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I. PRE-FAMINE IRELAND

Throughout the nineteenth century in Ireland, landownership was the preserve of a privileged minority. In 1804, there were an estimated 8,000 to 10,000 landed proprietors in a population of around 5.4 million people. This minority was almost exclusively protestant with only about 5 per cent of land in catholic hands. This was as a direct result of the confiscations of catholic owned property which had taken place under Cromwell, Charles II and William III in the second half of the seventeenth century and the periodic enforcement of the penal laws during the eighteenth century. However, not all estates were owned by individuals: Trinity College, Dublin, for example, was one of the largest landowners in Ireland, while twelve London companies had been granted lands in Co Londonderry in the early seventeenth century in return for a financial contribution to the crown's scheme for the plantation of Ulster¹.

Nor were all landlords resident. In 1800, as many as one third of landlords were absentees who lived more or less permanently out of the country². Because of their involvement in parliamentary politics, the armed forces, or the civil service, some landlords were by necessity absent from their estates for prolonged periods. By the early 1870s, 46 per cent of estates had resident landlords; 25 per cent had landlords resident elsewhere in Ireland; and 23 per cent were owned either by public institutions or absentees³. However, absenteeism was not necessarily synonymous with poor estate management; some of the best-managed estates, such as those of the duke of Devonshire in Cork and Waterford, were owned by absentees⁴.

On absentee estates a great deal depended upon the efficiency of the estate agent. In general, the employment of agents (except in the case of smaller estates managed by their owners) was the most common form of estate management in nineteenth century-Ireland. Some of the greater estates employed a number of sub-agents supervised by the chief agent who, in turn, was accountable to the landlord himself. Agents were responsible for collecting rents (which were usually collected twice a year on appointed gale days in May and November and often in local hotels or estate offices in nearby towns) as well as eliminating arrears; keeping accounts; drawing up leases and

¹ R.B. MacCarthy, *The Trinity College estates, 1800-1923: corporate management in an age of reform* (Dundalk 1992); Lowe, 'Landlord and tenant on the estates of Trinity College'; Robinson, 'The London companies as progressive landlords in nineteenth-century Ireland'; idem., 'The London companies and tenant right in nineteenth-century Ireland' in *Agricultural History Review* xviii (1970), pp 54-63.

² For the management of an absentee estate, see J.S. Donnelly jr., 'The journal of Sir John Benn-Walsh relating to the management of his Irish estate, 1823-64' in *Cork Historical Society Journal* cxxix (1974), pp 86-123; cxxx (1975), pp 15-42; For a study of absenteeism in Co Monaghan in mid-nineteenth century, see P.J. Duffy, 'Irish landholding structures and population in the mid-nineteenth century' in *Maynooth Review*, iii (1977), p. 18.

³ *Return for the year 1870, of the number of landed proprietors in each county, classed according to residence, showing the extent of land held by each class...* H.C. 1872 (167), xlvii. 782.

⁴ Samuel Clark, *Social origins of the Irish land war* (Princeton, 1979).

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ensuring that their covenants were adhered to by ten tenants; supervising estate expenditure; overseeing improvements; carrying out evictions; and valuing property. They often had to arrange their employer and seek abatements of interest on existing liaise between landlords and tenants, receiving petitions from tenants, receiving petitions from tenants particularly for reductions of rent⁵. Land agents were responsible for all aspects of estate administration and in the final analysis for managing expenditure on estates in their charge.⁶

Besides his estate duties, an agent often served as resident magistrate, represented his employer at poor law guardian meetings or organised voters at elections. Because of the importance of these functions and the moderate financial rewards on offer (an agent's normal income was 5 per cent of rents collected but a fixed salary of £800 to £1,000 per annum from single estates was not unknown), the profession attracted younger sons of landlords throughout the nineteenth century. Agents were often local solicitors, retired army officers, or wealthy gentlemen.

Other more routine administrative duties on an estate were carried out by bailiffs, stewards and agriculturalists. Larger estates sometimes employed surveyors and valuers although individual landlords and their agents often carried out these duties themselves. The day to day running of an estate office, where established, was the duty of an accountant. Large estates also employed a number of clerks. Landowners such as Lord Devonshire or Lord Ormonde employed an auditor to oversee accounts and a law agent to execute all legal transactions including the preparation of leases and notices to quit. It is because of the input of these various professionals that the collections of surviving estate records belonging to large landowners have been so comprehensive.

The typical Irish estate was centred on the big house, the landlord's country residence, which symbolised his economic strength and social standing in the community. It was surrounded by the demesne which, on average, accounted for about ten per cent of a landlord's total landholding. The demesne usually included a home farm which allowed the big house to be self-sufficient; a kitchen garden to service the family's needs; gardens and lawns for ornamentation and leisure purposes; woodland for the rearing of game: parkland for grazing of cattle; and a wide variety of outoffices for the housing of animals and for the use of demesne employees such as gardeners, masons and carpenters.

Estates varied greatly in size from the smallest at around 500 acres to those of landed magnates such as the Marquis Conyngham who owned almost 157,000 acres in Meath, Clare and Donegal in the late nineteenth century. Smaller estates were typically concentrated in one county. There were, however, quite a few large estates of over 20,000 acres, also concentrated in one county such as Clonbrock estate in Co. Galway. More often large estates were distributed throughout two or more counties.

⁵ For memoirs of nineteenth-century land agents see S.M. Hussey, *The reminiscences of an Irish land agent* (London, 1904); W.S. Trench, *Realities of Irish Life* (London, 1868). For functions and social backgrounds of agents see J.S. Donnelly jr., *Land and people of nineteenth-century Cork*, pp 173-87; Maguire, *The Downshire estates*, pp 155-205.

⁶ J.S. Donnelly jr. points out that 'estate agents in nineteenth-century Ireland enjoyed a much greater measure of autonomy in the management of landed property than did their counterparts in England'. Donnelly, *Land and people of Cork*, p.173.

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While at the beginning of the nineteenth century some landlords preferred to deal with their tenants directly, most dealt with middlemen who effectively became intermediate landlords by leasing from the head landlord and renting to sub-tenants⁷. Middlemen usually held large tracts of land from 100 to 1,000 acres and upwards. In the eighteenth century they sometimes held leases for ninety-nine years or more but usually for two or three lives of young persons named in the leases. By the beginning of the nineteenth century new leases tended to be for shorter periods of one life or for twenty-one or thirty-one years. Landlords perceived the middleman system to be a convenient means of relieving them from the troublesome collection of rents from a mass of tenants. However, because of this system not only did sub-letting and sub-division become a way of life in rural Ireland, but long leases prevented landlords from increasing their rents from 1750 to 1815, a period characterised by a steep rise in agricultural prices⁸. Furthermore, middlemen concerned with increasing their own profits showed little enthusiasm for investing in permanent improvements such as new dwelling houses, farm offices or drainage schemes. Indeed, it was the case that landlords, in general, contributed little to improvements in the early nineteenth century. Landlords were unlikely to do so as long as the middleman system prevented them from recouping on their investments in the form of higher rents⁹.

Largely because the middleman system had prevented many landlords from realising the full rental potential of their estates, landlords became more reluctant to renew their leases after 1815. They and their agents became more concerned with trying to curb sub-division and sub-letting in favour of the consolidation of holdings. From the 1830s, more stringent management policies were put in place on many estates as landlords tried to correct the errors of their predecessors who had allowed arrears to accumulate, their property to become hopelessly fragmented, their tenantry to slide into abject poverty, and their own indebtedness to grow.

However, there were obstacles to be overcome, not least of which were the frequent outbreaks of agrarian agitation during the first three decades of the nineteenth century. The growth in agrarian unrest coincided with a rapid demographic expansion which saw the population of Ireland increase from 2.5 million in the early 1750s to 8.2 million by the time of the 1841 census¹⁰. This population growth was most heavily concentrated at the lower end of the rural class structure. J.J. Lee has calculated that cottiers (holders of less than five acres), small farmers (holders of between five and fifteen acres) and agricultural labourers were four times more numerous than large farmers (holders of more than fifteen acres) on the eve of the Famine. In turn, the demand for land ensured that the level of rents was higher than was warranted by agricultural prices. The fall in grain prices in the years after the Napoleonic wars provoked major agrarian disturbances in 1813-16, 1819-22 and in the early 1830s. In each of these outbreaks, the issue of tithes figured prominently.

⁷ David Dickson, 'Middlemen' in Thomas Bartlett, and D.W. Hayton (ed.), *Penal era and golden age: essays in Irish history* (Belfast, 1979), pp 162-185; G.E. Christianson, 'Landlords and land tenure in Ireland, 1790-1830' in *Éire-Ireland*, ix (1974), pp 25-58.

⁸ For rent movements at this time see, David Large, 'The wealth of the greater Irish landowners, 1750-1815' also Peter Roebuck, 'Rent movement, proprietorial incomes, and agricultural developments, 1730-1830' in Peter Roebuck (ed.), *Plantation to partition: essays in Ulster history in honour of J.L McCracken*, (Belfast, 1981) pp 82-101.

⁹ *Report from her majesty's commissioners of enquiry into the state of the law and practice in respect to the occupation of land in Ireland. Minutes of evidence*, pt. ii [616], HC 1845, xx. I.

¹⁰ J.J. Lee, *The modernisation of Irish society, 1848-1918* (Dublin, 1973), p. 2; see also W.E Vaughan and E.J. Fitzpatrick (ed.), *Irish historical statistics: population, 1821-1971* (Dublin, 1978); Duffy, 'Irish landholding structures', pp 3-27.

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Tithes were taxes imposed on all landholders, regardless of their denomination, to support the Church of Ireland clergy. From 1735 to 1823, livestock and livestock products had been exempt from liability to tithes. As Irish agriculture was largely pastoral, payments of tithes in this period provoked no great opposition as the burden fell largely on those landholders engaged in tillage. However, the increase in population and a greater demand for corn led to a shift from pastoral to tillage farming at the beginning of the nineteenth century. When corn prices fell dramatically after 1815, opposition to tithes by commercial tillage farmers subsequently increased¹¹.

Agrarian disturbances were most pronounced in the southern and western counties during the tithe war of the 1830s though the unrest was not solely motivated by dissatisfaction with the payment of tithes. Perceived inequalities in tenurial arrangements also played their part¹². Localised agrarian societies such as Whiteboys, Molly Maguires and Caravats were particularly active in Munster and produced intense 'class' conflict between cottiers, labourers and small farmers on the one hand and large farmers (who invariably were the former's landlords because of varying degrees of subletting) on the other¹³. Smallholders and cottiers resented the fact that their rents and the price of conacre (land hired by agricultural labourers to grow potatoes to feed their families) had risen in line with the upward trend in agricultural prices in the early nineteenth century, while the rents paid by large leaseholding farmers remained static. In 1838, the government passed an act which converted tithes into a fixed rent-charge and responsibility for payment was transferred from tenant to landlord. Tithe ceased to be a grievance amongst tenant farmers but it meant that still more money obligations were placed on landlords.

It remains to be seen how the agrarian outbreaks affected estate management in pre-Famine Ireland as it is an area that has still to be explored in depth by historians. Probably more detrimental to landlordism was the growth of indebtedness that characterised the pre-Famine period. The role of spendthrift landlords has tended to be exaggerated in this development, particularly in works of fiction such as Maria Edgeworth's *Castle Rackrent*, yet it cannot be denied that spendthrifts did exist and some landlords spent lavishly on the building of palatial mansions at this time. The earl of Kingston, for example, spent £220,000 on the building of Mitchelstown castle during the 1820s. The early part of the nineteenth century was characterised by a high degree of landlord borrowing as landowners struggled to meet the expense of building big houses, renovating or modifying existing ones or simply maintaining the lifestyle of their predecessors. W.A. Maguire, who has scrutinised the vast collection of Downshire papers, has found that Lord Downshire borrowed £185,000 between 1810 and 1840. Landlords who borrowed during the Napoleonic wars when interest rates were high found it increasingly difficult to meet interest repayments in the years which followed as economic depression set in and small arable farmers fell behind in rental payments. In

¹¹ Samuel Clark and J.S. Donnelly jr. (ed.), *Irish peasants: violence and political unrest, 1780-1914* (Wisconsin and Manchester, 1983), pp 30-31; P.O'Donoghue, 'Causes of the opposition to tithes, 1830-38' in *Studia Hibernica*, no. 5 (1965), pp 7-28; idem, 'Opposition to tithe payments in 1830-31' in *Studia Hibernica*, no.6 (1966), pp 69-98; idem, 'Opposition to tithe payments in 1832-33' in *Studia Hibernica* no. 12 (1972), pp 77-108.

¹² P.E.W. Roberts, 'Caravats and Shanavests: Whiteboyism and faction fighting in East Munster, 1802-11' in Clark and Donnelly, *Irish Peasants*, pp 64-101

¹³ For a contemporary study of Irish agrarian crime see G.C. Lewis, *On local disturbances in Ireland, and on the Irish church question* (London, 1836); for more recent studies see M.R. Beames, *Peasants and power: the Whiteboy movements and their control in pre-Famine Ireland* (Brighton, 1983); W.G. Broehl, *The Molly Maguires* (Cambridge, Mass., 1964); J.S. Donnelly jr., 'The Rightboy movement, 1785-8' in *Studia Hibernica*, nos 17-18 (1977-78), pp 120-202; idem, 'The Whiteboy movement, 1761-5' in *Irish Historical Studies*, xxi, no. 81 (Mar. 1978), pp 20-54; idem, 'Pastorini and Captain Rock: Millenarianism and sectarianism in the Rockite movement of 1821-4' in Donnelly and Clark (ed.), *Irish peasants*, pp102-39; T.D. Williams (ed.), *Secret societies in Ireland* (Dublin and New York, 1973); Tom Garvin, 'Defenders, Ribbonmen and others: underground political networks in pre-famine Ireland' in *Past and Present*, no. 96 (1982), pp 133-55.

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the 1820s many landlords found themselves forced to grant temporary rental reductions (or abatements) of 25 per cent to their struggling tenants¹⁴. As was characteristic of economic crises throughout the century, landlords found their arrears accumulated at the same time as their charges remained consistently high¹⁵. In fact, estate outgoings rose further as a result of the introduction of the system of poor relief in Ireland in 1838. Relief was financed out of local rates, a tax which was levied on occupiers of land. Landlord indebtedness, therefore, was not just a consequence of the Famine: as early as 1844 1,322 estates with a combined rental of £904,000, the properties of bankrupt landowners, were under the control of the Courts of Chancery and Exchequer.

II. THE GREAT FAMINE

The Famine had a number of consequences for landlords and estates. It increased landlord indebtedness: again rents were difficult to collect from 1845 to around 1853 while estate charges remained constant pushing a great number of already heavily burdened landlords nearer to bankruptcy. Other landlords impoverished themselves by helping their destitute tenants through famine relief employment schemes. All were faced with meeting increased charges for poor rates as from August 1843 landlords became liable for all the rates of holdings valued at £4 or less whereas in the past they had shared this burden equally with their tenants. When such occupiers stopped paying their rents, landlords evicted them. Between 1846 and 1853, there were an estimated 70,000 families evicted. These evictions allowed landlords to consolidate holdings on their estates on an extensive scale¹⁶.

The Famine also brought about a dramatic clearance of bankrupt landlords through reactionary legislation. These landlords, already heavily indebted or encumbered before the Famine, were unable to survive the sharp fall in rental income and the steep rise in expenditure. By 1849 there was property with an estimated rental of £2 million (out of a total rental of around £13 million) under the control of the Courts of Equity¹⁷.

The Encumbered Estates Act of 1849 was designed to simplify the transfer of encumbered property by conferring on the purchaser a parliamentary or indefeasible title¹⁸. Under the auspices of a newly-established Encumbered Estates Court¹⁹, an estate could not be sold without the permission of the landlord if it was not in receivership, or if its level of debts did not exceed half of its annual income. The court could oversee the sale of estates held in fee, leaseholds in perpetuity, or viable leases which had up to sixty years to run. Within a year 1,200 petitions for sale of estates had been lodged with the court, many of which had been brought to insolvency by the effects of the Famine²⁰. Over the next thirty years an estimated 25 per cent (or five million acres) changed hands, the biggest transfers taking place in the early 1850s²¹.

¹⁴ For rent movements before the Famine see Donnelly, *Land and people of Cork*, pp 48-53 and Maguire, *The Downshire estates*, pp 28-64.

¹⁵ Donnelly, *Land and people of Cork*, p. 49.

¹⁶ Vaughan, *Landlords and tenants in mid-Victorian Ireland*, pp 24-26. For local studies of estates during the Famine see, Patrick Feeney, 'Balysaggart estate: eviction, famine and conspiracy' in *Decies*, no 27 (Autumn, 1984), pp 4-12; Eileen McCourt, 'The management of the Farnham estates during the nineteenth century' in *Breifne*, iv (1975), pp 531-60; for more general studies on the effects of famine on estate management, see relevant chapters of Donnelly, *Land and people of Cork*; L.M. Cullen, *An economic history of Ireland since 1660* (London, 1972); R.D. Edwards and T.D. Williams, *The Great Famine: studies in Irish history, 1845-52* (New York, 1957); J.M. Goldstrom, 'Irish agriculture and the Great Famine' in J.M. Goldstrom and L.A. Clarkson (ed.) *Irish population, economy and society: essays in honour of the late K.H. Connell* (Oxford, 1981), pp 155-71; Cormac Ó Gráda, *Ireland before and after the Famine: explorations in economic history, 1800-1925* (Manchester, 1988); T.P. O'Neill, 'The Irish land question, 1830-50' in *Studies*, xlv (Autumn, 1955), pp 325-36.

¹⁷ Donnelly, *Land and people of Cork*, pp 71-2.

¹⁸ 12 & 13 Vict., c. lxxvii (28 July 1849).

¹⁹ Later the Landed Estates Court and later still the Land Judges Court.

²⁰ See Mary Lyons, *Illustrated Encumbered Estates Ireland, 1850-1905* (Whitegate, Clare, 1993).

²¹ See P.G. Lane 'The Encumbered Estates Court, Ireland, 1848-49' in *Economic and Social Review*, iii (1972), pp 413-53; idem, 'The general impact of the Encumbered Estates Act of 1849 on Counties Galway and Mayo' in *Galway Archaeological and Historical Society Journal*, xxxiii (1972-3), pp 44-74; idem, 'The impact of the Encumbered Estates Court upon the landlords of Galway and Mayo' in *Galway Archaeological and Historical Society Journal*, xxxviii (1981-2), pp 45-58.

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Unfortunately for landowners who sold their estates under the act, the market value of land was at rock bottom. While landed property had sold in Ireland for an average of twenty to twenty-five years' purchase of current rents in the 1830s, prices realised in the 1850s were as low as ten to fifteen years' purchase²². On the other hand, the traditional view that new proprietors were mainly businessmen now seems largely erroneous. It would appear that the wealthier landlords who had survived the Famine bought up as much property as urban speculators.

III. POST-FAMINE IRELAND

By the early 1850s, the Irish economy was beginning to recover from the effects of the Famine. Irish agricultural output and prices were rising. Rents were again being paid in full and on time and, indeed, arrears that had in many cases accumulated during the Famine were being cleared. Except for a temporary interruption in the early- 1860s this economic prosperity continued until the late 1870s²³. Many of the country's insolvent landlords had been replaced by new proprietors. Assuming that the smallest estate entitling its owner to be considered a landlord was 500 acres, there were about 6,500 landlords in Ireland by the 1870s. However, most of the country was covered by estates which were much larger than 500 acres.

Agents continued to manage estates in the post-Famine though in the 1870s a high proportion of agents were still drawn from landed families, there was a tendency to appoint lawyers and solicitors to vacant positions. Land agency firms grew in popularity whereby several estates were administered from one central office in cities such as Dublin and Cork. By 1880, the firm of Hussey and Townsend, for example, collected £250,000 in annual rents from eighty-eight estates in the south of Ireland²⁴.

The Famine had done much to end the middleman system. After the Famine, the management of estates became much more vigorous as landlords attempted to make a recovery by ensuring that rents were paid in full and on time and they attempted to oust those middlemen who remained. They actively opposed subdivision and subletting. Small and scattered holdings were consolidated into larger, more compact units. The windfall years of the mid-1850s encouraged a conversion from tillage to pasture farming. Landlords retained large tracts of vacated untenanted land for themselves as they branched more and more into farming to share in what was becoming an increasingly lucrative form of enterprise from the mid-1850s. By the 1870s around 15 per cent of Irish land was held in demesne farms²⁵.

However, the overall investment behaviour of landlords in their estates continued to leave a lot to be desired. Cormac Ó Gráda suggests that landlords

²² J.S. Donnelly jr., *Landlord and tenant in nineteenth-century Ireland* (Dublin, 1973), p.49. Twenty-five years' purchase of current rents means the yearly rental of the property sold multiplied by twenty-five. The up-turn in Irish agriculture from the mid-1850s led to a dramatic decline in the number of petitions presented in the 1860s and the early 1870s. The Landed Estates Court was wound-up in 1879.

²³ See Vaughan, *Landlords and tenants in mid-Victorian Ireland* and Donnelly, *Land and people of Cork*. See also Solow, *The land question and the Irish economy*; Paul Bew, *Land and the national question in Ireland, 1858-82* (Dublin, 1978); J.S. Donnelly jr. 'The Irish agricultural depression of 1859-64' in *Irish Economic and Social History*, iii (1976), pp 33-54; W.E. Vaughan, 'Landlord and tenant relations between the Famine and the land war', in L.M. Cullen and T.C. Smout (ed.), *Comparative aspects of Scottish and Irish economic and social history, 1600-1900* (Edinburgh, 1977), pp 216-26; idem, 'Agricultural output, rents and wages in Ireland, 1850-80' in L.M. Cullen and F. Furet (ed.), *Ireland and France, 17th-20th centuries; towards a comparative study of rural history* (Paris, 1990), pp 85-97; idem, 'An Assessment of the economic performance of Irish landlords, 1851-81' in F.S.L. Lyons and R.A.J. Hawkins (ed.) *Ireland under the union: varieties of tension; essays in honour of T.W. Moody* (Oxford, 1980), pp 173-99; P.G. Lane, 'The management of estates by financial corporations in Ireland after the Famine' in *Studia Hibernica*, no. 14 (1974), pp 67-89; T.P. O'Neill, 'From Famine to near famine, 1845-79' in *Studia Hibernica*, no. I (1961), pp 161-71.

²⁴ Donnelly, *Land and people of Cork*, pp 182-5.

²⁵ D.S. Jones, *Graziers, land reform and political conflict in Ireland* (Washington, 1995), pp 121-23.

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spent no more than 3 to 5 per cent of their annual rental income on improvements from 1850 to 1875²⁶. Yet, despite the unsatisfactory policy of landlords in this area in the post-Famine period, it is fair to conclude that their efforts were still significantly greater than Land League rhetoric would later claim.

Evictions waned in a climate of prosperity which was much freer from agrarian outrage than had been the case in the decades before the Famine²⁷. There were very few clearances after 1853, the year which marked the end of the Famine crisis²⁸. Evictions continued to be frequent only when arrears were high and agricultural output was low as in the early 1850s, early 1860s, late 1870s and early 1880s. As with evictions, increases in agrarian crime between the Famine and the land war coincided with agricultural crises: the most serious outbreaks occurred in the early 1850s, the early 1860s, the late 1870s and the early 1880s²⁹.

Another significant change in estate management in the post-Famine period was the growing reluctance of landlords to grant long leases. Short leases were sometimes granted to occupying tenants which contained husbandry covenants to promote agricultural improvements but by 1870 only about 20 per cent of 662,000 holdings were held on leases, most of them for terms of twenty-one or thirty-one years³⁰. The remaining tenants held their land from year to year. Such a tenancy did not expire at the end of each year: the law presumed it continued unchanged from year to year unless surrendered by the tenant. If a landlord wanted to change it he could only do so by litigation and he could not evict a tenant except by due legal process having six months notice to quit³¹.

After the passage of the 1870 Land Act, there was an increase in the number of leases issued by landlords: about 75,000 were issued in the decade following the act. The act set out to introduce the so-called 'Ulster Custom' throughout the whole of Ireland. The 'Ulster Custom', or tenant right had as its basis the 'three Fs' - fixity of tenure, fair rent and free sale. The custom, which had no foundation in law but was rather based on the voluntary co-operation of landlords and agents with their tenants, assumed that tenants would not be evicted as long as they paid their rents, which were presumed to be fair, and that they could sell their right in their holding when giving it up. While it was traditionally believed to have existed mainly in Ulster, is evidence to suggest that something akin to it also existed on southern estates before 1870³².

From a landlord's point of view one of the most contentious clauses of the 1870 Land Act was that which provided that an outgoing tenant had to be compensated for improvements he had made to his holding. Thus many of the leases issued in the 1870s contained covenants to protect landlords against the compensation provision. Some covenants were clearly illegal as they attempted to contract the tenant out of compensation for improvement and consequently as in the case of the duke of Leinster, caused consternation amongst tenants³³. Furthermore, the exclusion of 135,392 leaseholders and tenants in arrears from

²⁶ Cormac Ó'Gráda, 'The investment behaviour of Irish landlord, 1850-75: some preliminary findings' in *Agricultural History Review*, xxiii (1975), pp151-3. On nine estates, W.E.Vaughan estimates that the average was probably no more than 4 or 5 per cent. See Vaughan, *Landlords and tenants in mid-Victorian Ireland*, pp122-3, 277-8.

²⁷ The fact that the cottier and smallholding classes had been largely wiped out by the Famine undoubtedly curtailed agrarian agitation.

²⁸ See Vaughan, *Landlords and tenants in mid-Victorian Ireland*, pp 20-26; idem, *Sin, sheep and Scotsmen: John George Adair and the Derryveagh evictions, 1861* (Belfast, 1983); also Gerard Moran, *The Mayo evictions of 1860: Patrick Lavelle and the 'war' in Partry* (Cathair na Mart, 1986)

²⁹ Vaughan, *Landlords and tenants in mid-Victorian Ireland*, pp 138-60; David Fitzpatrick, 'Class, family and rural unrest in nineteenth-century Ireland' in P.J. Drudy (ed.), *Irish studies 2, Ireland: land, people and politics* (Cambridge, 1982), pp 37-75; Charles Townshend, *Political Violence in Ireland; government and resistance since 1848* (Oxford, 1983), pp 14-24; A.C. Murray, 'Agrarian violence and nationalism in nineteenth-century Ireland: the myth of Ribbonism' in *Irish Economic and Social History*, xxiii (1986), pp56-73. For local agrarianism between the Famine and land war see Brendan Mac Giolla Choille, 'Fenians, Rice and Ribbonmen in County Monaghan, 1864-67' in *Clogher Record*, vi, 2 (1967), pp 221-52; Kevin MacMahon and Thomas McKeown, 'Agrarian disturbances around Crossmaglen, 1835-55' in *Seanchas Ardmhacha*, ix, 2 (1979), pp 302-32; x, I (1981), pp 149-75; x, 2 (1982), pp 380-416; J.W. Hurst, 'Disturbed Tipperary 1831-60' in *Éire-Ireland*, ix (1974), pp 44-59.

³⁰ Donnelly, *Landlords and tenants in nineteenth-century Ireland*, p. 60

³¹ For a contemporary insight to Irish land laws see A.G. Richey, *The Irish land laws*, (London, 1880).

³² Vaughan, *Landlords and tenants in mid-Victorian Ireland*, p.71. For a full discussion on tenant-right see *ibid.*, pp 67-102

³³ T.A.M. Dooley, 'The decline of Carton house and estate, 1870-1950' in *Journal of the Kildare Archaeological Society*, xviii, 2 (1994-5), p.218.

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compensation for disturbance affected the prospects of a significant proportion of tenants. On the other hand, where landlords were unable to induce tenants to contract themselves out of compensation, they often became more reluctant than they had been in the past to invest in estate improvements.

In general, the increase in agricultural prosperity from the mid-1850s to the late 1870s favoured tenants more than their landlords. The primary reason for this is that rents did not rise in accordance with increases in agricultural incomes during the period³⁴. Landlords usually only increased their rents after the termination of a lease, the transfer of a holding to a son, the succession of an heir to the estate, or after the revaluation of an estate. A revaluation of an estate might only take place every twenty years or so. Recent findings by a number of historians show that rents on average rose by only 20-30 per cent from the early 1850s to the late 1870s³⁵. It would have taken a rise of 40 per cent to keep pace of the price increments of the time and to have given landlords a proportionate share of the increased economic prosperity. Most tenants, therefore, were not rackrented, nor subject to ceaseless rent increases, nor, indeed, capriciously evicted as is borne out by the low level of evictions, particularly from the mid- 1860s to the late 1870s.

IV. THE LAND WAR

From the late 1870s, Irish landlordism was rocked by a series of economic crises, so much so that within just over half a century landlordism as a way of life had disappeared in Ireland. The agricultural depression which began in 1877 was different from those which preceded it, not only because it was more protracted, lasting until 1886, but also because a mass movement, the Land League, grew in response to it. The causes of the land war and the growth of the Land League has received a great deal of attention from historians in recent years³⁶. The effects which the land war had on individual estates has been less well documented. Essentially, the Land League called for rents to be reduced to Griffith's valuation. This valuation between 1852 and 1865 for the purpose of local taxation and was based on 1849-51 prices which meant that by the late 1870s it was perhaps as much as 33 per cent below the real letting value of land³⁷. Comparisons of contemporary rents with Griffith's valuation was a tactical ploy exploited by the Land League as rents that had risen in the period could be deemed to be rackrents when compared to the old valuation. The effective propaganda campaign of the league meant that all landlords were painted with the same rackrenting brush whether they deserved it or not.

It is easy to understand why tenants would clamour for rents to be reduced to being in line with Griffith's valuation. It is just as easy to understand why landlords would oppose calls for reductions. Lord Ormond, for example,

³⁴ W.E. Vaughan has pointed out that rents collected between 1851 and 1880 amounted to £354 million; if they had kept abreast of agricultural output the total would have been £400 million, or 13 per cent more. See Vaughan, *Landlords and tenants in mid-Victorian Ireland*, p.21.

³⁵ Ibid., p.48; Donnelly, *Land and people of Cork*, pp 191-4; Solow, *The Land question*, pp 66-70; T.A.M. Dooley, 'The decline of the big house in Ireland, 1879-1950' (unpublished Ph.D thesis, N.U.I. Maynooth, 1996), pp 102-3.

³⁶ See Vaughan, *Landlords and tenants in mid-Victorian Ireland*, pp 208-16; Donnelly, *Land and people of Cork*, p.249ff; Samuel Clark, *Social origins of the Irish land war* (Princeton, NJ, 1979); idem, 'The social composition of the Land League' in *Irish Historical Studies*, xvii, 68 (Sept. 1971), pp 447-79; A.W. Orridge, 'Who supported the land war? An aggregate-data analysis of Irish agrarian discontent, 1879-82, in *Economic and Social Review*, xii, 3 (April 1981), pp 203-33; Bew, *Land and the national question in Ireland*; idem, 'The Land League ideal: achievement and contradictions', in Drudy (ed.), *Irish studies, 2. Ireland: land, politics and people*, pp 77-92; W.L. Feingold, *The revolt of the tenantry: the transformation of local government in Ireland, 1872-86* (Boston, 1984); idem, 'Land League power: the Tralee poor-law election of 1881' in Clark and Donnelly (ed.), *Irish peasants*, pp 285-310, R.W. Kirkpatrick, 'Origins and development of the land war in mid-Ulster' in Lyons and Hawkins (ed.), *Ireland under the union*, pp 201-35; Gerard Moran, 'An assessment of the Land League meeting at Westport, 8 June 1879' in *Cathair na Mart*, iii, I (1983), pp 54-9; idem, 'Famine and the land war: relief and distress in Mayo, 1879-81, in *ibid*, v, I (1985), pp 54-66; vi, I (1986), pp 111-27; idem, 'James Daly and the rise and fall of the Land League in the west' in *Irish Historical Studies*, xxix, no.114 (Nov. 1994), pp 189-97; Desmond Murphy, 'The land war in Donegal, 1879-91' in *Donegal Annual*, xxxii (1980), pp 476-86; Francis Thompson, 'The landed classes, the Orange Order and the anti-Land League campaign in Ulster, 1880-81' in *Éire-Ireland*, xxii, I (Spring, 1987), pp 102-21; J.W.H. Carter, *The land war and its leaders in Queen's County, 1879-82* (Portlaoise, 1994).

³⁷ W.E. Vaughan 'Richard Griffith and the tenement valuation' in G.L.H. Davies and R.C. Mollan (ed.), *Richard Griffith, 1784-1878: papers presented at the centenary symposium organised by the Royal Dublin Society, 21 and 22 Sept. 1978* (Dublin, 1980), pp 103-22.

11 Estate ownership and management

would have suffered a 24 per cent reduction in rental income from £21,352 to £16,359 on his Kilkenny and Tipperary estates. In general, landlords felt that their levels of indebtedness were such that they could not reduce their rents without bringing ruin to themselves³⁸. A myriad of estate expenses, family charges, and interest repayments meant that most landlords were fortunate to have around 20-30 per cent of their gross rental income available to them as disposable income at the best of times. In the early stages of agricultural depression landlords, therefore, held out and demanded payment of traditional rents. By doing so they unwittingly fueled the growth in agrarian agitation. As agitation grew and rent strikes began to proliferate, more and more landlords were forced to grant temporary abatements: a reduced rent was better than no rent at all. Consequently, about 25 per cent of all rents due between 1879 and 1882 were lost.

In the past landlords had resorted to borrowing in order to extricate themselves from financial difficulties. As a result of the prevailing economic climate from the 1850s onwards, Irish land had become safe collateral for lending institutions, individuals, financiers and even close friends and relations within the landlord class to lend money to Irish landlords on its strength. By the 1870s, many landlords were devoting between 20-30 per cent of their annual rental incomes to interest repayments. Sustained economic depression, declining rental income and the lowering of rents under the terms of the 1881 Land Act meant that most landlords were unable to meet their interest obligations from the early 1880s³⁹. When renewed agricultural depression from the mid-1880s was accompanied by the Plan of Campaign, which was ultimately adopted on over 200 estates, landlords found their rental incomes declining even further⁴⁰. Arrears grew to dangerously high levels. This was true even on well-managed estates. In Ireland arrears amounting to around £2.6 million were erased under the terms of the Arrears of Rent (Ireland) Act of 1882. Landlords received around £815,000 of this sum from funds created by the sale of church property while the remaining £ 1.81 million were cancelled⁴¹.

The prevailing economic and socio-political climate led to a sharp decline in the selling value of landed estates from 1879 onwards. Irish land was no longer regarded as safe collateral. Mortgagees panicked during the land war and began to call in their loans as landlords temporarily defaulted, closing all avenues of borrowing to the latter⁴². The only viable option for many landlords at this stage was the sale of their estates and the only available purchasers were their own tenants.

V. THE BREAK-UP OF ESTATES FROM 1881

The Land Act of 1881 was more significant for the way in which it infringed upon previously sacrosanct landlords rights than it was for the transfer of land

³⁸ See, L.P. Curtis jnr., 'Incumbered wealth: landed indebtedness in post-Famine Ireland' in *American Historical Review* lxxxv, 2 (Apr.1980), pp 332-67; Vaughan, *Landlords and tenants in mid-Victorian Ireland*, pp 130-37.

³⁹ A return showing according to provinces and counties the number of cases in which judicial rents have been fixed by all the matters provided by the Land Law Acts for a first and second statutory term respectively to 31 December 1902 with particulars as to acreage, former rents of holdings, and percentage of reductions in rents. HC 1903, lvii. 91. See also K.L. Buckley, 'The fixing of fair rents by agreement in County Galway, 1881-5 in *Irish Historical Studies*, vii, 27 (Mar. 1959), pp 149-79

⁴⁰ Laurence Geary, *The Plan of Campaign, 1886-91* (Cork, 1986), p.180.

⁴¹ 45 & 46 Vict., c.xlix (8 Aug 1882), and *Return of payments made to landlords by the Irish Land Commission pursuant to the first and sixteenth sections of the Arrears of Rent (Ireland) Act 1882*. HC 1884, lxiv, 97.

⁴² David Cannadine, *The decline and fall of the British aristocracy* (Yale, 1990), p.95.

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which took place under its terms. It legalised the 'three Fs' which amounted to a recognition of the dual ownership of land⁴³. In its objective of promoting sales, the act was largely unsuccessful with only 703 tenants taking advantage its terms between 1881 and 1885. The problem was that the terms neither suited tenants nor landlords: tenants could not raise the necessary one fourth of the purchase price; nor were they willing to meet landlords' asking prices of around twenty-three years' purchase⁴⁴. As the bitter agrarian and political struggle of the time closed the doors of the Irish land market to all bidders except the occupying tenants, there was the inevitable gulf between what the tenants regarded as a fair price and what the landlords required.

The acts which followed during the period 1885 to 1896 were more progressive largely because their terms were more conducive to sale, and, perhaps more significantly, because landlord indebtedness had risen considerably through the 1880s making sales more of a necessity. The 1885 act allowed the tenant to obtain the full purchase price from the Land Commission. The annuity was lowered from 5 to 4 per cent and the repayment period was extended from thirty-five to forty-nine years. The purchase money was to be paid to the landlord in cash. However, one fifth was retained as a guarantee deposit in the event of tenants defaulting on their repayments of annuities. Between 1885 and 1891, almost £10 million was advanced allowing tenants to become purchasers. Many of these sales concerned large landowners who sold small outlying estates representing only a percentage of their total acreage but which allowed them to meet immediate debts. The fee simple of these estates was much more valuable than their mortgagable capacity and, at any rate, as we have already seen, loans were almost impossible to secure at this time.

Sales under the 1891 Land Act followed essentially the same pattern: while many small estates came onto the market, larger landowners continued to sell off parts of their estates and with a few exceptions did not sell large tracts. Landlords were now paid in land stock rather than cash. As land stock was subject to fluctuation it could at times be a disincentive to sell but as stock increased in value, more land came onto the market, proving that landlords were more likely to sell if the proper terms were put into place⁴⁵.

In total, the land acts from 1870 to 1896 resulted in the purchase of 73,805 holdings of 2.5 million acres for £24.78 million⁴⁶. This represented about 10 per cent of Ireland's total acreage. Few landlords were enamoured by the average price of 17.3 years' purchase on rents that was available from 1886 to 1902⁴⁷. But many were willing to sell with the proper incentives⁴⁸. In October 1902, the Irish Landowners Convention⁴⁹ adopted a resolution stating that landlords needed to be guaranteed 'a price which invested at 3 per cent[would] yield an income approximately equal to the present net income'⁵⁰.

Landlords were now approaching the stage at which they realised that there needed to be a more consensual approach to the whole land purchase

⁴³ Fixity of tenure was given to a tenant as long as he paid his rent and observed his covenant; the aforementioned fair rent proviso was established; and a tenant was allowed free sale of his interest in his holding. For an excellent analysis of the mechanics of the Land Acts from 1881 to 1923 see, J.T. Sheehan, 'Land purchase policy in Ireland, 1917-23: from the Irish Convention to the 1923 Land Act' (Unpublished M.A. thesis, NUI Maynooth, 1993). See also, C.F. Kolbert and T. O'Brien, *Land reform in Ireland: a legal history of the Irish land problem and its settlement* (Cambridge, 1975); K.H. Connell, 'The land legislation and Irish social life' in *Economic History Review* 2nd ser. xi, I (Aug. 1958), pp 1-7; Clive Dewey, 'Celtic agrarian legislation and Celtic revival: historicist implications of Gladstone's Irish and Scottish Land Acts, 1870-86' in *Past and Present*, no. 64 (Aug. 1974), pp 30-70. Also of value L.P. Curtis jr., *Coercion and conciliation, 1880-92: a study in Conservative Unionism* (Princeton, 1963); Alan Gailey, *Ireland and the death of kindness: the experience of Constructive Unionism, 1890-1905* (Cork, 1987); W.J. Winstanley, *Ireland and the land question, 1800-1922* (London, 1984).

⁴⁴ The annuity was the tenant purchaser's annual repayment on the loan.

⁴⁵ A return showing as far as practicable for each year the lowest and highest prices (in each calendar year) of guaranteed land stock and the number and amounts of loans under the Land Purchase (Ireland) Acts 1891 and 1896. HC 1903, lvii. [Hereafter *Return of land stock, 1903*].

⁴⁶ *Report of the Estates Commissioners for the year from 1 April 1920 to 31 March 1921 and for the period from 1 November 1903 to 31 March 1921* HC 1921, xiv.

⁴⁷ *Return of land stock, 1903*.

⁴⁸ For the case of Sir Henry Gore Booth, see *Report of the royal commission on the Land Law (Ireland) Act, 1881, and the Purchase of Land (Ireland) Act, 1885*. [C4969], HC 1887, xxxvi, I, p. 473.

⁴⁹ This was a landlord organisation set up in 1886 because landlords felt they needed to protect their interests and property from the threat posed by the National League, the Plan of Campaign, and government legislation which they perceived to be infringing upon their tenurial rights.

⁵⁰ *Return of the resolution and statement adopted by the Irish Landowners Convention on 10 Oct. 1902*...HC, 1903, lvii, 321.

issue. And there was a growing body of what could, perhaps, be termed more pragmatic landlords who were prepared to open negotiations with tenant representatives on the subject. Thus, the Irish Land Conference of 1902-03 was established in an attempt to bridge the gulf between what landlords would accept and what tenants would offer. Its report, published in January 1903, provided much of the basis for the act framed by George Wyndham (chief secretary 1900-05) that same year which became the first to make purchase a realistic goal for tenants while simultaneously providing the inducements for landlords to sell. The entire purchase money was, once again, paid in cash to landlords who were also given a 12 per cent bonus on the sale of estates, while tenants were guaranteed that their annuities would be appreciably less than their old rents⁵¹. Under the Wyndham Act, and the 1909 Land Act, there came about a revolutionary change in land ownership in Ireland⁵². By the end of March 1921, 9,459 estates comprising 270,396 holdings on 9.03 million acres had been sold under these acts for £85.9 million⁵³.

There were also significant land sales under the auspices of the Congested Districts Board which had been established under the 1891 Land Act to relieve the problem of congestion especially along the western seaboard⁵⁴. A total of 398 electoral divisions in counties Galway, Leitrim, Mayo, Roscommon, Sligo, Donegal, Kerry and Cork were deemed congested areas. The 1896 Land Act empowered the board to secure advances from the Land Commission for purchase of estates from landlords instead of having to buy them out of board funds. In 1899, the board purchased the 93,000 acre Dillon estate, with 4,000 tenants and a rental of £20,000 per annum, for £325,000. Of this, £290,000 was paid to the landlord with the remainder being assigned to the redemption of charges and the purchase of tenancy interests. This marked an important stage in the development of the board as the Dillon estate was four times larger than the whole of the seventeen estates purchased by the board up to that point⁵⁵. The 1903 and 1909 Land Acts further extended the powers of the board making more money available and conferring authority upon it to compulsorily acquire land for the relief of congestion. By the time the board was dissolved in 1923 it had purchased 874 estates totalling 1.77 million acres for £8.9 million⁵⁶.

Even the success of the 1903 and 1909 Land Acts did not end landlordism in Ireland. By 1923 over 3,000,000 acres were still in landlord ownership. Some landlords continued to retain huge tracts of tenanted and untenanted land: Lord Farnham in Co Cavan, for example, retained close to 20,000 acres; John Leslie retained over 12,000 acres in Donegal and Monaghan and the earl of Courtown retained almost 13,000 acres in Wexford. Most landlords had retained enough land to finance the upkeep of their big houses. Section three of the 1903 Land Act facilitated hard pressed landlords in retaining their demesnes and other untenanted land in their possession by allowing them to sell such lands to Land Commission and then to repurchase them, thereby allowing them to retain their standing as substantial farmers⁵⁷. The Land Commission could

⁵¹ For a more indepth discussion on the workings of the 1903 Land Act see L. Paul-Dubois, *Contemporary Ireland*, (English translation, London, 1908), pp 282-9.

⁵² The 1909 Land Act reverted to the old system of payment by land stock. For the experience of Co Cavan landowner, Col. Edward Saunderson, see Alvin Jackson, *Col. Edward Saunderson; land and loyalty in Victorian Ireland* (Oxford, 1995).

⁵³ *Report of the Estates Commissioners for the year from 1 April 1920 to 31 March 1921 and for the period from 1 November 1903 to 31 March 1921*. HC, 1921, xiv.

⁵⁴ W.L. Micks, *An account of the Congested Districts Board for Ireland, 1891-1923* (Dublin, 1925).

⁵⁵ *Royal Commission on congestion in Ireland: Final Report*. [Cd 4097] HC, 1908, xlii, pp 12-13.

⁵⁶ *Irish Land Commission report for the period from 1 April 1923 to 31 March 1928*, p.20.

⁵⁷ A return for 1906 calculated that there was approximately 2.6 million acres of untenanted land in Ireland at that time. *Return of untenanted lands in rural districts, distinguishing demesnes on which there is a mansion, showing: rural districts and electoral divisions; townland; area in statute acres; poor law valuation; names of occupiers as in valuation lists*, HC, 1906, c.177

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advance a maximum of £20,000 to each landlord wishing to avail of these terms. During the period 1903-21, landlords repurchased 355 demesnes embracing over 122,000 acres for £1.9 million of which £1.68 million (88 per cent) was advanced by the Land Commission⁵⁸.

Solvency was one possible reason for landlords such as Lord Farnham not selling their estates. There were others such as Lord Clonbrock in Galway who refused to sell because of 'hereditary ties'⁵⁹. And there were landlords such as Lord Cloncurry and Lord Ashtown who had become substantial farmers or graziers and who wanted to continue as such by retaining as much land as that required⁶⁰. Evictions, both during the Famine and at the height of the land war, had led to the creation of large grazing farms from vacated holdings. Landlords held some of these in their own hands; others they let to large graziers. In the post-1881 era, such lettings were frequently arranged on the basis of the 'eleven month system'⁶¹. This system was exempt from the fair rent fixing terms of the 1881 Land Act and another advantage was that landlords seem to have been able to collect their rents much more easily and punctually from large graziers than they had been from a mass of small tenants⁶².

The grazier system provoked the growth of the United Irish League and the so-called 'ranch war' of the early twentieth century⁶³. Many landlords, particularly in the west and in the midlands, who had favoured the grazier system, once again found their estates under prolonged threat from agrarian agitators. In the post-1903 period, the U.I.L. demanded the break-up and distribution of estates belonging to landlords who were not willing to sell under the terms of the Wyndham act. There was prolonged agitation on the Ashtown estate in Co Galway, for example, which lasted from around 1905 to 1914⁶⁴. With the outbreak of World War I agitation temporarily abated on most estates as farming profits improved. Land sales under the land acts were suspended without provoking any great opposition. However, when the war ended and economic prosperity waned, smallholders and the landless once again began to clamour for the break-up of estates.

The Free State land legislation had its roots in a renewed phase of land agitation which erupted, coinciding with the revolutionary period 1919-23⁶⁵. From 1920 tenants on unpurchased estates were as reluctant to meet rental repayments as they had been in the 1880s. Writing in 1922, Patrick Hogan, Minister for Agriculture, claimed that 'for the last couple of years, there had been a general strike by tenants against the payment of rents to landlords. Generally speaking the cause alleged was inability to pay due to the depression in agriculture. Possibly the desire to force land purchase has given its chief strength to this no rent movement'⁶⁶. In April 1923 landlord representatives pointed out that only on about 10-15 per cent of estates were rents paid up to date; on others they were upwards of one and a half years in arrears. Hogan contended that 'while tenants are not paying rents, and while they consider that they need not pay rent in future, they don't want a bill, except on terms which amount to

⁵⁸ *Report of Estates Commissioners ... to 31 March 1921* [Cmd 1150], HC, 1921, xiv, 661.

⁵⁹ *Morning Post*, 17 Feb, 1903.

⁶⁰ See *Royal Commission on congestion in Ireland: Appendix to tenth report, minutes of evidence taken in Counties Galway and Roscommon, 18 September to 4 October 1907 and documents relating thereto*. [Cd 4007], HC 1908, xliii, p.117.

⁶¹ The highest bidder secured the use of the land for an eleven month period, after which it went up for auction once again. The advantages of this system to the landlord were that the occupier could not claim formal tenancy and thereby could not avail of the rent fixing terms of the 1881 Land Act and occupiers could be evicted without notice to quit.

⁶² D.S. Jones, 'The cleavage between graziers and peasants in the land struggle, 1890-1910' in Clark and Donnelly, *Irish peasants*, pp 374-413; idem., *Graziers, land reform and political conflict in Ireland* (Washington, 1995).

⁶³ By June 1901, there were 1,000 branches of the U.I.L. with an estimated membership of 100,000 throughout the country. See F.S.L. Lyons, *John Dillon* (London, 1968); Paul Bew, *Conflict and conciliation in Ireland, 1890-1910; Parnellites and radical agrarians* (Oxford, 1987); J.V. O'Brien, *William O'Brien and the course of Irish politics, 1881-1918* (London, 1976).

⁶⁴ County inspector's confidential monthly reports, Co Galway, 1905-14 (P.R.O., CO 904).

⁶⁵ For an insight see, Arthur Mitchell, *Revolutionary government in Ireland: Dáil Éireann 1919-22*, (Dublin, 1995), pp 130-36.

⁶⁶ Memo. By Patrick Hogan on 1922 land bill, 14 Dec. 1922 (N.A.I. Dept. of Taoiseach files, S1955).

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confiscation'⁶⁷. It was largely with confiscation in mind that the terms of the 1923 Land Act were framed.

Under the terms of the 1923 Act all land and also untenanted land situated in congested districts was to be vested in the Land Commission on appointed days to be declared by the Land Commission. There were limited exceptions such as home farms and demesnes⁶⁸. All exceptions, other than public authority or corporation lands, could be disregarded by the Land Commission if it declared any estate to be important in the relief of congestion.

The transfer of tenanted holdings under the 1923 Act was slow and unsatisfactory from the government's point of view and was hampered by legal constraints. The 1931 Land Act was intended to speed up the process. This act enabled the vesting of holdings in the Land Commission to be accomplished by means of the gazetting of lists of vested holdings in the *Irish Oifigiúil*, subject to the correction of errors and omissions that might be found necessary. Every tenant of a holding included in the published list was deemed to have entered into an agreement for the purchase of his holding on the appointed day at the standard price. However, loopholes continued to be exploited. Frank Aiken, speaking in the Dáil in July 1933 on the new land bill of that year, summarised these difficulties. Aiken claimed that 'very few realise the legal and other difficulties which the Land Commission have to surmount before they can divide even a single estate' and that 'the safeguards given to home farms and demesne lands have operated to impede the work of the Land Commission in the relief of congestion'.⁶⁹ Moreover there were lengthy procedures which led to administrative difficulties.

The 1933 Land Act empowered the Land Commission to redistribute any property it found suitable with the exception of ordinary owner-occupied farms. This prevented landowners from laying claim to outlying farms as they had done in the past for it empowered the Land Commission to acquire property of landowners who did not reside in its immediate vicinity or who did not use this property 'in the same manner as an ordinary farmer in accordance with proper methods of husbandry'.⁷⁰ Practically all agricultural lands were, therefore, bought out from former landlords. By the late 1930s the Free State land acts had succeeded in transferring 3.1 million acres, embracing 113,800 holdings, for £20.8 million⁷¹. The largest estates vested in the Land Commission from 1923 to the mid-1930s included, for example over 11,000 acres of the marquis of Waterford; almost 12,000 acres of Viscount Powerscourt in Wicklow; almost 11,000 acres of Dame B.F.E. Carew in Tipperary, 11,000 acres of the duke of Devonshire in Waterford; 11,000 acres of Lady Edith Windham in Monaghan; and almost 20,000 acres of Lord Farnham in Cavan.

⁶⁷ Patrick Hogan to William Cosgrave, 7 April 1923 (N.A.I., Dept. of Taoiseach files, S3192).

⁶⁸ These were defined as farms 'used for the convenience of the owner's residence ... and not merely as an ordinary farm for the purpose of profit'.

⁶⁹ *Dáil debates*, xlviii, 13 July 1933, 2378-95.

⁷⁰ *Irish Land Act 1933*, no. 38 of 1933, section (29).

⁷¹ Kolbert and O'Brien, *Land reform in Ireland*, p. 55.