the landlords declined. At the end of the period the balance between the factors of production had moved decisively from land to labour and capital.

Rent levels were, on average, low in the early 1860s and rents had not risen to the point which would have

distributed proportionately the increases in the value of agricultural output which had taken place in the 1850s. The tenement valuation index is not a perfect instrument, but the difference between the actual level of rents on the estates and the ceiling suggested by the index is so great that it is fair to say that rents on these estates were low. If rents had been high, one would not have been surprised to find that rent increases did not keep in step with agricultural output, but rents were not high. Even on the estates where rents were not high, rent increases were were not large.

However, these conclusions must be tempered in several ways. Firstly, there was a tendency for rents to bear more heavily on the smaller tenants, and the larger holdings did not pay the largest rent increases or the highest rents. Secondly, the size of rent increases and the level of rents varied enormously even on the same estate. It is possible that some of the largest increases in rent were put on tenants whose rents were very low, but swingeing increases must have caused some friction. Such increases may have been a spur to the lazy but it is unlikely that they sweetened the temperament as they cured the disease.

Secondly, an analysis of the level of rent paid by individual holdings shows that some tenants were paying much more rent than others. The majority of the tenants were probably thankful that their rents were not higher

but the differences in levels must have caused some murmurings. Finally, although rent increases were not frequent their incidence was arbitrary and unpredictable. My conclusions are based on hindsight, but the tenants could only look forward and they could not see what they were looking at. However, having said this I do not think that it affects greatly the total picture. It deals with the extremes and ignores the centre, and there can be no doubt that in the centre things went well for the tenants on these estates.

APPENDIX V

The movement and level of rents on six estates in the counties of Londonderry and Tyrone, 1850-81

The rentals of these estates vary considerably in scope. Firstly, the rentals of the Garvagh¹ and Strafford² estates in Londonderry cover the whole thirty-year period and they are continuous from year to year. Secondly, the rentals of the Auchinleck³ and Ranfurly⁴ estates cover most of the period; the former cover the period, 1850-78, but the series is slightly broken and does not cover the periods, 1851-7 and 1869-73; the latter cover the period, 1858-81, and they are continuous from year to year. Thirdly, the rentals of the Belmore estate in County Tyrone do not begin until 1862 but after that year they are continuous until 1882.⁵ There are no rentals for the sixth estate, the Dungannon School estate, but it is possible to follow the movement of rents on this estate by using the correspondence of its agent, William Wann.⁶ On the whole, the rentals of the first five estates are full, informative and easy to use and they cover the thirty-year period satisfactorily. The correspondence of William Wann is a useful source of information on rents,

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1. Rentals of the Garvagh estate in County Londonderry, 1846-81 (P.R.O.N.I., D I550/ Boxes 20 and 23)
 2. Rent ledgers of the Strafford estate in County Londonderry, 1838-83 (P.R.O.N.I., D I062/I/2)
 3. Rentals of the Auchinleck estate in County Tyrone, 1850-78 (P.R.O.N.I., D 674/230-243)
 4. Accounts of the executors of the Ranfurly estate in County Tyrone, 1857-8 (P.R.O.N.I., D I932/I/I-2); Rentals and accounts of the trustees of the Ranfurly estate in County Tyrone, 1858-69 (P.R.O.N.I., D I932/2/I-I2); Rentals and accounts of the guardians of the Ranfurly estate in County Tyrone, 1858-69 (P.R.O.N.I., D I932/3/I-I2); Rentals and accounts of the Ranfurly estate in County Tyrone, 1869-85 (P.R.O.N.I., D I932/4/I-I6)
 5. Rentals of the estate of the earl of Belmore in County Tyrone, 1862-82 (P.R.O.N.I., D I7I6/ Box 24)
 6. Copy letter books of William Wann, 1846-81 (P.R.O.N.I.,

although it cannot be used as effectively as the rentals.

I. The frequency of rent increases

On these six estates general increases of rent were common. On the Dungannon School estate, and on the Ranfurly and Strafford⁷ estates, there were general increases of rents in the early 1860s and, on the whole, rents were stable before and after these increases. On the Auchinleck estate, many rents were increased in two periods, 1859-63 and 1875-6. These movements resemble general increases and the increases in 1875-6 were general because almost half of the rents were increased but the increases in 1859-63 may appear to have been general only because of the breaks in the rentals in these years. Rent increases on the Garvagh estate followed a peculiar pattern: partly general and partly sporadic. Increases took place in all years but they were most frequent in two periods, 1859-61 and 1869-70. But these did not affect enough holdings for them to be comparable with the general increases on the other estates. Rents were increased sporadically on Lord Belmore's estate and it seems that rents were increased only when leases fell in.

Rents on these estates were not increased more than once in the period covered by their rentals. There were a few multiple rent increases on all of these estates but only on the Garvagh estate were they a significant proportion of the total.

7. The increase of rents on the Strafford estate applied only to yearly tenants but only one quarter of the estate was held by yearly tenants and tenants with terminable leases; the rest of the estate was held by tenants with perpetuity leases; see Alexander Spotswood to Lord Strafford, 26 June 1860 in Copy letter book of Alexander Spotswood, 1860-76 (P.R.O.N.I., D 1062/I/8A)

On this estate about one third of the rents increased in 1859-61 were increased again in 1869-70. It is difficult to say exactly how many holdings on the Garvagh estate were affected by multiple rent increases but it seems that at least a fifth of the total holdings had their rents increased twice in this period.

The proportion of rents increased varied from estate to estate. About half of the holdings on the Garvagh estate and one quarter of the holdings on the Strafford estate were increased. Most of the holdings on the Auchinleck estate were increased, and three quarters of the holdings on the Ranfurly estate were increased. But it seems that only one tenth of the holdings on the Belmore estate were increased in the period, 1862-81.

Finally, four things can be said about the frequency of rent increases on these estates.⁸ Firstly, rent increases seem to have been frequent at certain times such as the early 1860s and the early and mid-1870s. Secondly, many rents were not increased at all in the periods covered by the rentals and the majority of rents were increased only once in thirty years. Thirdly, multiple rent increases were negligible except on the Garvagh estate. And fourthly, rent increases were not as erratic on these estates as on the estates in Armagh. Rounds of rent increases seem to have occurred at times which coincided

8. Wann does not say how many rents were increased on the Dungannon School estate but it seems that most rents were increased in the early 1860s; there is no mention of any rent increases after the early 1860s

with increases in the value of agricultural output. However, this must not be exaggerated : the pattern is only completely discernable on the Garvagh estate and, possibly, on the Auchinleck estate. It applies only partially to the Ranfurly, Dungannon School and Strafford estates because their rents did not rise again in the 1870s. The pattern does not apply to the Belmore estate at all.

2. The size of rent increases

The following frequency distribution table shows the size of individual rent increases on five of these estates. The table does not include the Dungannon School estate because Wann does not give details about individual rent increases. The Auchinleck results are a combination of the increases in 1859-63 and 1875-6. The Garvagh results include multiple rent increases and these are calculated as single rent increases.

I. Cumulative frequency distribution table of rent increases on five estates

	Auchinleck	Belmore	Garvagh	Ranfurly	Strafford
rent increases (per cent)					
holdings (percentages)					
less than 10 per cent	15	21	15	26	11
" " 20 " "	46	42	43	64	36
" " 30 " "	65	56	56	84	60
" " 40 " "	74	74	70	93	70
" " 50 " "	79	85	76	96	76
" " 60 " "	86	89	82	98	82
" " 70 " "	89	89	88	98	88
" " 80 " "	96	89	92	99	91
" " 90 " "	99	89	87	100	97
" " 100 " "	99	89	98		99

This table shows several things about the size of individual rent increases on these estates. Firstly, the increases ranged along the whole scale of values on four of the five estates. However, in spite of this, most of the increases cluster around the lower end of the scale and on all of the estates about three quarters of the increases were less than 40 per cent. Secondly, one would have expected a number of high rent increases on the the Auchinleck and Garvagh estates because many of the increases on these estates took place in the 1870s when agricultural output had increased by 60 per cent. But only 14 per cent of the increases on the Auchinleck and 18 per cent of the increases on the Garvagh estate were greater than 60 per cent. In other words, less than 20 per cent of the increases on these estates were large enough to alter the distribution of agricultural output in favour of the landlords. Also, 11 per cent of the increases on the Belmore estate doubled the rents but this 11 per cent was only a minute fraction of the whole estate.⁹

Thirdly, rent increases of about 30 per cent in the early 1860s would have restored the distribution of the value of agricultural output to its proportions of the early 1850s.^{9a} On the two estates which had general increases in the early 1860s, the Ranfurly and Strafford estates, 16 per cent and 40 per cent of the increases were greater than 30 per cent. And increases in

9. There may have been increases of rent on this estate before 1862; certainly, the estate was surveyed and valued in 1854; see Valuation of the estate of the earl of Belmore, 1854 (P.R.O.N.I., D 1716/ Box 24); but, whatever happened on this estate before 1862, it did not inflate the level of rents on the estate

9a. See above p. 35

the value of agricultural output would have caught up with many of these increases by the mid-1870s.

2. Summary table of rent increases on six estates

	range	median	average	s.d.
Auchinleck	4-110	22	30	25
Belmore	4-224	23	39	14
Dungannon School	-	-	22	-
Garvagh	1-250	23	37	24
Ranfurly	1-85	14	18	14
Strafford	1-100	24	34	22

These results suggest several things. Firstly, the averages show that rent increases as a whole did not come near to absorbing the landlords' share of increased agricultural output. Only on the Belmore and Garvagh estates, average rent increases approached 40 per cent, that is, the increase which would have distributed increases in the value of agricultural output proportionately between landlords and tenants. But the Belmore result diminishes in significance when it is remembered that it relates to only a fraction of the holdings on the estate. And the Garvagh result would be less impressive if it were weighted to take into account the holdings whose rents were not increased at all on this estate. The Strafford average suggests that shares of agricultural output were altered slightly in the

landlord's favour in the early 1860s but the position of the tenants would have improved at the expense of the landlord in the late 1860s, when the value of output increased but rents did not.

Secondly, the ranges, medians and standard deviations show the enormous variety of sizes of rent increases. The medians show that more than half of the increases were less than 24 per cent but the ranges show that there were some very large increases on all of these estates. The standard deviations show that the spread of rent increases was greater on the Auchinleck, Garvagh, and Strafford estates than on the Belmore and Ranfurly estates.

Thirdly, it should be noted that the average increase on the Garvagh estate was more than double the average increase on the Ranfurly estate. Even the summary of rent increases shows the differences in fortunes of individual tenants. Although none of these landlords succeeded in increasing all their rents by 40 per cent, some of them came nearer to it than others. Lord Garvagh and Lord Strafford were more successful than Lord Belmore and William Wann in keeping their rents in line with increases in the value of agricultural output. Furthermore, this group of landlords, taken as a whole, seems to have been more successful than landlords in Armagh. Four out of six of these landlords increased their rents by more than 30 per cent while only two of the seven landlords in Armagh increased their rents by more than 30 per cent.

3. The level of rents

The following table shows the level of individual rents on five of these estates. There is no information about the level of individual rents on the Dungannon School estate.

3. Cumulative frequency distribution table showing the levels of rents on five estates

level of rents	Auchinleck	Belmore	Garvagh	Ranfurly	Strafford
less than 100 per cent	41	18	16	13	26
" " 110 " "	55	44	41	33	47
" " 120 " "	69	78	74	60	72
" " 130 " "	83	88	90	81	80
" " 140 " "	93	94	95	90	89
" " 150 " "	93	99	95	97	98
" " 160 " "	97	99	97	98	99
" " 170 " "	100	100	100	98	100
" " 180 " "				100	

This table shows the level of rents on these estates in the years 1859-60, when rent levels of 150 per cent of the tenement valuation would have distributed increases in the value of agricultural output proportionately between landlords and tenants.^{9b} The table suggests several things about the levels of individual rents on these estates. Firstly, the level of individual rents varied greatly and the degree of variation was different from estate to estate. Secondly, most rents were below the upper limit of 150 per cent of the valuation. The percentage of rents above

9b. See above p. 45

above 150 per cent of the valuation exceeded 5 per cent only on the Auchinleck estate and there it was only 7 per cent. Thirdly, many of the rents were very low. On all of these estates there were many rents whose level was less than 100 per cent of the valuation. For example, on the Auchinleck estate, 41 per cent of the rents were less than 100 per cent of the valuation. Holdings whose levels were less than 100 per cent of the valuation could have borne very large increases of rent and this may explain some of the very large rent increases on these estates. The large number of low rents on the Auchinleck estate may have explained the general increase of rents in 1876.

Finally, the Strafford levels were calculated after the general increase in rents and the table shows that only 2 per cent of the holdings had rents which were above 150 per cent of the valuation. Therefore, the relatively large number of large rent increases on this estate did not push up many rents to a high level.

4. Summary table of rent levels on six estates

	range	median	average	s.d.	c.v.
Auchinleck ¹⁰	61-167	101	106	21	20
Belmore ¹¹	61-160	110	110	17	15
Dungannon School ¹²	-	-	116	-	-
Garvagh ¹³	69-162	110	111	18	16
Ranfurly ¹⁴	65-176	115	116	18	16
Strafford ¹⁵	60-165	110	112	20	18

10. T.V. of the union of Castlederg, County Tyrone (Dublin, 1859), pp 55-9; T.V. of the union of Omagh, County Tyrone (Dublin, 1860), pp 133, 137

11. T.V. of the union of Omagh, County Tyrone (Dublin, 1860), pp 26-8, 34-49, 52-8

12. T.V. of the union of Dungannon, County Tyrone (Dublin, 1860), pp 9, 13-16, 20-6

/see over/

This summary shows that the average and median levels of rents on these estates were well below the ceiling of 150 per cent suggested by the valuation index. Therefore landlords did not succeed in keeping their rents in line with increases in the value of agricultural output. The summary also shows that average levels on different estates were close to each other because the highest level (116 per cent) is only 10 per cent of above the lowest (106 per cent). The distribution structures of the samples resemble each other. The ranges of the samples are almost the same on the five estates and the coefficients of variation are close to each other.

Nevertheless, the difference in levels of rents paid by different holdings is illustrated by this summary. The medians show that more than half of the levels were less than 115 per cent of the valuation but the ranges show that many of the holdings had either very high or very low rents. In other words, at any one time on any of these estates, tenants were paying rents which were high and low and some of the highest were twice as much as some of the lowest.

4. Rents on holdings of different sizes

The first table gives the level of rents paid by holdings of

13. T.V. of the union of Coleraine, County Londonderry (Dublin, 1859) pp 32, 46-7, 53-60, 64-5, 72-4; T.V. of the union of Magheravelt, County Londonderry (Dublin, 1859), pp 132-6

14. T.V. of the union of Dungannon, County Tyrone (Dublin, 1860), pp 28-32, 96-106, 116-7, 175-83, 186, 201-5, 211-13

15. T.V. of the union of Magheravelt, County Londonderry (Dublin, 1859), pp 45, 49-52, 59-60, 64, 67-8, 71-8, 81-7, 102-5, 117-29, 147, 168, 180-3

different valuation:

5. Table showing the average level of rents paid by holdings of different sizes

	Auchinleck	Belmore	Garvagh	Ranfurly	Strafford
tenement valuation (£.s)	level of rents (percentage of the valuation)				
I-4	118	120	119	130	112
5-9	105	113	107	114	106
10-14	119	108	109	114	-
15-19	102	114	119	113	-
20-4	113	104	106	107	-
25 +	84	105	115	116	91
average	106	110	116	116	112

This table shows that the smallest holdings on four of these five estates paid rents which were higher than average. The smallest holdings on all of these estates paid higher rents than the largest holdings and on four of the estates the highest rents were paid by the smallest holdings. The large holdings (£20 valuation and above) on all of these estates paid rents which were less than average.

The second table shows the size of rent increases paid by holdings of different sizes:

6. Table showing the size of rent increases paid by holdings of different sizes

	Auchinleck	Belmore	Garvagh	Ranfurly	Stafford
rents (£.s)	rent increases (per cent)				
I-4	34	10	31	30	35
5-9	26	23	19	20	29
10-14	28	18	17	18	-
15-19	31	22	18	16	-
20-4	23	20	-	14	-
25 +	19	10	-	14	-
average	30	39	37	18	34

This table shows that the smallest holdings on these estates paid rent increases which were higher than those paid by the largest holdings. On three of the five estates the smallest holdings paid rent increases which were higher than average, and on all of the estates the highest rent increases were paid by holdings whose rent was less than £10. On three of the estates the largest holdings paid the smallest rent increases.

Both of these tables show that rents bore relatively heavily on the smallest holdings. The smallest holdings tended to pay either the highest rents or rents which were above average and, on the whole, they paid the highest rent increases. The larger holdings paid neither the highest rents nor the highest rent increases.

5. Conclusions

This examination of the movement and level of rents on these six estates suggests several conclusions. Firstly, rents on these estates were slightly more elastic than rents on the estates in Armagh. Rents were increased at times which suggest that the increases were prompted by increases in the value of agricultural output. And there were rent increases on all of these estates and many holdings were affected. But, in the end, the pattern of rent increases was not very different from that on the Armagh estates. Many rents were stable and those which were increased were increased only once in the periods covered by the rentals. Multiple rent increases were slightly more noticeable on these estates but they were not frequent.

Secondly, rent increases did not absorb increases in the value of agricultural output. None of these landlords succeeded in increasing all their rents by 40 per cent. Average increases on two estates approached 40 per cent but only a proportion of the total holdings on these estates had their rents increased.

Thirdly, rents on these estates were low, and many of them were very low. Therefore, the landlords in the early 1860s were taking rents which were well below the potential letting value of their land. And subsequent increases of rent were not large enough to have brought rents up to the ceiling suggested by the valuation index. The index reached a peak of 186 per cent of the valuation in the mid-1870s and the level of rents on

these estates in the early 1860s was, on average, about 112 per cent of the valuation. Therefore, rent increases of over 50 per cent in the late 1860s and early 1870s would have been necessary to have brought rents up to their proper level but, as we have seen, this did not happen. On the whole, rents on these estates were low and were only moderately increased, and landlords did not command a proportionate share of increases in the value of agricultural output.

However, this description must be modified slightly for several reasons. Firstly, rents seem to have weighed more heavily on the smaller tenants. Secondly, the fortunes of individual tenants varied considerably. Some paid low rents and low increases or no increases while others paid high rents or high increases. And thirdly, there were a few tenants who paid very high rents and their rents were high absolutely and relatively. Nevertheless, the only one of these qualifications which applied to anything more than a minute percentage of tenants was the first one.

APPENDIX VI

The movement and level of rents on six estates in
the counties of Donegal, Londonderry and Tyrone,
1850-81

The rentals of these estates vary greatly in quality and scope. The rentals of the Erne estate at Lifford¹ and the rentals of the Murray Stewart estate at Killybegs² are detailed, easy to use and are continuous from year to year. The Erne rentals cover the whole period, 1850-81, but the Murray Stewart rentals only go as far as 1870. The rentals of the Heygate estate in Donegal³ cover the whole period effectively although they are broken from 1858 to 1883. The rentals of the Heygate estate in Londonderry⁴ cover the whole period and they are fairly continuous. Finally, the rentals of the Leitrim estate in Donegal⁵ and the rentals of the McAlpine estate in Tyrone⁶ are neither copious nor continuous. The rentals of the McAlpine estate cover only the 1850s and early 1860s and the Leitrim rentals

1. Rentals of the estate of the earl of Erne in County Donegal, 1848-78 (P.R.O.N.I., D 1939/8/2-3); Rentals of the estate of the earl of Erne in County Donegal, 1848-54 and 1868-87 (P.R.O.I., ID. 6. 181-2)

2. Rentals of the estates of H.G. Murray Stewart in County Donegal, 1850-2, 1856, 1858-9, 1862-9, 1871 (N.L.I., MSS 5472-5484); Rentals of the estates of H.G. Murray Stewart in County Donegal, 1855-8, 1860, 1863, 1865-9 (N.L.I., MSS 5893-5903)

3. Rentals of the Heygate estate in County Donegal, 1852-8, 1883-98 (P.R.O.N.I., D 673/190, 191, 195)

4. Rentals of the Heygate estate in County Londonderry, 1852-83 (P.R.O.N.I., D 673/190-4)

5. Rental of the estates of the earl of Leitrim in County Donegal, 1856 (N.L.I., MS 3803); Rentals and rent rolls of the estates of the earl of Leitrim in County Donegal, 1858-69 (N.L.I., MSS 5175-5178)

cover effectively only the late 1850s. But they are interesting and useful because (i) they coincide with the succession of the third earl of Leitrim, William Sydney Clements, (ii) they give details of a general increase in rents after 1856 and (iii) they coincide with the publication of the tenement valuation of the unions of Dunfanaghy and Milford in 1857 and 1858.

I. The frequency of rent increases

There were general increases in rents on the Leitrim and Murray Stewart estates. On the former there was a general increase between 1856 and 1858 and on the latter there was a general increase between 1858 and 1861. Although there are no rentals for the Leitrim estate after 1858, the rent rolls of the estate suggest that rents were stable in the 1860s. Rents on the Murray Stewart estate were stable after 1861 until the end of the period covered by the rentals. The rents of individual holdings were increased from time to time on the Erne and McAlpine estate. And in so far as one can say that rent increases were frequent at any one time on these estates, they were most frequent on the Erne estate between 1855 and 1870 and on the McAlpine estate after 1854. On the Heygate estate in Londonderry, rents

6. Rentals of the McAlpine estate in County Tyrone, 1850-63
(P.R.O.N.I., D 2298/3/I)

were increased sporadically during the whole period. But on the Heygate estate in Donegal, there were very few increases either in the 1850s or between 1858 and 1883. This conclusion is speculative because of the break in the rentals and, at most, one can only say that there was not a significant increase in rents on this estate.

Most of the rents on the Erne and Murray Stewart estates and three quarters of the rents on the Leitrim estate were increased. On the other hand, only about one fifth of the rents on the Heygate estate in Londonderry were increased and the number of rents increased on the Heygate estate in Donegal was negligible. It is difficult to estimate the number of rents increased on the McAlpine estate because of the breaks in the rentals but it seems that about one third were increased.

Most of the rents which were increased were increased only once in the periods covered by the rentals. There were a few multiple increases on the Murray Stewart estate but they were rare.

2. The size of rent increases

The following table shows the size of individual rent increases on five of these estates:

I. Cumulative frequency distribution table of rent increases on five estates

	Erne	Heygate (Londonderry)	Leitrim	McAlpine	Murray Stewart
rent increases (per cent)	holdings (percentages)				
less than 10 per cent	65	33	4	22	16
" " 20 " "	78	53	15	83	32
" " 30 " "	83	73	22	83	55
" " 40 " "	87	80	29	83	69
" " 50 " "	90	87	53	89	81
" " 60 " "	94	100	63	95	91
" " 70 " "	96		73	95	95
" " 80 " "	97		76	95	97
" " 90 " "	98		82	95	98
" " 100 " "	98		86	100	100

This table shows that there were many large and many small increases on most of these estates and that there were sharp differences between the size of rent increases on different estates. For example, on the Erne estate, 65 per cent of the increases were less than 10 per cent while only 4 per cent of the increases on the Leitrim estates were less than 10 per cent. There were many large increases on the Leitrim estates but there were few large increases on some of the other estates. For example, on the Erne and Heygate estates there were very few increases greater than 60 per cent. And when one remembers that some of the increases on these estates took place in the 1870s, when one would have

expected increases of 50 per cent and 60 per cent, this is surprising.

On three of these estates the landlords did not succeed in increasing many rents by amounts which would have given them a proportionate share of increases in the value of agricultural output. On the Erne and Heygate estates, 87 per cent and 80 per cent of the increases were less than 40 per cent. Since the McAlpine increases took place in the late 1850s and early 1860s rent increases of 25 per cent would have distributed increases in agricultural output evenly, but 83 per cent of the increases were less than 20 per cent. However, the landlords were more successful on the Leitrim and Murray Stewart estates. Increases of 30 per cent on these estates would have been appropriate but 78 per cent of the increases on the Leitrim estates and 45 per cent of the increases on the Murray Stewart estates were greater than 30 per cent.^{6a}

This group of estates shows very clearly differences in the elasticity of rents. On the one hand, Lord Leitrim was able to increase many of his rents by amounts which gave him more than a proportionate share of increases in the value of agricultural output. On this estate, 37 per cent of the increases were greater than 60 per cent and increases of this size, even in the 1870s, would have given Lord Leitrim more than a proportionate share of agricultural output. On the other hand, Lord

6a. See above p. 35

Erne was satisfied with increases which did not come near to giving him a relatively fair share of the increased value of agricultural output. It should be remembered, too, that increases of rent on the Leitrim and Murray Stewart estates applied to most holdings on those estates.

2. Summary table of rent increases on five estates

	range	median	average	s.d.
Erne	I-100	6	16	11
Heygate (Londonderry)	2-54	17	22	13
Leitrim	2-200	47	60	42
McAlpine	I-93	12	19	22
Murray Stewart	2-90	25	29	21

This table shows that there were high rent increases on all of these estates, although the ranges on the Leitrim estates were very extreme. The table also shows the differences between the Leitrim estates and the other estates. An average increase of 60 per cent on the Leitrim estates in the late 1850s went far beyond the point at which increases in the value of agricultural output would have divided proportionately between Lord Leitrim and his tenants. Such an increase would have been remarkable even in the 1870s. The increases on the other estates were moderate. None of them approached 40 per cent and even the largest of them, the increases on the Murray Stewart estates, just reached the point at which increases in the value of output would have divided equally in the early 1860s. And as the years passed, the

tenants on this estate would have retained the full value of increases in the value of output in the late 1860s because the landlord did not increase the rents again.

3. The level of rents

The following table shows the levels of individual rents on these six estates:

3. Cumulative frequency distribution table showing the levels of rents on six estates

level of rents		Erne	Heygate (Donegal)	Heygate (Londonderry)	Leitrim	McAlpine	Murray Stewart
		holdings (percentages)					
less than	100 per cent	18	16	7	5	57	23
"	" 110 "	51	66	30	8	79	34
"	" 120 "	79	82	62	21	92	54
"	" 130 "	92	95	88	33	92	72
"	" 140 "	98	97	95	47	92	82
"	" 150 "	100	100	99	55	92	89
"	" 160 "			100	66	95	92
"	" 170 "				77	95	95
"	" 180 "				78	100	97
"	" 190 "				82		98
"	" 200 "				85		99

This table shows the level of rents on these estates in the years 1856-8. The level_k^s of the Murray Stewart estate show rents as

they were before the general increase of rents between 1858 and 1861. The levels on the Leitrim estate show rents as they were before the general increase of rents between 1856 and 1858.

The table shows the variety of the level of individual rents on these estates. Some of the distributions are more compact than others. For example, the distribution of rent levels on the Erne and Heygate estates is noticeably more compact than the distribution of rent levels on the Leitrim and Murray Stewart estates.

The valuation index suggests that 145 per cent of the valuation would have been an appropriate level in these years.^{6b} The number of rents above 145 per cent of the valuation was substantial only on the Leitrim and Murray Stewart estates where 45 per cent and 11 per cent of the rents were above 150 per cent of the valuation. However, apart from the Leitrim estates, there were very few high rents on these estates, and on some of them, there were many very low rents. For example, on the McAlpine and Murray Stewart estates 57 per cent and 23 per cent of the rents were less than 100 per cent of the valuation. The large number of low rents on the Murray Stewart estates may explain some of the large increases on that estate. But there were many low rents on the McAlpine and Erne estates and rent increases on these estates were smaller than rent increases on the Murray Stewart estates.

The summary of rent levels on these estates will show all this more clearly:

6b. See above p. 45

4. Summary table of rent levels on six estates

	range	median	average	s.d.	c.v.
Erne ⁷	69-147	100	109	15	14
Heygate (Donegal) ⁸	67-146	105	107	13	12
Heygate (Londonderry) ⁹	57-157	114	115	16	14
Leitrim ¹⁰	75-270	142	152	34	22
McAlpine ¹¹	46-176	90	105	22	20
Murray Stewart ¹²	46-197	117	118	29	25

This summary shows that rents on five of these estates were low. None of the averages, except on the Leitrim estates, approached 145 per cent of the valuation, and the medians show that more than half of the rents on five estates were less than 117 per cent of the valuation. The ranges, standard deviations and coefficients of variation show that the distribution of high and low rents varied from estate to estate. However, there were high and low rents on all of these estates although it is worth noting that the highest rents on the Erne and Heygate (Donegal) estates were only 146 and 147 per cent of the valuation.

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7. T.V. of the union of Strabane, County Donegal (Dublin, 1858), pp 68-76, 81-6, 90-4
 8. Ibid., pp 10-11, 15-25
 9. T.V. of the union of Newtownlimavady, County Londonderry (Dublin, 1858), pp 9-17
 10. T.V. of the union of Dunfanaghy, County Donegal (Dublin, 1857), pp 10-15, 36-7, 53; T.V. of the union of Milford, County Donegal (Dublin, 1858), pp 4-7, 11-15, 20, 22, 25-7, 42-9, 77-99, 123-39
 11. T.V. of the union of Strabane, County Tyrone (Dublin, 1858), pp 115-20
 12. T.V. of the union of Donegal, County Donegal (Dublin, 1857), pp 50-6, 65-81; T.V. of the union of Glenties, County Donegal (Dublin, 1857), pp 24-44, 49-60, 69-72, 77-89

Finally, the summary shows more clearly the effects of rent increases on the Leitrim and Murray Stewart estates. The average level of rents on the Leitrim estates after the general increase of rents was 7 per cent above the ceiling suggested by the valuation index, and the median shows that almost half of the rents were above this level. The high rents on this estate were caused by the general increase of rents made by the third earl, because an analysis of the level of rents on this estate before 1856 shows that rents were, on average, about equal to the valuation, that is, they were only slightly lower than rents on the Erne, Heygate (Donegal) and McAlpine estates.

The summary of the Murray Stewart rent levels shows that rents on this estate before the general increase were as high or higher than rents on other estates. The result of increasing these rents by 29 per cent was to push the average level of rents up to about 150 per cent of the valuation. However, the results of rent increases on the Leitrim and Murray Stewart estates must not be exaggerated because the valuation index shows that rents could have risen above 150 per cent after 1865 without any hardship to the tenants. Since rents did not rise on these estates in the 1860s, the tenants were able to enjoy the full value of increases in the value of agricultural output in the mid-1860s. Nevertheless, the tenants on these two estates, where holdings were small and land was poor, were more heavily burdened with rents than the tenants on other estates where land was better.

4. Rents on holdings of different sizes

The first table gives the level of rents paid by holdings of different valuation:

5. Table showing the average level of rents paid by holdings of different sizes

	Erne	Heygate (Donegal)	Heygate (Londonderry)	Leitrim	McAlpine	Murray Stewart
tenement valuation (£.s)	level of rents (percentage of the valuation)					
I-4	118	104	106	154	105	115
5-9	122	111	115	142	84	125
10-14	103	109	117	133	111	116
15-19	109	104	109	97	90	121
20-4	104	105	123	75	-	105
25 +	108	101	123	131	80	128
average	109	107	115	152	105	118

The smallest holdings paid higher rents than average on only two of these estates but on four of the estates the smallest holdings paid higher rents than the largest holdings. The largest holdings paid the highest rents on only two of these estates. The Heygate estate in Londonderry is almost unique because the larger holdings on this estate paid higher rents than any other class of holdings. The contrast is sharpest on the Leitrim estates because the smallest holdings paid rents

which were almost twice as high as rents paid by holdings of £20-4 valuation. It is also worth noting that the smallest holdings on the Leitrim estate paid rents which were about 50 per cent higher than rents paid by the smallest holdings on other estates. However, if we ignore the Leitrim estates, the smallest holdings on these estates were no worse off than the smallest holdings on other estates. But once again, it is clear that the smallest holdings do not pay less than the largest holdings.

The following table shows the size of rent increases paid by holdings of different sizes:

6. Table showing the size of rent increases paid by holdings of different sizes

	Erne	Heygate (Londonderry)	Leitrim	McAlpine	Murray Stewart
rents (£.s)	rent increases (per cent)				
I-4	33	40	60	19	32
5-9	16	22	53	15	26
10-14	14	27	58	-	16
15-19	13	13	-	-	-
20-4	10	5	-	-	25
25 +	12	28	-	-	4
average	16	22	60	19	29

On all of these estates, the smallest holdings paid rent increases which were equal to or higher than average rent increases and, on all of these estates, they paid the highest rent increases.

The largest holdings paid rent increases which were greater than average on only one estate, the Heygate estate in Londonderry.

5. Conclusions

This analysis of rents on estates in the counties of Donegal, Londonderry and Tyrone shows that the movement and level of rents on four of the six estates were moderate. Many rents were not increased and most rents were increased only once in the periods covered by the rentals. Rent increases were, on the whole, low, and large increases were infrequent. Rents were low and few of the holdings had rents which were higher than the ceiling suggested by the valuation index. Therefore, on four of these estates, the landlords did not absorb a proportionate share of the increases in the value of agricultural output which took place in this period.

But on two of these estates, the Leitrim and Murray Stewart estates, the size of rent increases and the ultimate level of rents were exceptionally high. Rent increases and the ultimate level of rents on the Murray Stewart estates were relatively high but they were not absolutely high because they coincided roughly with increases in the value of agricultural output, and the ultimate level of rents on this estate, about 150 per cent of the valuation, became less extreme after the mid-1860s. The Murray Stewart estate is exceptional only in that the landlord succeeded in absorbing a proportionate share of increases in the value of agricultural output in the late 1850s. But the

achievement of Lord Leitrim was exceptional. The size of the rent increases on this estate, the ultimate level of rents and, above all, the large number of rents which were higher than 150 per cent of the valuation make this estate exceptional. Before 1856, the tenants on this estate paid rents whose level was about the same as the level of rents on other estates but, when the value of agricultural output increased in the 1850s, they were forced to pay, on average, increases of 60 per cent. This was about twice as much as would have given Lord Leitrim a proportionate share of increases in the value of agricultural output. Although the ultimate level of rents on this estate was not much higher than the ultimate level of rents on the Murray Stewart estates, the way in which this level was reached was dramatic. These increases must have had a psychological effect which was as great as their economic effect.

Finally, the results of an examination of rents on the Leitrim and Murray Stewart estates confirm in an indirect way the methods which I have used to evaluate the significance of rent increases on individual estates. These methods are based on two indexes which use estimates of the value of agricultural output. Apart from any doubts which one might have about the interior construction of these indexes, the fact that on estate after estate the indexes show that rents were low and that rent increases did not absorb the full letting value of the land might make one suspicious. And one might think that the indexes exaggerated the increase in the potential letting value of land and that the few holdings whose rents exceeded the limits set by the indexes were only statistical aberrations. But when one encounters

two estates where rents were relatively high and where rent increases were greater than the limits suggested by the indexes, one is reassured. The fact that tenants could pay rent increases of 60 per cent and rents whose average level was 150 per cent of the valuation for poor land in a remote area shows that tenants could pay very large increases and very high rents and that rent increases on other estates were moderate and did not represent the real value of the land.

APPENDIX VII

The movement and level of rents on eight estates in the counties of Cavan, Fermanagh, Monaghan and Tyrone, 1850-81

The rentals of these estates are, on the whole, one of the most complete collections which I have used. The rentals of the Archdale^I and Erne² estates in Fermanagh cover the whole period and are continuous from year to year. The Erne rentals are one of the most usable and reliable collections which are available because every change of rent is noted and explained. In County Cavan, the Gosford³ Hodson⁴ and Pratt⁵ rentals give yearly accounts for most of the period, 1850-81. The Gosford accounts peter out in the late 1870s because the estate was sold and there is a slight break in the Hodson rentals from 1858 to 1861, but one can get a clear picture of the movement of rents on this estate. The Pratt rentals are continuous and easy to use for the whole period. Also, in County Cavan, the Le Fanu⁶ and Miller⁷ rentals give continuous yearly accounts but the former

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- I. Rentals and accounts of the Archdale estates in the counties of Fermanagh and Tyrone, 1849-85 (P.R.O.N.I., D 740/10-82); for convenience, I have treated this estate as one estate although a part of it was in Tyrone
 2. Receiving rentals of the estates of the earl of Erne in County Fermanagh, 1848-86 (P.R.O.N.I., D 1939/4/2-15)
 3. Rentals of the estate of the earl of Gosford in County Cavan, 1851-76 (P.R.O.N.I., D 1606/7C/36-61)
 4. Rentals of the estate of Sir George Hodson in County Cavan, 1850-8 (N.L.I., MSS 16,404-16,406); Rentals, accounts and agents' reports of the estate of Sir George Hodson in County Cavan, 1861-7 (N.L.I., MS 16,419); Rentals of the estate of Sir George Hodson in County Cavan, 1867-80 (N.L.I., uncatalogued MSS)
 5. Rentals of the Pratt estate in County Cavan, 1850-97 (N.L.I., MSS 3122, 5088-5091)
 6. Rentals and accounts of the estate of Joseph Le Fanu in County Cavan, 1847-75 (P.R.O.I., M. 5634/1-27)

do not go beyond 1875 and the latter do not cover the early 1850s. The rentals of the Crofton estate in County Monaghan cover much of the period but there are no accounts for the period, 1851-72.⁸ This estate is included in this group because some conclusions can be drawn from its rentals, but it must be remembered that they are only tentative conclusions.

I. The frequency of rent increases

Rents on three of these estates seem to have been stable during the period covered by their rentals. Rents on the Le Fanu estate were stable from 1847 to 1875 and the same is true of the Miller estate for the period, 1857-82. Although it is impossible to be certain about the Crofton estate, it seems that rents were stable from 1851 to 1878 on that estate. There were general increases of rent on the Gosford estate in 1866 and on the Pratt estate in 1855. Most rents were stable on these estates before and after the general increases. The rents of individual holdings were increased from time to time on the Archdale, Erne and Hodson estates.

The proportion of holdings affected by rent increases varied from estate to estate. Most rents were increased on the Gosford and Pratt estates in 1866 and 1855, and about two thirds of the

7. Rentals of the estate of the Miller family in County Cavan, 1857-82 (P.R.O.I., M. 5860/I-27)

8. Rentals of the Crofton estate in County Monaghan, 1851 (N.L.I., MS 8150); Rentals of the Crofton estate in County Monaghan, 1872-8 (T.C.D., MS 3582)

rents on the Archdale estate were increased between 1850 and 1881. But less than half of the Erne rents and hardly more than a quarter of the Hodson rents were increased. Finally, most rents which were increased were increased only once and it is difficult to find any examples of multiple increases on any of these estates.

2. The size of rent increases

The following table shows the size of individual rent increases on five of these estates where rents were increased:

I. Cumulative frequency distribution table of rent increases on five estates

		Archdale	Erne	Gosford	Hodson	Pratt
rent increases (per cent)		holdings (percentages)				
less than	10 per cent	14	52	26	56	34
"	" 20 "	33	73	55	89	80
"	" 30 "	52	85	83	94	96
"	" 40 "	64	88	92	94	98
"	" 50 "	73	90	98	94	98
"	" 60 "	83	90	99	94	98
"	" 70 "	88	91	99	94	100
"	" 80 "	92	92	100	100	
"	" 90 "	94	93			
"	" 100 "	94	96			

The most striking thing about this table is that it shows that

there were few large increases and many small increases of less than 10 per cent on these estates. Large increases were most common on the Erne and Archdale estates but only 17 per cent and 10 per cent of the increases on these estates were greater than 60 per cent. And many of the increases on these estates occurred in the 1870s and, therefore, one would expect to find some large increases on these estates. Small increases were common on the Erne, Hodson and Pratt estates. For example, 52 per cent of the increases on the Erne estates were less than 10 per cent. Increases took place on the Hodson estate at different times but only 6 per cent of the increases were greater than 40 per cent. Since rent ^{increases} on the Pratt and Gosford estates took place in 1855 and 1866, increases of about 30 per cent on the former and increases of 40 per cent on the latter would have distributed increases in the value of agricultural output proportionately between landlords and tenants.^{8a} But on the Pratt estate 96 per cent of the increases were less than 30 per cent and 92 per cent of the increases on the Gosford estate were less than 40 per cent.

2. Summary table of rent increases on five estates

	range	median	average	s.d.
Archdale	I-145	28	36	30
Erne	I-200	9	22	11
Gosford	I-70	18	19	14
Hodson	I-76	8	12	16
Pratt	2-67	11	14	10

There was a considerable difference between the average rent increase on the Archdale estate and increases on other estates.

8a. See above p. 35

For example, the average rent increase on the Archdale estate was three times as large as the average increase on the Hodson estate. But if one ignores the Archdale estate, one is struck by the smallness of most of the increases on these estates. For example, the medians show that on four of these estates more than half of the increases were less than 18 per cent. The Archdale estate was the only estate in the group where the landlord came near to absorbing a proportionate share of increases in the value of agricultural output. But on this estate, about one third of the rents were not increased at all and the median shows that half of the increases were less than 28 per cent. Nevertheless, this estate is a nice example of a rough coincidence between increases in rents and increases in the value of agricultural output.

3. The level of rents

The following table shows the level of individual rents on these estates. The level of rents in this table are for the years 1857-8 for the Cavan estates, and for the years 1860-2 for the Fermanagh and Monaghan estates. The Crofton estate is difficult to deal with because there are no rentals for a year which is close to the year in which the valuation was made. I have compared rents in 1851 with the valuation and I do not think that this distorts the results because there were few changes on this estate.

3. Cumulative frequency distribution table showing the levels of rents on eight estates

level of rents		Archdale	Erne	Crofton	Gosford	Hodson	Le Fanu	Miller	Pratt
holdings (percentages)									
less than	100 per cent	48	57	37	34	2			8
"	" 110 "	71	82	81	68	12	29	9	17
"	" 120 "	85	92	81	79	28	58	27	37
"	" 130 "	93	96	94	86	64	86	45	59
"	" 140 "	96	99	94	88	80	100	72	79
"	" 150 "	98	100	100	100	92		90	88
"	" 160 "	100				100		100	93
"	" 170 "								95
"	" 180 "								97
"	" 190 "								99
"	" 200 "								99

This table shows that there were few rents on these estates greater than 150 per cent of the valuation. The only estate where more than a handful of rents were above this level was the Pratt estate. There were many low rents, that is, less than 100 per cent, on the Archdale, Erne, Crofton estates. For example, on the Erne estates, 57 per cent of the rents were less than 100 per cent of the valuation. It would have taken large increases of about 50 per cent to have brought these rents up to the ceiling of 150 per cent of the valuation which was appropriate for this period.^{8b}

8b. See above p. 45

4. Summary table of rent levels on eight estates

	range	median	average	s.d.	c.v.
Archdale ⁹	62-150	100	100	19	19
Erne ¹⁰	59-150	98	100	32	32
Crofton ¹¹	55-149	100	100	21	21
Gosford ¹²	41-140	105	105	14	13
Hodson ¹³	76-169	127	124	16	13
Le Fanu ¹⁴	103-132	117	118	10	9
Miller ¹⁵	107-164	130	130	16	12
Pratt ¹⁶	69-210	126	127	24	19

On all of these estates rents were low because none of the averages were close to 150 per cent of the valuation. But rents were higher on some of these estates than on others. For example, rents were very low on the Archdale, Erne, Crofton and Gosford estates but they were higher on ^{the} Hodson, Miller and Pratt estates. The

9. T.V. of the union of Enniskillen, County Fermanagh (Dublin, 1862), pp 70-5, 87-9, 96-9, 124-9, 130-2; T.V. of the union of Enniskillen, County Tyrone (Dublin, 1860), pp 4-7; T.V. of the union of Irvines-town, County Fermanagh (Dublin, 1862), pp 27-30, 90-2, 95-100; T.V. of the union of Lowtherstown, County Tyrone (Dublin, 1860), pp 4-5, 19-27
10. T.V. of the union of Clones, County Fermanagh (Dublin, 1862), pp 35-8, 46-7, 52, 66-70; T.V. of the union of Enniskillen, County Fermanagh (Dublin, 1862), pp 17-8, 45-9, 51, 59-60, 62, 75, 86, 96; T.V. of the union of Lisnaskea, County Fermanagh (Dublin, 1862), pp 1-4, 8, 12-36, 43-5, 79-80, 106, 111-124, 126-8
11. T.V. of the union of Monaghan, County Monaghan (Dublin, 1861), pp 61-2, 65-6; T.V. of the union of Castleblayney, County Monaghan (Dublin, 1861), pp 115, 120-1
12. T.V. of the union of Cavan, County Cavan (Dublin, 1857), pp 8-51
13. T.V. of the union of Bailieborough, County Cavan (Dublin, 1856) pp 37, 42, 108-16, 120-1
14. Ibid., pp 6-7
15. Ibid., p. 88
16. Ibid., pp 56-80

ranges and medians show that there were many very low rents. All of these estates could have borne large increases of rent in the 1860s and 1870s. For example, increases of 50 per cent on the Archdale and Erne estates would have brought rents on these estates up to the ceiling appropriate for the early 1860s. Even on those estates where rents were higher, e.g. the Pratt and Miller estates, there could have been another round of rent increases in the 1860s and 1870s. But, on those estates where rents were higher, i.e. the Hodson, Le Fanu, Miller and Pratt estates, there were either very few or no rent increases in the 1860s and 1870s. Finally, the coefficients of variation and the standard deviations show the relative distribution of high and low rents on these estates : the coefficients range from 9 to 32.

Two estates in this group, the Gosford and Pratt estates, show the importance of the timing of rent increases. If one takes the period as a whole, the movement and level of rents on these two estates was roughly the same. The original level of rents on these estates in the early 1850s must have been about 105 per cent and 109 per cent of the valuation, and the ultimate level of rents on these estates was about 125 per cent and 127 per cent of the valuation. And the rent increases imposed on these estates were roughly the same size. But the timing of the rent increases was different and the result of this was that the Pratt tenants paid rents of 127 per cent of the valuation for most of the period while the Gosford tenants paid rents of 105 per cent of the valuation until 1866.

4. Rents on holdings of different sizes

The first table shows the level of rents paid by holdings of different sizes:

5. Table showing the average level of rents paid by holdings of different sizes

	Archdale	Erne	Crofton	Gosford	Hodson	Le Fanu	Miller	Pratt
tenement valuation (£.s) level of rents (percentage of the valuation)								
I-4	109	98	102	115	130	-	131	142
5-9	104	97	97	106	131	129	143	123
10-14	102	100	123	102	135	117	131	127
15-19	102	96	91	104	125	119	111	119
20-4	98	93	105	83	117	-	105	127
25 +	97	92	-	101	120	106	-	125
average	100	100	100	105	124	118	130	127

On all of these estates, the smallest holdings paid rents which were higher than rents paid by some of the larger holdings. And on seven of the estates, the smallest holdings paid rents which were higher than average. On four of the estates, the smallest holdings paid the highest rents. And, on six of the estates, the largest holdings paid the lowest rents.

The following table shows the size of rent increases paid by holdings of different sizes:

6. Table showing the size of rent increases paid by holdings of different sizes

	Archdale	Erne	Gosford	Hodson	Pratt
rents (£.s)	rent increases (per cent)				
I-4	45	30	21	-	30
5-9	33	16	22	12	12
10-14	28	9	20	17	14
15-19	24	22	28	8	16
20-4	24	15	16	9	13
25 +	38	27	8	4	12
average	36	22	19	12	14

This table shows that on four of these estates the smallest holdings paid rent increases which were above average and that on the same estates the smallest holdings paid rent increases which were higher than those paid by the largest holdings. On three estates, the smallest holdings paid the highest rent increases and on three of the estates the largest holdings paid the smallest increases.

5. Conclusions

This group of estates does not reveal the dramatic movement of rents which was found on the estates in Donegal. In fact, the movement and level of rents on this group of estates were probably

the simplest and the clearest which we have encountered. Rents were steady or almost steady on three of these estates, and rent increases were infrequent on a fourth estate. On the other four estates, most rents were increased only once and there were few cases of multiple rent increases in the periods covered by the rentals. Rent increases were, on average, low and there were few large individual increases. Average increases approached 40 per cent only on the Archdale estate. Rents were low on these estates and there were very few high rents. Nevertheless, there were inequalities and irregularities on these estates. Some rents were high while others were low and some increases were large while other holdings paid small increases or no increases at all. And there was a strong tendency for the smallest holdings to pay the highest rents and the largest rent increases, while some of the largest holdings paid the lowest rents and the smallest increases.

Finally, none of these landlords was able to increase rents to the point where they would have absorbed a proportionate share of increases in the value of agricultural output. Only on the Archdale estate, rent increases came close to averaging 40 per cent, but at least a third of the rents on this estate were not increased and there were many low rents on the estate in the early 1860s.

APPENDIX VIII

The movement and level of rents on six estates in the counties of Kildare, Wexford and Wicklow, 1850-81

The rentals of these estates vary in quality and scope. Firstly, the rentals of the Deane¹ estate in County Kildare and the rentals of the Hodson estate² in County Wicklow cover the whole period, 1851-81. These collections are almost unbroken and the former cover the whole period to 1881 while the latter go as far as the later 1880s. The rentals of the Fitzwilliam³ and Paul⁴ estates in County Wicklow do not cover the whole period but they cover at least twenty years. The Fitzwilliam rentals cover the period, 1850-70, and the Paul rentals cover the period, 1856-81. Both collections are continuous from year to year. The rentals of the Granard estate⁵ in County Wexford cover the period, 1859-77, and they are continuous from year to year. The rentals of the last estate, the Powerscourt estate⁶ in County

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1. Rentals of the estate of J.W. Deane at Timolin and Portersize, County Kildare, 1845-81 (N.L.I., MSS 14,281-14,282)
 2. Rent ledgers of the estate of Sir George Hodson in County Wicklow, 1841-88 (N.L.I., MSS 16,392-16,396)
 3. Rentals of the estates of the earl of Fitzwilliam in County Wicklow, 1850-70 (N.L.I., MSS 6105-6117)
 4. Rentals of the Paul estate at Tinoran, County Wicklow, 1856-81 (N.L.I., MSS 12,987-12,989)
 5. Rentals of the estate of the earl and countess of Granard and the Hon. Mrs Deane in County Wexford, 1859-77 (N.L.I., MS 11,110)
 6. Rent ledger of the estate of Lord Powerscourt in County Wicklow, 1845-54 (N.L.I., MS 3164); Rental of the estate of Lord Powerscourt in County Wicklow, 1865 (N.L.I., MS 3172)

Wicklow, cover the early 1850s and some years in the 1860s. In spite of this hiatus, it is possible to trace the movement of rents on this estate to 1865.

I. The frequency of rent increases

There were no general increases of rents on these estates. When rents were increased, the rents of individual holdings were increased from time to time. Rents were increased on the Deane, Fitzwilliam, Hodson and Granard estates but most rents were unchanged on the Paul and Powerscourt estates. The proportion of rents increased varied from estate to estate. About three quarters of the rents on the Deane estate, three quarters of the rents on the Fitzwilliam and Granard estates, and a quarter of the rents on the Hodson estate were increased. Most rents which were increased were increased only once in the period covered by the rentals. There were a couple of multiple rent increases on the Hodson and Deane estates but these took place at the re-letting of the holdings.

2. The size of rent increases

The following table shows the size of individual rent increases on the Deane, Fitzwilliam, Granard and Hodson estates:

I. Cumulative frequency distribution table of rent increases on four estates

rent increases (per cent)		Deane	Fitzwilliam	Granard	Hodson
		holdings (percentages)			
less than 10	per cent	10	35	27	15
"	" 20 "	24	65	49	29
"	" 30 "	62	81	65	43
"	" 40 "	72	86	81	71
"	" 50 "	91	95	88	71
"	" 60 "	96	99	92	86
"	" 70 "	100	99	96	100
"	" 80 "		100	98	
"	" 90 "			98	
"	" 100 "			99	

Since the increases on these estates occurred at different times throughout the whole period, increases of 40 per cent would have divided increases in the value of agricultural output proportionately between landlords and tenants.^{6a} On these four estates, at least three quarters of the increases were less than 40 per cent. There were few increases greater than 60 per cent on these estates except on the Hodson estate where 14 per cent of the increases were greater than 60 per cent. But only a quarter of the rents on this estate were increased and this 14 per cent represents only a small fraction of the holdings on the estate.

The incidence of large and small increases varied from estate to estate but it is worth noting that there were few of

6a. See above p. 35

the large increases which occurred on some of the estates in Ulster.

2. Summary table of rent increases on four estates

	range	median	average	s.d.
Deane	5-60	25	29	15
Fitzwilliam	1-70	17	18	16
Granard	1-118	20	26	20
Hodson	10-66	33	26	16

None of these increases approached the ceiling of 40 per cent suggested by the agricultural output index. And the medians show that many increases were less than 25 per cent, and the ranges show that astronomical increases were rare on these estates.

3. The level of rents

The tenement valuation for the counties of Kildare, Wexford and Wicklow was completed between 1852 and 1854. The valuation index suggests that rents of 130 per cent of the valuation in these years would have distributed increases in the value of agricultural output evenly between landlords and tenants.^{6b}

However, it should be remembered that the increases took place in these years and one would not expect to find that rents had caught up with agricultural output. The following table shows the level of individual rents on these six estates:

6b. See above p. 45

3. Cumulative frequency distribution table showing the levels of rents on six estates

level of rents		holdings (percentages)					
		Deane	Fitzwilliam	Granard	Hodson	Paul	Powerscourt
less than	100 per cent	8	43	32		12	32
"	" 110 "	30	61	54	22	34	46
"	" 120 "	39	74	81	30	45	54
"	" 130 "	52	85	89	56	67	70
"	" 140 "	65	95	92	64	78	70
"	" 150 "	74	96	95	69	84	78
"	" 160 "	74	96	95	74	95	82
"	" 170 "	83	97	97	82	95	86
"	" 180 "	96	97	98	82	100	88
"	" 190 "	96	98	98	90		88
"	" 200 "	100	98	100	95		92

On four of these estates, there were many rents above 130 per cent of the valuation:

	<u>+ 130 per cent</u>
Deane	48
Hodson	44
Paul	33
Powerscourt	30

However, there were many low rents on these estates. For example, 43 per cent of the rents on the Fitzwilliam estates were less than 100 per cent of the valuation. And it must be remembered that the ceiling suggested by the valuation index rose very quickly

in the mid-1850s.

4. Summary table of rent levels on six estates

	range	median average		s.d.	c.v.
Deane ⁷	77-192	125	132	30	23
Fitzwilliam ⁸	42-210	103	105	29	28
Granard ⁹	76-190	108	109	27	25
Hodson ¹⁰	111-210	126	127	29	23
Paul ¹¹	89-170	125	123	22	18
Powerscourt ¹²	41-210	119	120	41	34

These results show more concisely some of the points suggested by the frequency distribution table. The extreme variations in the incidence of high and low rents is shown by the high coefficients of variation which range from 18 to 34. And the ranges and standard deviations show that many individual rents were high on these estates. The medians and averages on three of these estates, the Deane, Hodson and Paul estates show that many rents were close to the ceiling suggested by the valuation index. However, rents on the Fitzwilliam and Granard estates were, on average, relatively low.

7. T.V. of the unions of Athy and Baltinglass, County Kildare (Dublin, 1852), pp 57-9

8. T.V. of the union of Baltinglass, County Wicklow (Dublin, 1854), pp 2-5; T.V. of the union of Rathdrum, County Wicklow (Dublin, 1854), pp 12-14, 32-6, 51-2, 131, 145-6, 155, 211-19; T.V. of the union of Shillelagh, County Wicklow (Dublin, 1853), pp 5-7, 9, 22-9, 31-9

9. T.V. of the union of Wexford, County Wexford (Dublin, 1853), pp 1, 41-5, 73, 100-2, 114-15, 120-9, 137-40, 148, 224-6, 247, 252, 258-61

10. T.V. of the barony of Rathdown, County Wicklow (Dublin, 1852), pp 2, 36-9

11. T.V. of the union of Baltinglass, County Wicklow (Dublin, 1854), pp 39-40, 44-5

12. T.V. of the barony of Rathdown, County Wicklow (Dublin, 1852), pp 19-20, 31-5

Before concluding that rents on some of these estates were high, several things must be remembered. Firstly, rent increases were rare or exceptional on three of the estates whose rents were greater than 120 per cent of the valuation, that is, the Hodson, Paul and Powerscourt estates. And as the value of agricultural output increased, the level of rents on these estates became less extreme. In fact, by the early 1860s, rents on these estates would have been low and were about the same as rents on estates in Ulster. Rents were, of course, low on the Fitzwilliam and Granard estates. If the average increases on these estates were applied to all of the holdings, the ultimate average level of rents on these estates would be about 125 per cent and 137 per cent of the valuation. Neither of these levels approached the ceilings suggested by the valuation index after the mid-1850s.

Although it can be argued that rents on five of these estates were not high and that the landlords did not absorb a proportionate share of increases in the value of agricultural output, one cannot dispose of the Deane estate so easily. In 1853 the average level of rents on this estate was 132 per cent of the valuation. In 1855 many of the rents were increased and after the increases their average level was 163 per cent of the valuation. This was an increase of 34 per cent, which was in itself reasonable because it reflected increases in the value of agricultural output, but the result of this increase was to put the average level of rents above the ceilings suggested by the valuation index until the mid-1860s. Of course, in the

early 1870s, these tenants did well because their rents were not increased again.

The case of one tenant on this estate shows that the management of this estate was characterised by financial sharpness tempered by patience and indulgence. One of the tenants whose rent was increased was Patrick Tynan who paid £24 a year before 1855. In that year his rent was increased to £36 a but in the rental of 1871 there is a note to the effect that his rent:^{I3}

was raised in 1854 to £36, but in consequence of the large amount of his arrear, a sick wife, a large family and losses in cattle etc. his rent was abated to £24 a year on the terms of his paying £36 a year until the arrear was all cleared after which he was to pay the full rent of £36 a year. He has cleared to 1 May last.

His arrear in 1854 was £122 and it took him sixteen years to pay it off. On the one hand, the landlord was generous because he was willing to wait for his arrears and his increased rent but, on the other hand, he made a settlement which forced the tenant to pay an annual sum which represented an increase of 50 per cent. In the years between 1855 and 1871, the tenant paid the full amount in only five of these years. The difference between what the landlord actually received and what he would have received if he had forced the tenant to pay the increased rent and his arrears was about £200. It would be very difficult to decide if this was an example of harshness or of indulgence.

I3. Rental of the estate of J.W. Deane in County Kildare, 1871 (N.L.I., MS 14,282)

4. Rents on holdings of different sizes

The following table shows the levels of rents paid by holdings of different sizes:

5. Table showing the average level of rents paid by holdings of different sizes

	Deane	Fitzwilliam	Granard	Hodson	Paul	Powerscourt
tenement valuation (£.s)	level of rents (percentage of the valuation)					
I-4	-	I30	I29	I40	-	I40
5-9	I34	II7	I05	II8	I38	I04
10-14	I34	I00	I05	I40	I41	I02
15-19	II6	I00	III	II3	I34	I08
20-4	I04	I07	I07	I24	I05	I09
25 +	I50	I0I	I03	I30	II4	I0I
average	I32	I05	I09	I27	I23	I20

On all of these estates the smaller holdings paid rents which were higher than average. On four of the estates, the smaller holdings paid the highest rents and, on five estates, they paid higher rents than the largest holdings. The largest holdings paid the highest rents on only one estate, the Deane estate. And on four of the estates, the differences between the rents paid by the smallest holdings and rents paid by the largest holdings was considerable.

The next table shows the size of rent increases paid by

holdings of different sizes on those estates where rent increases were common:

6. Table showing the size of rent increases paid by holdings of different sizes

	Deane	Fitzwilliam	Granard	Hodson
rents (£.s)				
	rent increases (per cent)			
I-4	-	I2	43	7
5-9	32	23	28	44
10-14	I5	I6	I9	-
15-19	-	I6	26	-
20-4	42	I3	2I	IO
25 +	22	I8	I6	30
average	29	I8	26	26

The smallest holdings on only one of these estates paid rent increases which were higher than average but on three estates the smaller holdings which paid less than £10 a year paid the highest rents. The largest holdings did not pay the largest rent increases on any of these estates. It is worth noting that the smallest holdings on the Hodson estate paid the smallest rent increases of all the holdings, but the previous table showed that they paid the largest rents paid by any group of small holdings on these estates.

5. Conclusions

Rent increases were not frequent on this group of estates. On two of the estates there were few rent increases and on another estate only a quarter of the rents were increased. On the remaining estates, the Deane, Fitzwilliam and Granard estates, rents were increased only once in the periods covered by the rentals. There were very few examples of multiple rent increases on any of these estates. The degree of variation of rent levels on these estates was different on each estate and many individual rents were higher than 130 per cent of the valuation.

None of these landlords succeeded in increasing all their rents by an amount which would have given them a proportionate share of increases in the value of agricultural output. Although many individual rents were higher than 130 per cent of the valuation, rents on five of these estates were, on average, below 130 per cent, and as the value of agricultural output increased the number of individual rents above the ceiling would have diminished. Furthermore, the ultimate level of rents on three estates where rents were increased was not high and could be compared with rents on estates in Ulster in the early 1860s.

But the Deane estate is exceptional in this group because the landlord succeeded in absorbing a proportionate share of increases in agricultural output in the mid-1850s. And rents on some holdings on this estate were higher than the ceilings suggested by the valuation index until the mid-1860s. But in the 1870s, the position of the tenants on this estate must have improved because rents were not increased.

APPENDIX IX

The movement and level of rents on six estates in King's County and in the counties of Carlow, Kerry and Waterford, 1850-81

The rentals of the Crosbie estate in Kerry¹ and the rentals of the Trench estate in King's County² cover the whole period and are continuous from year to year. The rentals of the Butler estate in Carlow³ and the rentals of the Mansfield estate in Waterford⁴ cover most of the period. The Butler rentals cover the period, 1857-80, and the Mansfield rentals cover the period, 1842-71. The rentals of the Paul estates in the counties of Carlow and Waterford cover the period, 1861-81.⁵

I. The frequency of rent increases

Most rents were not increased on the two Paul estates and on the Butler and Mansfield estates. There were a few increases on these estates but they were exceptional. The rents of individual holdings were increased from time to time on the Trench estate. There was a general increase of rents on the Crosbie estate in Kerry in 1859. Most rents were increased on the Crosbie estate but, after 1859, rents were generally stable on this estate.

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- 1. Rent ledgers of the estate of William Talbot Crosbie in County Kerry, 1847-77 (N.L.I., MSS 5037-5039)
 - 2. Rentals of the Trench estate in King's County, 1851-79 (N.L.I., MS 2579)
 - 3. Rentals of the estate of the Butler family at Broomhill, County Carlow, 1857-80 (N.L.I., MS 14,312)
 - 4. Rent ledger of the estate of G.P.L. Mansfield in County Waterford, 1842-72 (N.L.I., MS 9634)
 - 5. Rentals of the Paul estates in the counties of Carlow and Waterford, 1861-82 (N.L.I., MSS 12,988-12,989)

About three quarters of the rents on the Trench estate were increased and there were a few cases of multiple rent increases.

2. The size of rent increases

The following table shows the size of individual rent increases on the Crosbie and Trench estates:

I. Cumulative frequency distribution table of rent increases on two estates

rent increases (per cent)	Crosbie	Trench
	holdings (percentages)	
less than 10 per cent	36	11
" " 20 " "	65	48
" " 30 " "	76	70
" " 40 " "	76	81
" " 50 " "	83	92
" " 60 " "	87	96
" " 70 " "	87	100
" " 80 " "	91	
" " 90 " "	91	
" " 100 " "	91	

This table shows that while the size of the rent increases varied considerably, most rent increases were below 60 per cent. Since the Crosbie increases took place in 1859, increases of 30 per cent would have distributed increases in the value of agricultural output proportionately between landlord and tenants. But 76 per cent of the increases on this estate were less than 30 per cent. Since the Trench increases took place at different times during this period, increases of 40 per cent would have been appropriate. But 81 per cent of the increases on this estate were less than

5a. See above p. 35

40 per cent.

2. Summary table of rent increases on two estates

	range	median	average	s.d.
Crosbie	2-143	14	27	32
Trench	4-69	20	24	31

This summary shows that the average and median rent increases on these estates were well below 40 per cent. However, the average increase on the Crosbie estate was close to the 30 per cent which would have been appropriate in the late 1850s but this does not mean that this landlord succeeded in absorbing a proportionate share of increases in the value of agricultural output because the average on this estate was inflated by a handful of large increases. It is worth noting that 9 per cent of the increases on this estate were greater than 100 per cent and that the median increase was only 14 per cent. Therefore, most rents on this estate were not increased by amounts which would have absorbed even a proportionate share of increases in the value of agricultural output.

Nevertheless, the ranges and standard deviations show that there were many large and many small increases on these estates.

3. The level of rents

The following table shows the level of individual rents on these six estates:

3. Cumulative frequency distribution table showing the levels of rents on six estates

level of rents		Butler	Crosbie	Mansfield	Paul (Carlow)	Paul (Waterford)	Trench
		holdings (percentages)					
less than	100 per cent	12	7		8		7
"	" 110 "	24	7	33	8		10
"	" 120 "	36	14	40	29		17
"	" 130 "	36	16	53	43	23	46
"	" 140 "	36	27	60	93	38	49
"	" 150 "	62	39	80	100	46	62
"	" 160 "	75	48	87		77	68
"	" 170 "	87	57	87		85	74
"	" 180 "	87	68	87		93	84
"	" 190 "	100	77	87		100	87
"	" 200 "		82	87			87

The tenement valuation of the counties in which these estates were situated was completed in the early 1850s. However, the Paul and Butler rentals do not cover the early 1850s and the levels on these estates are taken from rentals for the late 1850s and early 1860s. The valuation index suggests that 130 per cent of the valuation was an appropriate ceiling for the early 1850s and that rents at this level would have distributed increases in the value of agricultural output proportionately between landlords and tenants.^{5b} Therefore, there were many

5b. See above p. 45

rents above this level on the Crosbie, Mansfield and Trench estates where 84 per cent, 47 per cent and 54 per cent of the rents were above 130 per cent of the valuation. Even if one allows for the fact that the ceiling rose in the following years, many rents on these estates were high. For example, on the Crosbie and Trench estates, 61 per cent and 38 per cent of the rents were above 150 per cent. Even if the ceiling rose to 170 per cent of the valuation 43 per cent and 26 per cent of the rents on the Crosbie and Trench estates are above the ceiling. And by the time the ceiling rose to 170 per cent of the valuation, the rents on these estates had been increased. In other words, many holdings on these estates were highly rented according to the standards of Sir Richard Griffith, even if one allows for increases in the value of agricultural output.

Since rents on the Butler and Paul estates were compared with the valuation in the late 1850s and early 1860s, rents which were about 150 per cent of the valuation would have been appropriate on these estates. All of the rents on the Paul estate in Carlow were below this level, but on the Paul estate in Waterford and on the Butler estate, 54 per cent and 38 per cent of the rents were above this level. However, the high rents on these estates were not inflated by rent increases after the years in which they were compared with the valuation.

Finally, this table shows that the distribution of high and low rents varied greatly on these estates, and on individual estates there were high and low rents. The contrast between the distribution of high and low rents is particularly striking if the Crosbie and Mansfield estates are compared. The range of

levels on the Crosbie estate is striking, because the table shows that there were rents which were less than 100 per cent of the valuation and rents which were more than 200 per cent of the valuation on the same estate.

4. Summary table of rent levels on six estates

	range	median	average	s.d.	c.v.
Butler ⁶	96-180	140	138	29	21
Crosbie ⁷	71-230	163	168	33	20
Mansfield ⁸	100-200	120	134	32	24
Paul (Carlow) ⁹	89-141	132	126	14	11
Paul (Waterford) ¹⁰	123-189	155	150	19	12
Trench ¹¹	92-214	140	146	31	21

The average and median levels on the Butler and Paul (Carlow) estates were below the ceiling of 150 per cent of the valuation which was appropriate for the early 1860s, and the median and average levels of the Paul (Waterford) estate were equal to

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6. T.V. of the barony of Forth, County Carlow (Dublin, 1852), pp 262-3
7. T.V. of the barony of Clanmaurice, County Kerry (Dublin, 1852), pp 1-13, 81-3, 86-8, 141-3, 145-8
8. T.V. of the barony of Decies within Drum, County Waterford (Dublin, 1851), pp 60-1, 63-4, 69
9. T.V. of the barony of Rathvilly, County Carlow (Dublin, 1852), pp 154-5
10. T.V. of the barony of Decies within Drum, County Waterford (Dublin, 1851), pp 26, 93
11. T.V. of the union of Edenderry, King's County (Dublin, 1853), pp 7-11, 17

or slightly above this ceiling. There may have been increases on these estates in the 1850s but since there were no increases after the early 1860s, these results represent the ultimate level of rents on these estates. Therefore, the tenants on these three estates paid rents which were below the valuation index ceilings after the mid-1860s, and they enjoyed to the full increases in the value of agricultural output which occurred after the mid-1860s.

The summary shows that the average level of rents on the Mansfield estate was slightly above the ceiling in the early 1850s, but rents were stable on this estate for the period covered by its rentals. Therefore, after the early 1850s the level of rents on this estate was well below the ceiling, and the tenants enjoyed the full value of increases in the value of agricultural output.

The level of rents on the Crosbie and Trench estates was well above the ceiling of 130 per cent of the valuation in the early 1850s. Rents on the Trench estate were less extreme than rents on the Crosbie estate, and after the early 1850s they would have been below the valuation index ceilings. But rent increases on this estate would have inflated the ultimate level of rents to about 180 per cent of the valuation, if the average increases of 24 per cent had been put on all holdings. However, a quarter of the rents were not increased which means that the ultimate level of rents on this estate was about 160 per cent of the valuation. Therefore, rents on this estate would have been below the ceiling after the mid-1860s. And although the tenants paid relatively high rents for the whole period, the size of the rent increases allowed them to share more than proportionately in increases in the

value of agricultural output.

However, rents were extremely high on the Crosbie estate. In the early 1850s rents were about 35 per cent above the ceiling suggested by the valuation index and they would have been above these levels until the mid-1860s even if they had not been increased. But in 1859 three quarters of the rents were increased by 27 per cent which means that the ultimate level of rents on this estate was about 200 per cent of the valuation. Therefore, rents would have been above the ceilings suggested by the valuation index even in the good years of the 1870s when the ceilings reached their highest points. This result is so exceptional that one might suspect that the tenement valuation index is not a good guide to the level of rents in Kerry. It could be argued that the tenement valuation was made in Kerry at a time when the countryside was exhausted by the Famine and that, therefore, the tenement valuation did not represent the reasonable value of land in Kerry in normal times. The valuation index allows for changes in prices but it does not allow for distortions in the valuation itself. Therefore, one might be forced to conclude that rents on the Crosbie estate were a methodological aberration, but no less a person than the agent of the Crosbie estate, George F. Trench, comes to the rescue with information about rents on the estate.

In 1881, Trench published a pamphlet in which he explained how the Crosbie estate was managed.¹² There is much useful information

12. George F. Trench, Are the landlords worth preserving, or forty years' management of an Irish estate (Dublin, 1881)

in this pamphlet but the most interesting part of it is his description of how rent increases were calculated when holdings fell out of lease. He says that he added 25 per cent to the tenement valuation of the holding and, then, added 73 per cent to this because prices had increased since the making of the tenement valuation. When this was done, Trench subtracted 5s.0d. an acre and half the county cess to calculate the rent of the land.^{I3} At first sight, this calculation seems a reasonable one. Trench assumed that the tenement valuation was 25 per cent below the true value of the land and this is only 5 per cent below the ceiling which the valuation index suggested. And when he argued that prices had increased by over 70 per cent since the making of the valuation, he was not exaggerating.^{I4}

But if Trench's standard is applied to rents on the estate in the early 1850s, it appears that rents were, on average, 43 per cent above what he considered the reasonable letting of land. If his methods are used to calculate what the reasonable letting value of land should have been in the 1870s, the contrast between theory and practice is equally striking. The average value of land on the Crosbie estate was about 8s.0d. an acre and if this is increased in the way prescribed by Trench it becomes 17s. 4d. If 5s. 0d. are subtracted from this sum, the rent should have been about 12s. 4d. an acre or 154 per cent of the valuation. Therefore, rents on this estate in the 1870s were about 33 per cent above what the agent considered the reasonable letting value of the land.

I3. Trench, Are the landlords worth preserving? pp 30-1

I4. Ibid., p. 29

In theory, Trench's method of calculating rents was fair because the rent was carefully calculated and related to rising prices. This agent may have taken more than other landlords but he did allow the tenant an extra 5s. 0d. an acre. But, in practice, rents on this estate were higher than 150 per cent of the valuation twenty-five years before the increases in prices which justified such rents took place. Certainly, tenants who could pay such rents were worth preserving, but can the same be said of the agent?

4. Rents on holdings of different sizes

The following table shows the level of rents paid by holdings of different sizes on five of these estates:

5. Table showing the average level of rents paid by holdings of different sizes

	Crosbie	Mansfield	Paul (Carlow)	Paul (Waterford)	Trench
tenement valuation (£.s)	level of rents (percentage of the valuation)				
I-4	I55	I34	I27	I40	I42
5-9	I46	I33	I40	I45	I45
10-14	I60	I09	I30	-	I50
15-19	I70	I40	117	-	I33
20-4	I58	I43	115	I50	I20
25 +	I50	110	I27	I56	116
average	I68	I34	I26	I50	I46

This table does not include the Butler estate because most of the holdings on this estate were greater than £25 valuation. But the smaller holdings seem to have paid higher rents than the larger holdings.

The table shows that the smallest holdings on none of these estates paid the highest rents and they paid higher than average rents on only one estate. However, holdings in the £5-9 class on the Paul estate in Carlow paid the highest rents on that estate. On three of the estates, the smallest holdings paid higher rents than the largest holdings and the largest holdings paid the highest rents on only one estate.

The next table shows the size of rent increases paid by different holdings on the Crosbie and Trench estates:

6 . Table showing the size of rent increases paid by holdings of different sizes

	Crosbie	Trench
rents (£.s)	rent increases (per cent)	
I-4	75	45
5-9	53	16
10-14	10	33
15-19	13	25
20-4	11	20
25 +	9	15
average	27	24

This table shows that the smallest holdings on these estates paid rent increases which were higher than average and which

were the highest paid on these estates. On both estates, the smallest holdings paid higher rent increases than the largest holdings and on both estates the largest holdings paid the smallest rent increases.

5. Conclusions

Rent increases were not frequent on these estates because there were no increases on four of the six estates, and increases on the other two estates were not frequent. Most rents were increased only once and multiple increases were rare. Rent increases were not, on average, large on the Crosbie and Trench estates because they were well below 40 per cent. Of course, there were a few high rent increases. An examination of the level of rents on holdings of different sizes showed that there was not a strong tendency for the smallest holdings to pay the highest rents. But on the Crosbie and Trench estates, the smallest holdings paid the highest rent increases while the largest holdings paid the smallest rent increases.

These conclusions are in line with what has been found on other groups of estates but an examination of the level of rents showed that rents were, on average, above the ceilings suggested by the valuation index. But since there were no rent increases on four of these estates, the ultimate level of rents was below the ceilings suggested by the valuation index after the late 1850s and early 1860s. However, rents on the Crosbie and Trench

estates were above the ceilings for longer periods. The Trench rents were probably above the ceilings until the mid-1860s and the Crosbie rents were above the ceilings for the whole period.

The Crosbie results are interesting because they show that tenants could pay rents which were much higher than the tenement valuation and that they could, in addition, pay a considerable increase of rent in the late 1850s.

APPENDIX X

The movement and level of rents on five estates in the counties of Clare, Galway and Limerick, 1850-81

The rentals of these estates are, as a group, among the most complete available but they vary slightly in quality and scope. The rentals of the Ashtown estate in County Limerick,¹ the rentals of the Butler estate in County Clare² and the rentals of the Inchiquin estate in County Clare³ cover the whole period, 1850-81. The rentals of the Ashtown estate in County Galway⁴ cover the period, 1852-73, and the rentals of the group of estates at Loughrea cover the period, 1854-81.⁵ The Loughrea rentals are somewhat disjointed and only some holdings can be traced from 1854 to 1881. I have traced rents on only those holdings whose accounts cover long periods. Finally, the rentals of all five estates are continuous from year to year.

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1. Rent ledgers of the Castle Oliver estate of Lord Ashtown in County Limerick, 1839-82 (N.L.I., MSS 5823-5825)
 2. Rent ledgers of the estate of the Butler family at Castlecrine, County Clare, 1848-82 (N.L.I., MSS 5410-5414); Rentals of the estate of the Butler family at Castlecrine, County Clare, 1858 and 1878 (N.L.I., MS 5422)
 3. Rentals and accounts of the estates of Sir Lucius O'Brien, 13th baron of Inchiquin, in County Clare, 1850-89 (N.L.I., MSS 14,522-14,562)
 4. Rentals and accounts of the estate of Lord Ashtown in County Galway, 1852-73 (N.L.I., MSS 1765-1769)
 5. Four rentals of a group of estates in the Loughrea district of County Galway, 1854-85 (N.L.I., MSS 2277-2280)

I. The frequency of rent increases

There were general increases of rent on the Ashtown estate in Limerick in 1856-7, on the Butler estate in Clare in 1856-7, and on the Ashtown and Inchiquin estates in Galway in the late 1850s. The rents of individual holdings were increased from time to time on the Loughrea estates, although most increases occurred in the late 1850s. Most rents were increased on the two Ashtown estates, but less than half of the rents were increased on the Loughrea estates. Four fifths of the rents on the Butler estate and three fifths of the rents on the Inchiquin estate were increased.

Most rents which were increased were increased only once in the periods covered by the rentals. However, there was a considerable number of multiple increases on the Ashtown estate in Limerick. Some of the rents increased in 1856-7 were increased again in the 1860s and 1870s.⁶ But multiple increases were rare on the other estates, e.g. I have found only one case on the Loughrea estates.

Finally, a second general increase of rents was planned for the Butler estate in 1878 but it was never put into effect because the rent accounts show no changes of rent in 1878 or in any of

6. I examined these increases in detail; if the multiple increases are counted as single increases, the average increase was 30 per cent; the level of the rents before the increases was 112 per cent of the valuation and after the increases was 147 per cent of the valuation

the following years.

2. The size of rent increases

The following table shows the size of individual rent increases on these estates. The second general increase which was planned on the Butler estate is included.

I. Cumulative frequency distribution table of rent increases on five estates

rent increases (per cent)		Ashtown (Galway)	Ashtown (Limerick)	Butler (1856-7)	Butler (1878)	Inchiquin	Loughrea
		holdings (percentages)					
less than 10	per cent	5	13	12	12	3	
"	" 20	20	43	41	39	13	5
"	" 30	35	81	56	73	52	15
"	" 40	50	91	75	91	74	45
"	" 50	75	94	88	99	86	70
"	" 60	80	99	94	99	92	90
"	" 70	85	99	100	100	95	95
"	" 80	90	99			100	100
"	" 90	90	99				
"	" 100	95	100				

This table shows that the size of rent increases varied greatly from estate to estate and on individual estates. However, there were few increases greater than 60 per cent on any of these estates. Only on the Ashtown (Galway) estate were more than 10 per cent of the increases greater than 60 per cent. Since

most of these increases took place in the late 1850s, increases of 30 per cent would have distributed increases in the value of agricultural output proportionately between landlords and tenants.^{6a} On three of these estates, over half of the increases were less than 30 per cent but most of the increases on the Ashtown (Galway) and Loughrea estates were greater than 30 per cent. Since most rents were not increased again after the late 1850s, increases of 40 per cent would have been more appropriate but most of the increases on the Ashtown (Limerick), Butler and Inchiquin estates were less than 40 per cent. But increases which were greater than 40 per cent were common on the Ashtown (Galway) and Loughrea estates.

2. Summary table of rent increases on five estates

	range	median	average	s.d.
Ashtown (Galway)	2-125	37	43	26
Ashtown (Limerick)	2-95	22	24	15
Butler (1856-7)	4-67	25	28	17
Butler (1878)	3-68	25	24	15
Inchiquin	6-75	29	33	16
Loughrea	17-78	40	44	14

Average increases on three of these estates were greater than the 30 per cent which would have distributed increases in the value of agricultural output proportionately between landlords and tenants in the late 1850s. And increases on the other two estates were close to 30 per cent. Therefore, this group of landlords succeeded in absorbing a proportionate share of the value of agricultural output in the late 1850s. But most rents on these estates were not increased after the late 1850s and increases of 40 per cent would have been appropriate. Therefore, on only two estates did rents absorb, on average, more

6a. See above p. 35

than 40 per cent. And the medians show that more than half of the increases were less than 40 per cent.

The two Butler increases are interesting because they show that one landlord, at least, was aware that there was a reservoir of unabsorbed agricultural output which could be realized as increased rents. The combined increases on this estate were about 60 per cent which would have given the landlord a proportionate share of increases in the value of agricultural output. The first round of increases in the 1850s was close to the ceiling and the second increase in the 1870s would have redressed the imbalance which had occurred after increases in the value of agricultural output in the mid-1860s. Of course, the second increase was never put into effect because of the crisis which developed in the late 1870s.

3. The level of rents

The following table shows the level of individual rents on these estates. The rents were compared with the valuation on all of these estates except the Ashtown (Limerick) in the mid-1850s. The Ashtown (Limerick) levels refer to the early 1850s.

3. Cumulative frequency distribution table showing the levels of rents on five estates

level of rents		holdings (percentages)				
		Ashtown (Galway)	Ashtown (Limerick)	Butler	Inchiquin	Loughrea
less than	100 per cent		4	29	17	21
"	" 110 "	3	9	56	34	37
"	" 120 "	25	21	70	64	53
"	" 130 "	50	31	84	70	58
"	" 140 "	69	52	88	76	58
"	" 150 "	85	68	94	82	69
"	" 160 "	98	82	98	88	74
"	" 170 "	100	87	98	92	78
"	" 180 "		94	98	96	78
"	" 190 "		99	98	98	89
"	" 200 "		100	98	98	89

Rents of 130 per cent of the valuation would have distributed increases in the value of agricultural output evenly between landlords and tenants in the early 1850s. Therefore, 69 per cent of the rents on the Ashtown (Limerick) estate were above this ceiling. Rents of 150 per cent were appropriate for the mid-1850s and most of the rents on the Ashtown (Galway), Butler and Inchiquin estates were less than 150 per cent of the valuation.^{6b} But 31 per cent of the Loughrea rents were above the ceiling. Although there were rents which were high and low on all of these estates, high rents were common on only two of these estates, the Ashtown (Limerick) and Loughrea estates.

6b. See above p. 45

4. Summary table of rent levels on five estates

	range	median	average	s.d.	c.v.
Ashtown (Galway) ⁷	103-160	129	126	15	12
Ashtown (Limerick) ⁸	84-195	137	141	24	17
Butler ⁹	79-220	106	113	23	20
Inchiquin ¹⁰	75-260	115	125	28	22
Loughrea ¹¹	91-260	118	136	36	27

These results confirm the impressions created by the cumulative frequency distribution table. For example, the coefficients of variation show that the incidence of high and low rents varied from estate to estate. The average and median levels on the Ashtown estate in Limerick were above 130 per cent of the valuation but rents on the other four estates were, on average, less than

7. T.V. of the union of Ballinasloe, County Galway (Dublin, 1856), pp 66-7, 75-9

8. T.V. of the barony of Coshlea, County Limerick (Dublin, 1852), pp 4-6, 39-43, 51-6, 103-29, 131-42, 147-8, 155-60, 162-5

9. T.V. of the union of Corrofin, County Clare (Dublin, 1855), pp 43, 49, 54; T.V. of the union of Ennis, County Clare (Dublin, 1855), pp 35, 55-6, 75; T.V. of the union of Limerick, County Clare (Dublin, 1852), pp 1-3, 6, 35; T.V. of the union of Scarrif, County Clare (Dublin, 1855), pp 32, 35-6, 61-2; T.V. of the union of Tulla, County Clare (Dublin, 1855), pp 7, 9, 10-15, 27, 70

10. T.V. of the union of Ballyvaghan, County Clare (Dublin, 1855), pp 8-9, 38-9; T.V. of the union of Corrofin, County Clare (Dublin, 1855), pp 6, 17-18, 23, 28, 30, 37-41, 43-5; T.V. of the union of Ennis, County Clare (Dublin, 1855), pp 17, 24-31, 33-9, 45-51, 105; T.V. of the union of Ennistymon, County Clare (Dublin, 1855), pp 41-6, 49-50, 58, 61-2, 123

11. T.V. of the union of Loughrea, County Galway (Dublin, 1856), pp 117, 161, 163-6

the ceiling of 150 per cent of the valuation which was suggested by the valuation index. And the medians of three of these estates show that more than half of the rents were less than 118 per cent of the valuation.

It is interesting to compare the ultimate level of rents on these estates. The Butler levels were calculated after the general increase of 1856-7, but the levels of the Ashtown (Limerick) and Inchiquin estates were calculated before the general increases. Therefore, the level of rents on these two estates was higher before they were increased than the level of rents on the Butler estate after the general increase. Here are rough estimates of the ultimate level of rents on these estates:

	percentage of the valuation
Ashtown (Galway)	180
Ashtown (Limerick)	175
Butler	113
Inchiquin	150
Loughrea	166

These estimates show that rents on the Ashtown estates were above the valuation index ceiling until the early 1870s and that rents on the Inchiquin and Loughrea estates came under the valuation ceilings in the mid-1860s. Rents on the Butler estate were low for the whole period and it is not surprising that a second general increase of rents was planned on this estate in the early 1870s.

4. Rents on holdings of different sizes

The following table shows the level of rents on holdings of different sizes:

5. Table showing the average level of rents paid by holdings of different sizes

	Ashtown (Galway)	Ashtown (Limerick)	Butler	Inchiquin	Loughrea
tenement valuation (£.s)	level of rents (percentage of the valuation)				
I-4	I43	I56	II6	I38	I60
5-9	I28	I36	III	I2I	I42
IO-I4	I27	I37	IO4	I26	II6
I5-I9	II2	I43	II3	II0	II7
20-4	-	I49	-	I42	-
25 +	I33	I27	IO8	II4	-
average	I26	I4I	II3	I25	I36

This table shows that the smallest holdings paid rents which were higher than average on all of these estates and that on four of the estates they paid higher rents than the largest holdings. On four of the estates, the smallest holdings paid higher rents than all other groups of holdings.

The following table shows the size of rent increases paid by holdings of different sizes:

6. Table showing the size of rent increases paid by holdings of different sizes

rents (£.s)	Ashtown (Galway)	Ashtown (Limerick)	Butler (1856-7)	Butler (1878)	Inchiquin	Loughrea
	rent increases (per cent)					
I-4	69	-	35	27	26	50
5-9	44	28	24	26	39	42
10-14	40	27	27	16	34	43
15-19	-	31	18	27	37	-
20-4	30	21	41	26	23	39
25 +	18	22	14	16	27	36
average	43	24	28	24	33	44

This table shows that the smallest holdings on all but one of these estates paid rent increases which were above average. However, they paid the largest increases on only two of the estates, but in five out of six cases they paid larger increases than the largest holdings. On three of these estates the largest holdings paid the smallest rent increases and they did not pay the largest rent increases on any estate.

5. Conclusions

Most rents were increased once on these estates. Although many rents were not increased on the Inchiquin and Loughrea estates most rents were increased on the other estates. There were a few cases of multiple increases on one of these estates but they

were rare on the other estates.

The size of rent increases varied from holding to holding and from estate to estate. Although rent increases which were greater than 60 per cent were common only on the Ashtown (Galway) estate, average rent increases were greater than 40 per cent on two of these estates. However, on the other three estates, most increases were less than 40 per cent. Therefore, two of these landlords were relatively successful in absorbing a proportionate share of increases in the value of agricultural output, but their success was limited to the 1850s and they did not repeat their success in the 1870s. On the other three estates, the landlords did not come near to absorbing a proportionate share of increases in the value of agricultural output.

High rents were common on the Ashtown (Limerick) and Loughrea estates but rents were on average above the appropriate ceiling only on the Ashtown (Limerick) estate. A combination of relatively high rents and rent increases inflated the level of rents on four of these estates, but this level was not sustained beyond the mid-1860s except on the Ashtown estates.

Finally, it should be noted that the fortunes of individual tenants varied from estate to estate and on individual estates and that there was a tendency for the smallest holdings to pay the highest rents and the highest rent increases.

APPENDIX XI

The movement and level of rents on six estates in the counties of Leitrim, Mayo and Roscommon, 1850-81

The rentals of the Crofton¹, Knox² and Johnson³ estates cover most of the period, 1850-81. The Knox rentals are continuous from year to year but the Crofton rentals are broken and do not cover the years, 1855-62. And the Johnson rentals cover continuously only the early 1850s but there is a rental for 1884 and, in spite of this break, the rentals are usable because rents seem to have been stable from 1856 to 1884. The rentals of the Leitrim⁴ and St George⁵ estates cover the 1850s and 1860s. The rentals of the Leitrim estate cover continuously the years, 1854-69, and there is a rental for 1844 which makes it possible to follow the movement of rents in the early 1850s. The St George rentals do not cover the years, 1856-61, but they cover continuously the

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1. Rentals and accounts of the estate of Lord Crofton in County Roscommon, 1852 and 1855 (N.L.I., MSS 5632-5633); Rentals and accounts of the estate of Lord Crofton in County Roscommon, 1862-84 (N.L.I., MSS 4074-4094)
 2. Rentals of the estate of Francis Blake Knox and Edward Ernest Knox in County Roscommon, 1849-86 (N.L.I., MS 3178)
 3. Rentals of the estate of William Johnson of Drumkeeran, County Leitrim, 1847-56, 1884-90 (N.L.I., MSS 9465-9466)
 4. Two rentals of the estate of the earl of Leitrim in County Leitrim, 1844 and 1854 (N.L.I., MSS 179-180); Ten rentals of the estate of the earl of Leitrim in County Leitrim, 1853, 1856-7, 1862, 1864-9 (N.L.I., MSS 3803-3812); Rent ledgers of the estate of the earl of Leitrim in County Leitrim, 1855-69 (N.L.I., MSS 5794-5800)
 5. Rentals of the estate of Charles M. St George in the counties of Leitrim and Roscommon, 1850-6, 1861-7 (N.L.I., MSS 4006-4011)

the years, 1850-6 and 1861-7. Finally, the rentals of the O'Donel estate⁶ in County Mayo cover only the years, 1855-62. This is not an impressive coverage but it does show something about the movement and level of rents on this estate.

I. The frequency of rent increases

Rents were stable on the Johnson estate in County Leitrim and there were general increases of rents on the Knox estate in 1858 and 1870. The rents of individual holdings were increased from time to time. Rents were increased on the Crofton, O'Donel and St George estate between 1855 and 1862. These increases may have been general increases or they may have been caused by increases of individual rents but it is difficult to be certain about the pattern of rent increases because of breaks in the rentals. My guess is that they were general increases because the stability of rents before and after these years resembles the stability of rents on other estates where there were general increases of rent. Of course, the O'Donel rentals end in 1862 and it is impossible to be sure about the pattern of rent increases on this estate.

Most rents were increased on these estates and, on the whole, most rents were increased only once in the periods covered by the rentals. However, multiple rent increases were common on

6. Rentals of the estate of Sir Neal O'Donel in County Mayo, 1855-62 (N.L.I., MSS 5740-5741)

the Knox and Leitrim estates. On the Knox estate, many of the rents which were increased in 1858-9 were increased again in 1870, but most of the increases in 1870 were trivial. Only the multiple increases on the Leitrim estate were significant.

2. The size of rent increases

The following table shows the size of individual rent increases on four of these estates:

I. Cumulative frequency distribution table of rent increases on four estates

rent increases (per cent)	Crofton	Knox	Leitrim	St George
holdings	(percentages)			
less than 10 per cent	31	16	9	50
" " 20 " "	75	52	15	92
" " 30 " "	87	84	28	96
" " 40 " "	89	84	40	96
" " 50 " "	92	96	51	100
" " 60 " "	97	96	61	
" " 70 " "	97	96	72	
" " 80 " "	97	96	78	
" " 90 " "	97	96	86	
" " 100 " "	100	100	87	

There were large and small rent increases on all of these estates but on the Crofton, Knox and St George estates most of the increases were less than 40 per cent.^{6a} But on the Leitrim estate

6a. See above p. 35

60 per cent of the increases were greater than 40 per cent and 40 per cent of the increases were greater than 60 per cent.

The contrast between the Leitrim estate and the other estates is striking. For example, 50 per cent of the increases on the St George estate were less than 10 per cent while only 9 per cent of the increases on the Leitrim estate were less than 10 per cent.

2. Summary of rent increases on five estates

	range	median	average	s.d.
Crofton	I-95	I3	I8	I8
Knox	5-97	I9	20	20
Leitrim	I-257	47	53	29
O'Donel	-	-	30	-
St George	4-45	9	I2	9

The average increases on the Crofton, Knox and St George estates were well below 40 per cent and the medians show that more than half of the increases were less than 19 per cent. Therefore, these three landlords did not succeed in absorbing a proportionate share of increases in the value of agricultural output. The O'Donel increases were appropriate for the late 1850s and, in so far as they applied to all holdings on that estate, they gave the landlord a proportionate share of increases in agricultural output. The Leitrim increases were very high and they gave Lord Leitrim more than a proportionate share of agricultural output. The rents on this estate may have been stable in the 1870s but even if they were stable in the 1870s, increases in the value of agricultural output would only have caught up with these increases in the mid-1870s.

3. The level of rents

The following table shows the level of individual rents on these six estates:

3. Cumulative frequency distribution table showing the levels of rents on six estates

level of rents		holdings (percentages)					
		Crofton	Johnson	Knox	Leitrim	O'Donel	St George
less than	100 per cent	26	34	57	6	8	8
"	" 110 "	44	48	93	20	21	11
"	" 120 "	63	58	93	30	36	20
"	" 130 "	81	70	93	41	59	34
"	" 140 "	94	80	93	55	80	40
"	" 150 "	96	91	93	68	86	60
"	" 160 "	98	92	100	76	90	80
"	" 170 "	99	92		82	94	82
"	" 180 "	100	98		84	100	85
"	" 190 "		98		86		91
"	" 200 "		100		87		91

Since rents on these estates were compared with the valuation in the late 1850s, rents of 150 per cent would have distributed increases in the value of agricultural output evenly between

landlords and tenants.^{6b} On four of these estates, most rents were less than 150 per cent of the valuation. However, on the Leitrim and St George estates, 32 per cent and 40 per cent of the rents were greater than 150 per cent of the valuation. The St George results show the level of rents after the increases which occurred between 1855 and 1862 and they represent the ultimate level of rents on that estate because rents were stable after 1862. Therefore, after the mid-1860s most rents on the St George estate were less than the ceilings suggested by the valuation index. On the other hand, there were many increases on the Leitrim estate after the rents were compared with the valuation and the levels in this table do not represent the ultimate level of rents on this estate.

Although there were many high rents on some of these estates, there were many low rents on the Crofton, Johnson and Knox estates where 26 per cent, 34 per cent, and 57 per cent of the rents were less than 100 per cent of the valuation. And it is doubtful if most of these very low rents were increased by large amounts in the following years because there were no rent increases on the Johnson estate and over 80 per cent of the increases on the Crofton and Knox estates were less than 30 per cent.

Here is a summary of rent levels on these estates. They relate to rents on the Crofton, Knox and O'Donel estates before the rents were increased and they relate to the St George estate after the rents were increased. The Leitrim levels were calculated during the rent increases.

6b. See above p. 45

4. Summary of rent levels on six estates

	range	median	average	s.d.	c.v.
Crofton ⁷	67-170	112	112	21	19
Johnson ⁸	75-190	112	117	26	22
Knox ⁹	83-156	99	99	18	18
Leitrim ¹⁰	81-238	135	145	33	24
O'Donel ¹¹	80-175	126	127	22	17
St George ¹²	76-238	143	144	31	22

These results show the variety and range of rent levels on these estates, but they also show that most rents were low on the Crofton, Johnson and Knox estates, whose average levels were well below 150 per cent of the valuation and whose medians show that more than half of the rents on these estates were less than 112 per cent of the valuation. Even if the average rent increases imposed on the Crofton and Knox estates were added to these levels, the ultimate level of their rents would be less than 140 per cent of the valuation. Although the O'Donel rents were slightly higher than rents on these estates, they were, on average, well below the ceiling of 150 per cent. Even when these rents were increased, a rough calculation of the level of rents on this estate in 1862 shows that rents were only 140 per cent of the valuation. This suggests that the average increase of 30 per cent was not applied to all of the holdings on the O'Donel estate.

7. T.V. of the union of Carrick-on-Shannon, County Roscommon (Dublin, 1858), pp 30-1, 46-9; T.V. of the union of Roscommon, County Roscommon (Dublin, 1857), pp 14, 137; T.V. of the union of Strokestown, County Roscommon (Dublin, 1857), pp 141-2

8. T.V. of the union of Manorhamilton, County Leitrim (Dublin, 1857), pp 63-7, 73-7, 80-1

9. T.V. of the union of Strokestown, County Roscommon (Dublin, 1857), pp 69-70

10. T.V. of the union of Bawnboy, County Leitrim (Dublin, 1856), pp 1-4, 7-14; T.V. of the union of Manorhamilton, County Leitrim (Dublin, 1857), pp 10, 17, 25-9, 142-3, 152-3; T.V. of the union of Mohill, County Leitrim (Dublin, 1857), pp 91, 96-8, 113, 123 125-31, 140, 143-9, 151-5, 165-6

Rents on the Leitrim and St George estates appear to be more extreme than rents on the other four estates because their average and median levels were close to the ceiling of 150 per cent of the valuation. However, one must distinguish between the two estates because the rents on the St George estate were not increased after they were compared with the valuation and 144 per cent of the valuation was the ultimate level of rents on this estate. But rents continued to rise on the Leitrim estate and a rough estimate of the level of rents on this estate in 1869 shows that they were over 160 per cent of the valuation. This is almost equal to the ceiling suggested by the valuation index for that year.

4. Rents on holdings of different sizes

The following table shows the level of rents paid by holdings of different sizes on these estates:

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- II. T.V. of the union of Newport, County Mayo (Dublin, 1855), pp 41-7, 51-3, 55-62
I2. T.V. of the union of Boyle, County Roscommon (Dublin, 1858), p. 5; T.V. of the union of Carrick-on-Shannon, County Leitrim (Dublin, 1856), pp 40, 44-7, 52, 56-7, 65, 92-3,; T.V. of the union of Carrick-on-Shannon, County Roscommon (Dublin, 1858), pp 21-7, 35

5. Table showing the average level of rents paid by holdings of different sizes

	Crofton	Johnson	Knox	Leitrim	O'Donel	St George
tenement valuation (£.s)	level of rents (percentage of the valuation)					
1-4	113	131	83	170	144	132
5-9	114	111	105	152	125	152
10-14	115	110	89	130	118	133
15-19	111	145	-	131	140	130
20-4	105	109	-	125	106	128
25 +	96	102	99	95	101	131
average	112	117	99	145	127	144

This table shows that the smallest holdings on five of these estates paid rents which were higher than average and which were higher than the rents paid by the largest holdings. However, the smallest holdings paid the highest rents on only two of these estates, but the largest holdings paid the lowest rents on four of these estates. The largest holdings did not pay the highest rents on any of these estates.

The following table shows the size of rent increases paid by holdings of different sizes on four of these estates. The O'Donel estate is not included because there was only a handful of increases on it.

6. Table showing the size of rent increases paid by holdings of different sizes

	Crofton	Knox	Leitrim	St George
rents (£.s)	rent increases (per cent)			
I-4	28	35	69	I3
5-9	I3	22	6I	I2
IO-I4	I6	8	32	I3
I5-I9	II	25	48	I2
20-4	I4	I7	20	I3
25 +	I8	22	50	7
average	I8	20	53	I2

This table shows that the smallest holdings paid rent increases which were above average on all of these estates. On three of the estates, they paid the largest increases and on all of the estates they paid larger increases than the largest holdings.

5. Conclusions

Rents were stable on one of these estates, but on the other five estates most rents were increased once in the period covered by the rentals. Multiple rent increases were common on the Knox and Leitrim estates but they were not significant on the Knox estate. Rent increases on four of the estates where rents were increased were not substantial. The average increases on the Crofton, Knox and St George estates did not come near to the point at which increases in the value of agricultural output would have been divided proportionately between landlords and tenants. The average increase on the O'Donel estate was just about equal to the amount which would have given Sir Neal O'Donel

a proportionate share of increases in the value of agricultural output. But we do not know what happened on this estate after 1862 because the rentals do not go beyond that year.

However, the Leitrim estate does not conform to these generalisations because the average increase of rent on this estate was over 50 per cent and rents were close to the valuation ceiling until 1869. Although Lord Leitrim increased his rents beyond the point which would have given his tenants a proportionate share of increases in the value of agricultural output, it is worth remembering that the level of rents on his estates were just about equal to the tenement valuation when it is adjusted to allow for increases in the value of agricultural output. His tenants did not enjoy a proportionate share of increases in the value of agricultural output, but their incomes probably did increase because an increase of 50 per cent was not great enough to absorb the total increase in the value of agricultural output.

An examination of the level of rents and the size of rent increases on holdings of different sizes showed that there was a tendency for the smallest holdings to pay higher rents and larger rent increases than the larger holdings.

Finally, this group of estates shows clearly the relative elasticity of rents. On the one hand, Lord Leitrim was able to increase his rents by 50 per cent in fifteen years and to force the level of his rents right up to the valuation ceilings. On the other hand, the other landlords, with the possible exception of Sir Neal O'Donel, were satisfied with rent increases which were only a fraction of those received by Lord Leitrim. The success of Lord Leitrim shows that there was a large measure of agricultural output which was at the disposal of a vigorous landlord.

APPENDIX XII

The movement and level of rents on six estates in
the counties of Longford, Louth, Meath and Westmeath,
1850-81

The rentals of the Hancock^I and Reynell² estates cover most of the period, 1850-81, and they are continuous from year to year. The rentals of the Dopping estate in County Longford³ cover the whole period but they are difficult to use. The rentals of the Hopkins estate in County Westmeath⁴ and the rentals of the Fowler estate in County Meath⁵ cover almost twenty years of the period. Finally, the rentals of the Filgate estate in County Louth⁶ cover only the ten-year period, 1865-74, but they are worth using because they are continuous from year to year and they can be used to follow the movement of rents into the 1870s.

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1. Rentals of the Hancock estate in County Westmeath, 1835-97 (N.L.I., MS I4,108)
 2. Rent ledger of the Reynell estate in County Westmeath, 1835-92 (N.L.I., MS 5990)
 3. Rentals of the Dopping (afterwards Dopping-Hepenstall) estate in County Longford, 1833-82 (N.L.I., MS 9993)
 4. Rent ledger of the estate of Sir Francis Hopkins in County Westmeath, 1853-70 (N.L.I., MSS 4821-4822)
 5. Rentals of the estate of Robert Fowler in County Meath, 1849-67 (N.L.I., MS II,414)
 6. Rentals of the estate of Capt. Townley P.M. Filgate in County Louth, 1865-74 (N.L.I., MS 5874)

I. The frequency of rent increases

The rents of individual holdings were increased from time to time on the Dopping, Fowler and Handcock estates. There was a general increase of rents on the Hopkins estate in 1863-4. However, rents were stable on the Filgate and Reynell estates. Most rents were increased on the Dopping, Fowler and Hopkins estates but only a third of the rents on the Handcock estate were increased. Most rents which were increased were increased only once in the periods covered by the rentals.

2. The size of rent increases

The following table shows the size of individual rent increases on four of these estates:

I. Cumulative frequency distribution table of rent increases on four estates

rent increases (per cent)		Dopping	Fowler	Handcock	Hopkins
		holdings (percentages)			
less than	10 per cent	20	39	40	44
"	" 20 "	60	78	60	88
"	" 30 "	73	86	100	88
"	" 40 "	80	100		92
"	" 50 "	87			96
"	" 60 "	87			96
"	" 70 "	87			96
"	" 80 "	94			100
"	" 90 "	94			
"	" 100 "	94			

The most striking thing about this table is that it shows that most rent increases on these estates were below 40 per cent. The Dopping estate is exceptional in this group because 20 per cent of the increases on this estate were more than 40 per cent.

2. Summary table of rent increases on four estates

	range	median	average	s.d.
Dopping	7-130	19	25	25
Fowler	3-35	14	15	11
Handcock	6-21	18	14	7
Hopkins	2-74	10	14	19

These results show that rents were very low on these estates because the median and average increases were well below 40 per cent. The medians show that more than half of the increases were less than 19 per cent. None of these landlords absorbed a proportionate share of increases in the value of agricultural output.^{6a}

3. The level of rents

The following table shows the level of individual rents on these six estates. The tenement valuation of the unions in which all of these estates were situated was published in 1854. The level of rents on five of these estates relate to the years 1854-5. The levels of the sixth estate, the Filgate estate, relate to the year 1865 because that is the year in which the rentals of that estate are closest to the year in which the valuation was made.

6a. See above p. 35

3. Cumulative frequency distribution table showing the levels of rents on six estates

level of rents		Dopping	Fowler	Filgate	Handcock	Hopkins	Reynell
		holdings (percentages)					
less than	100 per cent	16	28			21	25
"	" 110 "	22	56			51	50
"	" 120 "	33	77			77	62
"	" 130 "	55	87			86	87
"	" 140 "	66	90	15		100	100
"	" 150 "	72	90	38	43		
"	" 160 "	83	93	61	57		
"	" 170 "	89	98	76	71		
"	" 180 "	89	98	84	100		
"	" 190 "	94	98	92			
"	" 200 "	94	98	100			

The first thing that strikes one about this table is the great variety of the incidence of high and low rents on this group of estates. On some estates, the levels of rents range along the whole scale while on other estates levels range along only four or five classes. Also, the highest rents on some estates coincide with the lowest rents on other estates.

Since rents were compared with the valuation in the mid-1850s, rents of 150 per cent of the valuation would have given the landlord a proportionate share of increases in the value of agricultural output.^{6b} Therefore, there were no rents greater than the ceiling on the Hopkins and Reynell estates and there

6b. See above p. 45

were only 10 per cent of the rents above the ceiling on the Fowler estate. But on the Dopping and Handcock estates, 28 per cent and 57 per cent of the rents were higher than 150 per cent of the valuation. Since the Filgate levels relate to the mid-1860s, rents of 160 per cent of the valuation would have been appropriate. Therefore, 39 per cent of the rents on this estate were above the ceiling.

4. Summary table of rent levels on six estates

	range	median	average	s.d.	c.v.
Dopping ⁷	54-200	125	128	20	16
Fowler ⁸	74-203	106	111	25	23
Filgate ⁹	134-191	156	159	18	11
Handcock ¹⁰	143-176	150	149	17	12
Hopkins ¹¹	87-133	109	110	11	10
Reynell ¹²	67-137	107	106	23	22

Rents were, on average, low on the Fowler, Hopkins and Reynell estates and the medians show that more than half of the rents

7. T.V. of the union of Granard, County Longford (Dublin, 1854), pp 65-6

8. T.V. of the union of Trim, County Meath (Dublin, 1854), pp 56-66

9. T.V. of the union of Ardee, County Louth (Dublin, 1854), pp 76-9

10. T.V. of the union of Athlone, County Westmeath (Dublin, 1854), pp 52-3

11. T.V. of the union of Mullingar, County Westmeath (Dublin, 1854), pp 145, 148, 190-1, 205, 234

12. *Ibid.*, pp 193, 200-1

were less than 109 per cent of the valuation. And the ultimate level of rents on these estates must have been relatively low. There were no rent increases on the Reynell estate so the rents on this estate never exceeded 106 per cent of the valuation. And the ultimate level of rents on the Fowler and Hopkins estates probably did not exceed 130 per cent of the valuation after the rents were increased.

Rents were higher on the Dopping and Filgate estates than on these estates. But rents on the Dopping estate were well below the ceiling in the mid-1850s and the ultimate level of rents on this estate must have been about 160 per cent of the valuation and, therefore, rents were below the ceilings after 1865. The level of rents on the Filgate estate was close to the ceiling of 160 per cent of the valuation in the mid-1860s. However, rents were not increased on this estate between 1865 and 1875 and rents would have fallen under the valuation ceiling after the mid-1860s. Tenants on this estate enjoyed to the full increases in the value of agricultural output after the mid-1860s.

Finally, rents on the Handcock estate were close to the valuation ceiling in the mid-1850s. Rent increases were small on this estate and only about a third of the rents were increased so it is doubtful if the ultimate level of rents on this estate was greater than 160 per cent of the valuation. Therefore, rents would have been below the ceiling after the mid-1860s. In any case, the position of tenants on this estate must have improved in this period because rent increases were small enough to give them more than a proportionate share of increases in the value of agricultural output.

4. Rents on holdings of different sizes

The following table shows the level of rents on holdings of different sizes:

5. Table showing the average level of rents paid by holdings of different sizes

	Dopping	Filgate	Fowler	Handcock	Hopkins	Reynell
tenement valuation (£.s)	level of rents (percentage of the valuation)					
I-4	I50	I60	I30	-	-	90
5-9	I33	I80	I06	I60	97	I2I
10-14	II3	I55	III	I50	I07	-
15-19	I50	I7I	II3	I43	I25	-
20-4	86	I45	II0	-	I24	-
25 +	II4	I52	I06	-	I08	I03
average	I28	I59	III	I43	II0	I06

On four of these estates, the smaller holdings paid rents which were higher than average and which were higher than the rents paid by the largest holdings. On two of the estates the smaller holdings paid the highest rents and the largest holdings on none of these estate paid the largest rents.

The following table shows the size of rent increases paid by holdings of different sizes:

6. Table showing the size of rent increases paid by holdings of different sizes

rents (£.s)	Dopping	Handcock	Hopkins
	rent increases (per cent)		
1-4	-	-	13
5-9	50	-	19
10-14	27	7	5
15-19	18	18	15
20-4	17	20	26
25 +	9	21	12
average	25	14	14

There was not a strong tendency for the smallest holdings on these estates to pay the largest rent increases and on only one estate the smaller holdings paid the largest rent increases.

5. Conclusions

Most rents which were increased on these estates were increased only once in the periods covered by the rentals. And on two estates there were no increases. Rent increases were small because average increases were well under 40 per cent and there were few individual rent increases which were greater than 40 per cent. None of these landlords succeeded in absorbing a proportionate share of increases in the value of agricultural output. Rents on four of these estates were relatively low but rents on the Handcock and Filgate estate were higher than those on the other estates. But rents on these estates were below the ceilings suggested by the valuation index after the mid-1860s and the tenants were able to enjoy, to the full, increases in the value of agricultural output.

APPENDIX XIII

Ejectment procedures before 1870 and the land act of 1870

The methods, grounds and procedures of ejectment depended on the tenure and size of holdings. The law divided holdings into four classes: (i) yearly and leasehold tenancies whose rent was more than £100 a year, (ii) yearly and leasehold tenancies whose rent was less than £100 a year, (iii) cottier tenancies and (iv) dwelling houses in cities and towns.

If a landlord wanted to eject a tenant from a holding whose rent was more than £100 a year he had to take his case to one of the central courts in Dublin.¹ A landlord could remove a tenant from a holding whose rent was less than £100 a year by bringing an action against the tenant in the civil bill court.² Cottier tenancies, which consisted of a house or cottage with land not exceeding half a statute acre and let at a rent not exceeding £5 a year, could be ejected at the petty sessions.³ Dwelling houses or parts of dwelling houses in cities, towns and villages where markets were held could be ejected by actions at the petty sessions.⁴

For all of these groups there were two main grounds for ejectment: (i) for overholding and (ii) for non-payment of rent.

1. F. Nolan and R.R. Kane, The statutes relating to the law of landlord and tenant in Ireland since 1860 (Dublin, 1871), p. 58; Judicial statistics (Ireland), 1864, pp 102, 130, /3563/, H.C.

1865, lii

2. Nolan, op. cit., p. 58

3. Ibid., pp 85-90

4. Henry Humphreys, The justice of the peace in Ireland (8th ed., Dublin, 1890), pp 217-8

Although there were other grounds for ejectment, e.g. for waste or desertion, overholding and non-payment were the most common causes of ejectment. Overholding of a yearly tenancy occurred after the expiry of six months' notice to quit;⁵ overholding occurred in a cottier tenancy after the expiry of one month's notice to quit, if the holding was held by the month.⁶

Of course, it should be remembered that leasehold tenancies could not be ejected on notice to quit, if the lease had not expired. Non-payment of rent became a ground for ejectment when arrears amounted to one year's rent.⁷ But forty days' arrears were sufficient to secure an ejectment from a cottier tenancy.⁸

To show more clearly how a landlord secured the removal of a tenant I shall describe the procedure followed for two of these classes of holdings: (i) yearly tenants whose rent was less than £100 a year and (ii) cottier tenants. I have chosen these two groups because they include the majority of holdings and because the ejectment procedures for these two groups were roughly analogous to ejectment procedures for household tenants and tenants whose rents were more than £100 a year.

Ejectments of yearly tenants whose annual rent was less than £100 a year were carried out through the civil bill courts. A civil bill ejectment may be divided into four stages: (i) the landlord must have grounds for ejectment, (ii) he must serve the tenant with an ejectment process, (iii) the trial of the case at the quarter sessions and (iv) the execution of the decree.

5. J.S. Furlong, The law of landlord and tenant, as administered in Ireland (2nd ed., Dublin, 1869), i, 608-9

6. Henry Humphreys, The justice of the peace in Ireland (8th ed., Dublin, 1890), p. 217

7. Nolan, The statutes relating to the law of landlord and tenant, p. 58

8. *Ibid.*, pp 88-9

Firstly, the landlord had to have grounds for ejectment. As we have seen, one year's arrears was a sufficient ground for ejecting yearly and leasehold tenants. But if the landlord wanted to remove a yearly tenant who was not in arrears his best resource was to serve the tenant with a notice to quit and eject him for overholding. A notice to quit was usually a written notice addressed to the tenant which asked the tenant to give the landlord possession of his farm at a certain date. It was necessary to give the tenant six months' notice and the notice was supposed to expire on the day and at the time of the year when the tenancy originally began.⁹ Apart from this stipulation there were no rules about the form of notices to quit. They did not have to be written, they did not have to be precise and correct and they did not have to be served on the tenant in person.¹⁰ If the tenant did not give the landlord possession when the notice expired, the landlord had grounds for ejecting the tenant for overholding.

The second stage of the civil bill ejectment procedure was the landlord's application for the service of a civil bill process on the tenant. There were two kinds of civil bill process. Firstly, if the tenant was in one year's arrears, the landlord applied for a civil bill process for non-payment. Secondly, if the tenant had ignored a notice to quit, the landlord applied for a civil bill process for overholding. The processes summoned the tenant to appear at the next quarter sessions to answer the plaintiff's bill. The processes had certain things in common.

9. Furlong, The law of landlord and tenant, i, 608-9

10. Ibid., i, 617-29

Both could be served by posting in a public place;^{I1} both could be served by persons other than the process officer of the court;^{I2} and both had to be served at least fifteen days before the beginning of the quarter sessions.^{I3} The original copy of the process had to bear a stamp worth two shillings and sixpence and every copy had to bear a stamp worth sixpence.^{I4} And both processes were signed by the plaintiff's attorney and bore his address.^{I5} The main difference between them was that a civil bill process for non-payment specified the amount of arrears due but a process for overholding simply demanded possession.

A tenant who received a civil bill process for rent could avoid going to court if he paid the amount of arrears and costs specified in the process. If he sent the money to his landlord or agent, the proceedings were stayed.^{I6} On the other hand, a civil bill process for overholding could be stayed only if the tenant gave up possession immediately. In other words, eviction was only a threat in cases of non-payment but it was the direct aim of a civil bill ejectment for overholding.

After the service of the process, the next stage was the trial of the ejectment case at the quarter sessions. This trial had two characteristics. Firstly, no jury was summoned in ejectment cases.^{I7} Secondly, the defendant had only limited grounds of defence. According to one lawyer:^{I8}

Every defendant in a civil bill ejectment ... shall be entitled to every defence at the hearing ... which he might have had at law or in equity.

I1. Nolan, The statutes relating to the law of landlord and tenant, pp 63-4

I2. J.W. Carleton, The jurisdiction and procedure of the county courts in Ireland (Dublin, 1878), p. 133-4.

I3. *Ibid.*, p. 133

I4. *Ibid.*, p. 132

I5. Nolan, *op. cit.*, pp 101-2

This statement sounds impressive but, in practice, the tenant had few grounds for defence. He could defend himself by proving either that he did not hold land belonging to the plaintiff, or, in cases of non-payment, that he had in fact paid the rent.¹⁹ In an ejectment for overholding he could defend himself by proving that he held under a verbal agreement for a specific term of years.²⁰ Or, if he could prove that the notice to quit or the ejectment process had not been served, or if he could prove that he was not the tenant named in the process, he could defeat the ejectment.

If the defendant could not prove one or more of these points, the chairman of the court had to issue a civil bill ejectment decree. This decree was signed by the chairman, by the clerk of the court and by the plaintiff's attorney. It ordered the plaintiff to be put in possession of the defendant's holding.²¹ If it were a decree for non-payment the defendant could stay its execution by paying the arrears to the clerk of the peace or to the landlord.²²

16. Nolan, The statutes relating to the law of landlord and tenant, pp 101-2

17. Carleton, The jurisdiction and procedure of the county courts, p. 140

18. Furlong, The law of landlord and tenant, ii, 1128

19. Nolan, op. cit., pp 64-5

20. Carleton, op. cit., p. 175

21. Furlong, op. cit., ii, 1130

22. Nolan, op. cit., pp 67-9

If he did not do this, or if the decree was for overholding, the next stage of the ejectment procedure was the execution of the decree. It was at this point that the 'eviction' took place. The decree for possession was sent to the sheriff and the law obliged him (to use the legal euphemism) to put the plaintiff in possession of his land within one month. Only the sheriff or his bailiffs could execute the decree. Entry could be made into the defendant's lands between the hours of nine in the morning and four in the afternoon. Evictions could not be carried out on Sundays, Good Friday or Christmas Day.²³ Before the eviction was carried out the landlord had to give the relieving officer notice of the eviction. If he failed to do this he was liable to a fine of £20.²⁴ If the tenant re-entered his farm without the landlord's permission the court had to renew the decree.²⁵

Ejectment procedures in the superior courts in Dublin followed the same lines as civil bill ejectments. For example, in suits for non-payment the tenant had the same opportunities for staying the proceedings by lodging the rent with the landlord and by undertaking to pay the costs.²⁶ Likewise, sheriffs executed writs of habere issued by the superior courts in the same way as civil bill ejectment decrees.

If a landlord wanted to eject a cottier tenant he had to go through the same procedure as for yearly tenants. The main

23. Carleton, The jurisdiction and procedure of the county courts, p. 140

24. *Ibid.*, pp 144-5

25. *Ibid.*, p. 141

26. Nolan, Statutes relating to the law of landlord and tenant, pp

difference was that he took his case to the petty sessions court. There were three grounds on which a landlord could eject a cottier tenant: (i) if the tenant had damaged his cottage or allowed it to be damaged,²⁷ (ii) if he let his rent fall into more than forty days' arrears and (iii) if he ignored the landlord's notice to quit. This notice could be either, written, printed or verbal and it expired after a week or a month according to the length of the tenancy.²⁸ If the landlord had a complaint on one or more of these grounds he made his complaint at the petty sessions. Then the justices summoned the tenant to appear and if they were satisfied with the landlord's case, they issued a warrant for the ejection of the cottier.²⁹

This warrant was issued to a special bailiff named by the landlord³⁰ and he had to execute the warrant in not less than seven and in not more than fourteen days after it was issued. Its execution was regulated in the same way as a civil bill ejection decrees. It could not be executed on Sundays, Good Friday and Christmas Day.³¹ Likewise, the landlord had to inform the relieving officer of his intention to evict the cottier.³² The procedure for ejecting householders was much the same.³³

An evicted tenant had certain claims to the produce and equipment of his farm. These claims were for what the lawyers called emblements, way-going crops and fixtures. Emblements were 'the growth of the earth produced annually', e.g. corn,

27. Nolan, The statutes relating to the law of landlord and tenant, pp 88-9

28. Humphreys, Justice of the peace, p. 217

29. Nolan, op. cit., p. 88

30. Ibid., p. 88

31. Ibid., pp 89-90

32. Carleton, The jurisdiction and procedure of the county courts, /

33. Nolan, op. cit., pp 85-6

flax, and hemp. But artificial grasses and fruit on trees were not emblements.³⁴ If a yearly tenancy or a lease of lives was determined after the tenant had ploughed and manured the ground and sown his crop, he was allowed to take it away when it ripened because it was considered an emblement. But if the tenancy were determined after ploughing and manuring but before sowing, the tenant had no rights to the crop.³⁵

The second claim of an evicted tenant was to way-going crops. In some districts, local usages giving the tenant a share of his growing crops had superseded the doctrine of emblements. In Connaught, a tenant was allowed to take two thirds of his crops and, in Leinster, he was allowed to take seven eighths of it.³⁶ However, if a tenant overheld at the end of a lease or if he gave up his holding voluntarily he was not entitled to either emblements or way-going crops.³⁷

A fixture was anything let into the soil or cemented or firmly fixed into something with foundations in the ground, e.g. threshing machines, steam boilers, stained glass windows etc. But buildings were not regarded as fixtures. When a tenant left his holding he could take away his fixtures so long as he caused no damage by removing them.³⁸

I have mentioned this aspect of ejection procedures because it shows the inadequacy of the law before 1870. Compensation for emblements, way-going crops and fixtures or the right to remove them may have been of some comfort to large farmers who had invested in their farms. But it was of little comfort to

34. Furlong, The law of landlord and tenant, i, 648-9

35. Ibid., i, 647, 649

36. Ibid., i, 651-3

37. Ibid., i, 654-5

38. Ibid., i, 657-8, 663-4

a small tenant in Mayo to know that if he were evicted he could take away his stained glass windows and that a melon was an emblement and an artichoke was not.

Lawyers may have got great satisfaction from contemplating the doctrine of emblements and fixtures but in practice these doctrines were more significant as a nuisance to landlords than as compensation for evicted tenants. If the law had regarded buildings, fences and drains as the property of the tenant, it might have given the tenant some satisfaction, but fixtures seemed to include just those things which the smaller tenants did not have.

Finally, ejectment procedures before 1870 had three characteristics : (i) they were swift and cheap, (ii) the landlords' power to evict was unlimited if the tenant did not have a lease and (iii) each stage in the ejectment procedure was a threat of eviction.

A landlord could get rid of a tenant in less than a year and the costs of removing the tenant were not heavy. Apart from solicitors' fees, small stamp duties and postage were the main costs. But the most important characteristic of ejectment procedures was the landlords' unlimited power to evict yearly and cottier tenants. If a landlord wanted to get rid of a tenant, nothing but the passing of time and the spending of a few shillings stood between him and his end. No one could stop an ejectment for overholding. The chairman of the civil bill court had no discretionary powers; the case was not tried by a jury and not even the government could restrain a determined landlord. The landlord did not have to prove that the tenant

had misbehaved or had damaged his farm : in cases of overholding the landlord had to prove only the service of a notice to quit.

Each stage of the ejectment procedure was a threat of eviction even if it did not lead to eviction. The potential for political and social pressure in the system was considerable. The careful delays laid down by the law were a graduated scale of coercion. A landlord could, at little cost and trouble to himself, put pressure on his tenants merely by serving notices to quit. The fact that landlords, by the expenditure of a few shillings, could bring their tenants to the brink of eviction and then leave them undisturbed meant that they could coerce their tenants without actually disrupting the running of their estates. Nevertheless, it should not be forgotten that tenants could not be removed by the mere behest of their landlords or driven out by physical force.

Ostensibly, the law before 1870 had two weaknesses. The tenants' improvements were at the mercy of an unscrupulous landlord because the law presumed that permanent improvements belonged to the landlord. And secondly, the landlords could evict yearly tenants when they pleased. Given the smallness of holdings, the alleged poverty of many tenants and the backward state of cultivation, it seemed that the law was unfairly and dangerously shaped. Gladstone's land act of 1870 was an attempt to remedy this situation by doing two things: (i) the presumption of the law was changed in regard to improvements and (ii) ejectments for overholding were penalised.

The main provision of the land act of 1870, apart from legalizing the tenant right custom of Ulster, was to give evicted tenants the right to compensation for improvements and the right

to compensation for disturbance. The act did not change the actual procedures of ejectment. Landlords initiated proceedings in the same way and the case came before the courts in the same way. However, the main difference occurred in court, because the processed tenant could claim for compensation. The decrees of the court could not be executed until the landlord paid the compensation awarded by the court.

The presumption of the law as to the ownership of improvements was changed. As we have seen, the law before 1870 gave the evicted tenant only limited rights, but the land act of 1870 increased the tenant's claims to include most common improvements, including manures.³⁹ In fact, improvements after 1870 included any work which added to the letting value of the land, and their value was determined by what they would cost 'if prudently effected at present prices'. Although the cost of deterioration was deducted, the period during which the tenant had enjoyed their value was not considered.⁴⁰ The right of a yearly tenant to compensation for his improvements was absolute and did not depend on ejectment for overholding. Even if a tenant was ejected for non-payment or if he quit voluntarily, the landlord was obliged to compensate him for improvements unless he gave him permission to sell his improvements to his successor.⁴¹

However, the most novel and interesting part of the land act of 1870 was its third section which gave tenants ejected

39. Robert Donnell, Practical guide to the law of tenant compensation and farm purchase under the Irish land act (Dublin, 1871), p. 99; William O'Connor Morris, The Irish land act, 33 and 34 Vict. cap. 46, with a full commentary and notes (Dublin, 1870), pp 102-7

40. Donnell, *op. cit.*, p. 99

41. *Ibid.*, p. 16

for overholding the right to compensation for disturbance as well as compensation for improvements. If a tenant who was not in arrears was evicted he was entitled to compensation based on a sliding-scale of values in section 3 of the act. The aim of section 3 was to give:⁴²

that which is already recognized by the ordinary practice of Ireland, that a tenant from year to year, if deprived of his holding, must have something more than the mere value of his improvements.

The amount of compensation depended on (i) the valuation of the holding and (ii) the rent of the holding. The sliding-scale was constructed in a way that gave the smallest holdings and holdings with the highest rents relatively more compensation than the larger holdings and holdings whose rents were low. In other words, a landlord who set his land high and evicted his tenants was more heavily penalised than more moderate landlords.

5.1 Sliding-scale of compensation for disturbance laid down by the land act of 1870 (44)

valuation (£s)	compensation
1-10	7 years' rent
10-29	5 " "
30-9	4 " "
40-9	3 " "
50-99	2 " "
100 +	1 year's rent

42. George Campbell, The progress of the land bill (London, 1870), p. 12

43. The public general acts passed in the thirty-third and thirty-fourth years of the reign of H.M. Queen Victoria (London, 1870), p. 174

The amounts in these scales were the maximum amounts which the courts could award and the total compensation could not exceed £250.⁴⁴ Although the tenant's place on the scale and the amount of his rent determined the amount of his compensation, tenants with larger holdings could claim under the lower grades but their rents were reduced in proportion for the purpose of calculating the amount he should receive.⁴⁵ The following table shows the amounts a tenant whose valuation was £50 and whose rent was £60 could claim under the different grades:

valuation	rent	compensation
£50	£60	£120
£40	£48	£144
£30	£36	£144

This table shows that this tenant would have received more if he claimed under one of the lower grades. The aim of ^{this} procedure was to prevent inequalities due to breaks in the sliding-scale.⁴⁶

Compensation for disturbance and improvements were the main innovations made by the land act of 1870, apart from the legalizing of the tenant right custom. However, there were other changes in ejectment procedures. For example, notices to quit had to bear a stamp worth 2s. 6d.. Furthermore, section 7 of the act gave evicted tenants the right to claim compensation for money given by him to his predecessor in title.⁴⁷ But the tenant could

44. O'Connor Morris, The Irish land act, pp 76, 174

45. Ibid., p. 81 and Donnell, Practical guide, p. 86-7

46. Donnell, op. cit., p. 86

47. Ibid., p. 19

not claim under section 7, if the landlord allowed him to bargain with his successor⁴⁸ or if he claimed under section 3.⁴⁹ Also, the tenant could claim under section 8 for way-going crops.⁵⁰ Under section 18 of the act, the chairmen of the courts could decide if rents were exorbitant and, in Ulster, it seems that this section was used occasionally.⁵¹

The land act of 1870 was complicated, nicely contrived and presented the tenant with several options. A tenant in Ulster could claim under the tenant right custom or under sections 3, 4 and 8. Tenants who could not claim under the custom in other parts of Ireland could claim either under sections 3, 4 and 8 or under sections 4, 7 and 8. In other words the tenant could take the course which would give him the most compensation. On the other hand, it is possible that the land act was too complicated, and the tenants did not know their rights. For example, a tenant who was evicted for non-payment did not receive anything for his improvements because, he said, his attorney 'never told me'.⁵² Also, some small tenants hesitated to go into court because of their fears of high legal costs.⁵³ Certainly, in some test cases legal costs were enormous. For example, in one case the tenant was awarded a total of £530. 6s. 6d. but his costs were £352. 16s. 6d.⁵⁴

48. Donnell, Practical guide, p. 19

49. Ibid., pp 119-20

50. Ibid., p. 6

51. Lords' committee on the land act of 1870, pp 36-7

52. Bessborough commission, evidence, pt. i, p. 295

53. Ibid., pt. i, p. 232

54. Ibid., pt. i, p. 232

APPENDIX XIV

John George Adair and the Derryveagh evictions, 1861

The Derryveagh evictions of 1861 deserve special treatment for two reasons. Firstly, they are an example of the 'classical' eviction with all the elements of hardship, injustice and pathos which have made evictions a central part of the folk tradition of predatory landlordism. Secondly, an examination of the readily available evidence will show that these evictions were exceptional and that their author, John George Adair, was a man of questionable character and suspect motives.¹

The background to the Derryveagh evictions is easily described. The sixteen townlands of Derryveagh were bought in the landed estates court in 1857-8 by John George Adair.² In 1859 he raised his tenants' rents and in January 1860 he served them with notices to quit, presumably, to force them to pay the increased rents.³ At the same time, he alarmed his tenants by evicting two of them and by giving them only £100 each as compensation, when their tenant right was thought to be worth at least £300 each.⁴ On 1 November the notices served in January

1. Most of my information on the evictions is taken from the papers of Sir Thomas Larcom who was under-secretary at the time of the evictions; see Letters, memoranda and newscuttings concerning the state of the county of Donegal compiled by Sir Thomas Larcom, 1856-66 (N.L.I., MS 7633); hereafter cited as Larcom papers on the state of Donegal, 1856-66

2. Ibid., Constabulary office memorandum, 27 May 1861

3. This information is taken from a document in the Larcom papers entitled 'Derryveagh evictions in the county of Donegal by John George Adair, J.P.'; it was written by Vincent Scully, M.P.; hereafter cited as Scully's memorandum on Derryveagh

4. Express, 25 April 1861 in Larcom papers on the state of Donegal, 1856-66

expired. A fortnight later, Murray, Adair's Scotch bailiff, was found murdered on the mountains.⁵

Murray had shared his master's unpopularity and had even increased it by lending his boat to the police to make a raid on some poteen makers who had a still on an island. Even the rector of Gartan publicly condemned this piece of folly. On the face of it, Murray's murder was a typical agrarian outrage. He had helped his master in his exactions and he had offended the poteen makers. His murder, coming only two years after the murder of a landlord in Falcarragh and the slaughter of sheep in Gweedore, seemed to be the action of a secret society which aimed at controlling the management of estates in that part of Donegal.⁶

In any case, Adair chose to believe that his tenants were harbouring Murray's murderers and he decided to proceed on the notices to quit which had expired in November. Accordingly, he secured forty-six ejectment decrees against his tenants⁷ and, in spite of the government's attempts to dissuade^{him}, he decided to have the decrees executed.⁸ The government could not even delay the execution of the decrees⁹ and lamely refused to administer a public rebuke to Adair by taking away his commission of the

5. Scully's memorandum on Derryveagh in Larcom papers on the state of Donegal, 1856-66

6. Ibid., Dublin Evening Mail, 15 April 1863

7. Scully's memorandum on Derryveagh

8. Copies of requisitions, reports, notices and correspondence from or to the sheriff or sub-sheriff or the county of Donegal, and from or to any resident magistrate, officer of constabulary, or relieving officer, and from or to the chief or under-secretary for Ireland, with reference to a recent ejectment of the lands of Derryveagh, in that county, H.C. 1861 (249), lii, 559

9. Theobald Dillon to Sir Thomas Larcom, 3 April 1861 in Larcom papers on the state of Donegal, 1856-66

peace. The lord chancellor, Maziere Brady, thought that it was ¹⁰ too strong a measure to remove a magistrate merely on the ground of his exercising the rights of property ... in the absence of any evidence of special personal cruelty.

In the second week of April 1861, the sheriff of Donegal, accompanied by the resident magistrate, Theobald Dillon, and an escort of two hundred police, executed the decrees in Derryveagh. The newspapers described the evictions with that pathos which Victorians demanded and usually got in reports of public hangings. According to one report 'the police officers themselves could not refrain from weeping' and the sub-sheriff, Crookshank, was so moved by the plight of one old man that he offered to get a car for him at his own expense to take him to the workhouse. At least forty-six families were removed and their houses were pulled down.¹¹ The demographic results of Adair's actions were clearly shown in the census of 1871, for whole townlands which had supported five or six families in 1861 were deserted in 1871.¹²

What was the significance of these evictions? Were they caused by a combination of economic pressures and personal ruthlessness? Or were they a merely local and isolated incident caused by the greed and rancour of one landlord? Did Adair act in a way which a landlord was expected to act? Certainly, Adair was the darling of the tory press, which praised him for doing what other landlords were afraid to do. His action was seen as a blow against ribbonism. As one newspaper put it:¹³

We deeply deplore the necessity of such a measure as this wholesale eviction; but if it crushes ribbonism and purges the county

10. Maziere Brady to Larcom, 18 April 1861 in Larcom papers on the state of Donegal, 1856-66

11. Ibid., Londonderry Standard, 11 April 1861

12. Census Ire., 1871, i, i, 386-7

13. Express, 9 April 1861 in Larcom papers on the state of Donegal, 1856-66

from the stain of blood, it will prove a salutary severity.

One of the M.P.s of County Donegal, Thomas Conolly, believed that if Adair had not acted as he did the ribbon-men would not have allowed him any say in the management of his property.¹⁴ And as we have seen, the lord chancellor refused to remove Adair from the bench. On the other hand, Adair was disowned by some of his neighbours and brother magistrates who passed the following resolution at Churchill petty sessions:¹⁵

the outrages complained of have, in our opinion, arisen from causes unconnected with any matter having relation to the adjoining estates (hitherto and now in a state of perfect tranquillity).

On the face of it, Adair had a good case and, fortunately, he put his case into print in an open letter to the rector and parish priest of Gartan, who had remonstrated with him about evicting the Derryveagh tenants. In this letter Adair protested that all his interests and personal feelings were against the evictions but he believed that his tenants had conspired against him. He gave four reasons for thinking that his tenants were evilly disposed. Firstly, the former proprietor of Derryveagh had been murdered. Secondly, he himself had been attacked in the mountains by a large band of armed men. Thirdly, while he was staying with the rector the out-offices of the glebe house had been burnt maliciously. And fourthly, his bailiff, Murray, had been murdered and two members of the coroner's jury, who had

14. Cardwell to Larcom, 25 May 1861 in Larcom papers on the state of Donegal, 1856-66

15. Ibid., Dublin Evening Post, 23 May 1861

brought in a verdict of wilful murder on Murray, had been attacked.^{I6}

Adair presented himself as a man forced by the wickedness and folly of ignorant peasants to act justly but harshly. This is what he wanted the public to believe, for it was on his initiative that the rector's letter and his own were published in the Freeman's Journal. But is his letter a true account of what happened in Derryveagh before the evictions? The interesting thing about Adair was that he was either a fool or liar, and the evidence suggests that he was the latter rather than the former. If the last three points in his letter are examined in the light of other evidence it becomes clear that Adair was lying about some of the incidents he described and wilfully ignorant about others.

He had said that he had been attacked on the mountains by a band of armed peasants. The truth of this was that Adair himself had attacked and beaten one of his neighbour's bailiffs, and the armed band was a crowd of peasants who had gathered to watch the scuffle. These facts had been brought to light in court because the bailiff had sued Adair for assault. The most that Adair had said on that occasion against the peasants was that:^{I7}

the manner of the crowd struck him as rude; /he/ heard some of them call him 'Adair'; he did not think that rude.

All of this had been reported in the newspapers in 1859 and was

I6. Freeman's Journal, 16 April 1861 in Larcom papers on the state of Donegal, 1856-66

I7. Ibid., Freeman's Journal, 17 Feb. 1859

public property, but within two years Adair stood the truth on its head by converting the spectators into his assailants. It seems that Adair was not only a liar, but a barefaced one.

Two other points in Adair's letter were questioned by Thomas Fitzgibbon, a resident magistrate in Donegal. He pointed out that Adair was mistaken about the attack on the two members of the coroner's jury because they had not been attacked at all. Also, Adair was mistaken when he said that the out-offices of the glebe house had been burnt maliciously. The truth of this was that some servants of the rector had left a candle in a shed where a cow had calved. Adair could have been mistaken or misinformed about the attack on the jurymen but it is hard to see how he could have interpreted the carelessness of sleepy servants as murderous arson.¹⁸

But in the end, the gravamen of Adair's case was the murder of Murray. His justification stands or falls on that, for the other incidents can be dismissed as the mere accidents of a landlord's daily round. It was the murder of Murray and the escape of his murderers which were supposed to justify the eviction of forty-six families. Was there a conspiracy to murder Murray and did the tenants of Derryveagh conceal his murderers? It is unlikely that there was any plan to murder Murray, for his attackers had no weapons and they had killed him by striking him on the head with a heavy stone. At this time, Murray went about in fear of his life and never went out without a pistol. Is it

18. Thomas Fitzgibbon to Cardwell, 28 May 1861 in Larcom papers on the state of Donegal, 1856-66

likely that a frightened and suspicious man would have let two hostile peasants get close enough to him to beat out his brains? The answer is, I think, that Murray must have been attacked by men of whom he had no reason to be afraid. Therefore, the circumstances of Murray's murder suggest that Murray was not murdered by the tenants.

A clue to the identity of Murray's murderers is given in a letter from Theobald Dillon, R.M. to Larcom. Larcom had asked Dillon why he had not taken sworn informations from Mrs Murray. Dillon replied that he had not examined Murray's wife because:¹⁹

I believe that she and Dugald Rankin conspired to get Murray murdered, and I believe that the actual murderer was Archibald Campbell, one of the late Mr Hunter's shepherds who perjured himself before Chief Justice Monahan.

Dugald Rankin was a Scotch shepherd employed by Adair. Dillon had four reasons for believing that Mrs Murray and Rankin had conspired to murder Murray. Firstly, Rankin had spent the day of Murray's murder with Mrs Murray and her sister. Dillon thought that this was an attempt to establish an alibi for Rankin. Secondly, Rankin and Campbell had been seen together frequently. Thirdly, Mrs Murray and Rankin had been sharing her bedroom less than two days after Murray's funeral. Fourthly, Adair's agent had come across Rankin and Mrs Murray 'locked in each other's arms'.¹⁹

This was not a complete case against Rankin and Mrs Murray, and they were never prosecuted. The interesting thing about all this is Adair's part in it. Did he know or even suspect the truth? His agent suspected Rankin and Mrs Murray, and the police suspected

19. Theobald Dillon to Larcom, 30 May 1861 in Larcom papers on the state of Donegal, 1856-66

them, so it is unlikely that he was ignorant. If he had lied about the incident on the mountains and the fire in the glebe house, it is unlikely that he would have been punctilious in disproving his main argument. Certainly, J.S. Macleod did not think that Adair was a truthful man, for on one occasion he wrote to Larcom:²⁰

Of course, J.G. Adair will say anything just as it suits his purpose.

It would be pushing the evidence too far to say that Adair knew that the tenants had not murdered Murray, but that Murray's murder had made conservative public opinion ready to applaud a large-scale eviction and that he took the opportunity to clear his estate so as to convert it into a large sheep farm.²¹ But there is no doubt that the Derryveagh evictions are remarkable for the intrigue and falsehood which surrounded them. Perhaps, the last word on Adair should be said by Thomas Fitzgerald, R.M.:²²

Mr Adair is to a great extent a dealer or speculator in land, and one who could never be on good terms with the peasantry.

And what became of the unfortunate victims of the Derryveagh

20. J.S. Macleod, R.M. to Larcom, 17 Apr. 1863 in Larcom papers on the state of Donegal, 1856-66

21. Ibid., Express, 19 Nov. 1860; the editor of this newspaper demanded that 'something extraordinary should be done without further delay' to revenge Murray's murder.

22. Ibid., Fitzgerald to Cardwell, 28 May 1861

evictions? Some made their way to the workhouse where they won praise for their good behaviour.²³ Most of them emigrated and their last hours in Ireland are described in a police report:²⁴

Inspector Armstrong reports that 143 young men and women, emigrants for Australia arrived by train at 6 p.m. ... on their way from Derryveagh, County Donegal. They proceeded along Talbot st., Henry st. and Mary st. to the Flamingo Hotel ... where they got refreshments. After a while they proceeded to the North Wall accompanied by a clergyman where they embarked between 8 and 9 o'clock p.m. ... on board the Lady Eglinton, steamer for Melbourne via Plymouth. They were all conducted on board by a Roman Catholic clergyman - all passed off quietly and in good order.

As the report says, all passed off quietly and in good order but the damage done to landlord and tenant relations in Donegal was not so easily or so quickly dismissed. The Derryveagh evictions have become a part of that oral tradition which has as its central figures Lord Leitrim and Lord George Hill. However, I hope that I have shown that the Derryveagh evictions were an exceptional occurrence, exceptional not only statistically but exceptional in the combination of duplicity and ruthlessness which brought them about.

23. R. Hamilton to the poor law commissioners, 11 May 1861 in Larcom papers on the state of Donegal, 1856-66; Hamilton wrote that 'the persons who have been admitted from this district into the workhouse are easily managed and are a superior class of people to the ordinary paupers.'

24. Ibid., Report to the commissioner of Metropolitan Police from the chief superintendent of police, 20 Jan. 1862

APPENDIX XV

Eviction statistics and their shortcomings

There are two sources of eviction statistics. Firstly, there are statistics of ejectments in the volumes of judicial statistics, which were published annually from 1863.¹ Secondly, the police made returns of the number of families evicted annually and these were published as parliamentary papers on two occasions.² Both of these sources are copious and detailed but their use presents certain problems.

The judicial statistics are unsatisfactory for several reasons. They do not begin until 1863 and, for several years, the returns were not complete.³ Also, they were not presented in a uniform way until 1867. For the first three years, the number of civil bill processes served was broken down into four classes according to the grounds for ejectment, i.e. for non-payment, for overholding, for title and for desertion, but the number of decrees executed was not given. It was only in 1866 and in the following years that the number of decrees for non-payment and for other reasons were given. But after 1866, the reasons for serving processes were not given. However, from 1867 the ejectment statistics were presented uniformly and gave the number of processes served and the number of decrees executed for non-payment and for other reasons.⁴ Returns of

1. Judicial statistics (Ireland), 1863 /3418/, H.C. 1864, lvii, 653
2. Returns of the total number of evictions which have taken place in each county of Ireland during the last three years ending 31 December 1869, H.C. 1870 (101), lvii, 301; Return, by provinces and counties, of cases of eviction which have come to the knowledge of the constabulary in each of the years from 1849 to 1880, inclusive, H.C. 1881 (185), lxxvii, 725

cottier and household ejectments are available for the late 1860s.⁵

The tables of evictions compiled by the police for the years from 1849 to 1880 are, at first sight, a useful series because they give the number of evictions in each province and county as well as for the whole country. It is worth noting at this stage that the judicial statistics never use the word 'eviction' but the police returns use it consistently. Since the police returns give the number of families and the number of persons evicted it seems that their intention was to record the number of people affected by evictions. However, the police returns do not tell us whether the evictions were caused by non-payment or overholding.

The main problem created by the judicial statistics and the police returns is the apparent discrepancy between the number of 'evictions' reported by the police and the number of 'ejectment' decrees recorded in the judicial statistics. The number of ejectment decrees executed on cottier, yearly and leasehold tenancies exceeds the number of evictions reported by the police. The following table shows the number of civil bill decrees executed and the number of evictions returned by

3. Judicial statistics (Ireland), 1863, p. 95 /3418/, H.C. 1864, lvii; Judicial statistics (Ireland), 1864, p. 126 /3563/, H.C. 1865, lii; Judicial statistics (Ireland), 1865, pp 189-90 /3705/, H.C. 1866, lxviii; Judicial statistics (Ireland), 1866, p. 7 /4071-1/, H.C. 1867-8, lxvii; Judicial statistics (Ireland), 1867, p. 157 /4071/, H.C. 1867-8, lxvii; in all of these years the returns were incomplete; for example, there were no returns for nine counties and incomplete returns for thirteen counties in 1866.

4. For the final form of the ejectment statistics see Judicial statistics (Ireland), 1868, p. 63 /4203/, H.C. 1868-9, lviii

5. Ibid., pp 209-12

the police:

6.1 The number of civil bill ejectments and the number of evictions reported by the police in 1868 and 1869 (6)

	civil bill ejectments	evictions
1868	1,155	637
1869	950	374

As we have seen, the execution of the ejectment decree was the final stage of the ejectment procedure when the landlord was put into possession of his land by the sheriff. Therefore, one would expect the number of executions to coincide with the number of evictions. And the above table gives only the number of civil bill ejectments. If cottier ejectments were added the discrepancy would be greater. There are several possible reasons for this discrepancy: (i) the statistics might be inaccurate and (ii) evictions and ejectments were not the same things.

It is possible that the judicial statistics were inaccurate in the 1860s because the many changes in their arrangement must have caused confusion. But in the 1870s, the number of ejectment cases exceeded the number of evictions. For example, the number of cases under the land act of 1870 exceeded the number of evictions returned by the police.⁷ However, if we accept that the judicial statistics are accurate we imply that the returns made by the police were inaccurate. But this is very unlikely.

6. Judicial statistics (Ireland), 1868, p. 66 /4203/, H.C. 1868-9, lviii; Judicial statistics (Ireland), 1869, p. 215 /c. 227/, H.C. 1870, lxiii

7. For example, see Returns of evictions, 1849-80, p. 3 and Judicial statistics (Ireland), 1875, p. 76 /c.1563/, H.C. 1876, lxxix

The police knew the countryside well because they collected the information on which the agricultural statistics were based, and it is unlikely that they would have missed any evictions. Furthermore, the police had no reason for concealing evictions because they were not criminal offences which had to be investigated successfully.

It is possible that both sources were accurate but that there was a discrepancy between them because 'evictions' and ejections were not the same things. Of course, strictly speaking the two words are synonymous but in this period the word 'eviction' seems to have had a pejorative quality. The judicial statistics never use the word and H.S. Thompson refers to eviction as an 'odious name'.⁸ It is possible that the word 'eviction' was used to describe ejections which were resisted and which could be enforced only by a show of force. Since the show of force was usually made by the police, this explanation seems plausible. But there is no mention of this in the returns and the title of the paper includes the words 'which have come to the knowledge of the constabulary'.⁹ This implies that the involvement of the police was indirect.

The most promising explanation for the discrepancy between evictions and ejections seems to lie in legal technicalities. The arrangement of the police returns implies that the police were interested mainly in families who were removed from their holdings, but the legal procedure of ejection merely gave the landlord possession of his land. The giving up of possession

8. H.S. Thompson, Ireland in 1839 and 1869 (London and Dublin, 1870), p. 94

9. Returns of evictions, 1849-80, p. 3

seems to have been a symbolical act and it was not always accompanied by throwing down the tenant's house. The tenant could comply with the law by extinguishing his fire and by giving 'sod and twig'¹⁰ to show that he had given up his land. When he had done this the landlord might allow him to remain as a caretaker, or if the dispute between him and the landlord was settled he might be restored as tenant. The police returns recognize this, because they give the number of tenants who were reinstated, but it is possible that the police missed some of these incidents. When tenants were not actually removed the chief stigmata of evictions, deserted or wrecked houses, were absent and the police would not have noticed anything.

Furthermore, the police might have counted evictions differently if they did not know the tenure of the farm evicted. The police counted the number of families evicted, but it is possible that the removal of one family required more than one ejectment decree. For example, if a farm was held partly by lease and partly by a yearly tenancy, several ejectment decrees might be necessary to evict the tenant. Also, ejectment decrees were often formal arrangements used for transferring the tenancy from one member of a family to another and the police were probably ignorant of this or ignored it.

On the whole, the discrepancy between the number of ejectments and the number of evictions reported by the police can be explained in terms of administrative confusion. The fact that the number of ejectments exceeded the number of evictions does not discredit the police returns. An examination of individual estates and the judicial statistics themselves suggest that threats

10. Trench, Realities of Irish life, p. 112

of removal greatly exceeded the number of tenants who were evicted or brought to the point of eviction. If one wants to study evictions in the period 1850-81 one has little difficulty in choosing between the police returns and the judicial statistics because only the police returns cover the whole period. But Hobson's choice is not the only commendation of the police returns for they go to the heart of the matter : they give the number of families who were actually removed from their holdings. The fact that they give the number of families and the number of persons evicted suggest that they were carefully compiled. At worst, they probably underestimated the numbers slightly. On the other hand, the judicial statistics are useful because they show that threats of eviction were more frequent than actual evictions.

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