

**THE SECRET POLICY OF THE
LAND ACT: COMPENSATION TO
LANDLORDS, THE COROLLARY
TO THE LAND ACT**

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The Secret Policy of the Land Act: Compensation to Landlords, the Corollary to the Land Act by
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T. S. FRANCIS BATTERSBY

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library of
George C. Mahon*

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THE SECRET POLICY OF THE LAND ACT.

COMPENSATION TO LANDLORDS

THE

COROLLARY TO THE LAND ACT.

PART I.

Necessity for Compensation—Results of Land Act—Original pledges and actual facts—Loss of rent and reversion—Burden cast on a solitary interest—Purchasers in Encumbered Estates Court and Landed Estates Court—Landlords deriving through Crown grants—Reasons for Land Act discussed—“Want of alternative employments”—“Historical circumstances” necessitating Act—Analogy from Compensation to slave owners—Lord Beaconsfield on Compensation for diminution of rent—Mr. Gladstone on Compensation for loss of reversion—J. S. Mill on Compensation.

THE Land Act has now been in operation seven months. The rental of Ireland is being reduced consistently 25 per cent. The demands of the tenants have been satisfied, and the results obtained by them would appear to have justified the agitation on their behalf. England has gone far for the sake of peace with Ireland. She has thrown political economy to the winds, restrained freedom of contract in land, and denied the landlord's right to do as he pleased with his own.* When the new rental of Ireland is fixed, £2,500,000 or (according to Mr. Chamberlain) £4,000,000 will have been handed over to the tenants—out of the pockets of the landlords.

* “I entertain a prejudice, adopted by Adam Smith, that a man is at liberty to do what he likes with his own, and that, having land, it is not unreasonable he should be free to let his land to a person on any terms upon which they shall mutually agree.”—ROBERT LOWE. Hansard, 199, col. 1725.

Incomplete justice of the Land Act.

P.R.

By this generous act England considers that justice has been done, and hopes to hear no more of the Irish land question. Such hopes are futile. Justice to the tenants begat injustice to the landlords; the success of one agitation is the signal for inaugurating another. The landlords' case is listed for a hearing, and the conscience and the common sense of England is appealed to—not as to the rectitude or desirability of a measure* which has deprived her best friends in Ireland of a quarter of their income, and has brought ruin and misery to many a helpless home, but to declare that a large class having been seriously injured by exceptional legislation, compensation is their right. Englishmen are proverbially fond of fair play; to Englishmen, therefore, we appeal, not for sympathy, generosity, or alms, but for reparation and justice.

The present position of the landlords is, that they have been mulcted to compensate another class for injuries of which they are innocent, for wrongs they did not inflict. To remedy one evil a greater has been wrought. The money has been taken from the wrong persons. Every equitable consideration demands reparation for the loss they have sustained. They have refrained as a body from asking compensation until the full working of the Act which defrauded them should appear. There is no longer reason for delay. The time has now arrived to require compensation, and this pamphlet is designed to state clearly and succinctly the reasons for which compensation must not be deferred. A discovery, too, has been made by the author of this pamphlet which, if well sustained, materially supports their claim, and which in the interests of justice should not be kept secret, placing as it does in a new light the motives which underlie the Land Acts of 1870 and 1881.

* The most powerful argument against the principles of the Bill of 1881 is Mr. Gladstone's speech on the second reading of the Bill of 1870 (Hansard, 199, col. 1843), which should be read by all who are desirous of forming a true judgment on our case.

The necessity for immediate action is pointed out in no vague terms by Mr. Froude in his recent letter to the *St. James' Gazette*. Almost desiring the success of the Land League, "for England would then be forced to compensate the landlords," he points out that otherwise "their certain fate from the English parliamentary Liberals will be to have their property cut from them slice by slice; and, as it will be done by instalments, compensation will at each step be evaded." Unless, therefore, Irish landlords are content to let the golden opportunity slip for ever from their grasp, to lie inactive and heedless of their rights—never, if not now, to be enforced—they must bestir themselves, proclaim their wrongs to the English people, and demand, with no faltering voice, justice and the compensation that is their only redress.

Mr. Froude
on compensa-
tion.

The subject-matter of compensation is twofold—1st, reduction of rent; 2nd, loss of reversion.

To ascertain the amount of the former, we can turn to the official reports published in her Majesty's Printing Office, and entitled a "Return of Official Rents fixed by the Sub-Commissioners up to and including the 28th January, 1882." According to the summary contained in the above, the reductions for the four provinces of Ireland up to date was £8,855, according to the following total:—

Practical
results of
Act.

Number of Acres dealt with.	Tenement Valuation.	Former Rent.	Judicial Rent.
42,802	£25,849	£37,441	£28,586

making an all-round reduction of a quarter of the rentals then adjudicated upon. Out of the 1,313 cases in which a judicial rent was fixed, there were 39 cases in which no alteration was made, and but 7 in which the rent was raised—the total increase of the former rent of these, which was in the aggregate £299 16s. 10d., being £33 2s. 6d. Granting then that the rest of Ireland will be valued on the same principle—i.e., an addition of about 10 per cent. over Griffith's valuation,

the rental of Irish landlords will be diminished by one-fourth; in a large number of cases indeed, and more especially those of poor and hampered landlords, whose rents were necessarily higher than those of the wealthy, it will be found to be reduced by one-third.

Pledges when
introducing
Bill.

It will be recollected that the Land Act of 1881 was passed on the pledge that the rental of Ireland would be imperceptibly altered. Mr. Gladstone, when introducing the Bill, admitted that the landlords of Ireland were innocent of the charges brought against them:—"The landlords of Ireland have stood their trial, and they have, as a rule, been acquitted." It was not against them the Act was to be passed. "The Report of the Bessborough Commission, which certainly is not deficient in its popular sympathies, in its 10th paragraph declares that the greatest credit is due to the Irish landlords for not exacting all that they by law are entitled to exact. . . . Again I find in the 9th paragraph a remarkable statement, which runs as follows:—It was unusual to exact what in England would have been considered a full or fair commercial rent. Such a rent over many of the larger estates, the owners of which were resident, and took an interest in the welfare of the tenants, it has never been the custom to demand. The example has been largely followed, and is, to the present day, rather the rule than the exception in Ireland." The rents of the landlords would not receive much alteration—in some cases the rent might even be raised. "I am only assuming that this effect may be to cut down, for in some cases the effect may be to raise it." Indeed Mr. Gladstone was extremely anxious to show that the making this Bill law "need not entail injustice upon anyone," while the schemes of Mr. Parnell to reduce the landlords' rents by a substantial amount were declared to have passed the Minister's "ability to distinguish them from schemes of public plunder."* It will thus be seen that the practical effect of the Act is totally

* Hansard. Vol. 260, 904 *passim*.

different from the pledges upon the faith of which Parliament was induced to sanction the measure without providing compensation.

Compensation for loss of reversion has not been hitherto touched upon, yet reversion was a valuable right of the landlords, which has been extinguished by the Act, and for the loss of which they are as well entitled to claim compensation as for loss of rent. As the meaning of value of a reversion is not generally understood, it may be as well to explain what is meant by the term.

If an owner in fee-simple grants to another person a lease for a term of years, or for a life or lives, he does not dispose of the whole of his interest in the estate. On the expiration of the years or the lives, the remaining interest reverts to himself, and he becomes owner in fee-simple in possession, and during the continuance of such particular estate the interest of the tenant in fee-simple (*i.e.*, the landlord), which still remains undisposed of—that is, his present estate, in virtue of which he is again to have the possession at some future time—is called his reversion.* “The relation of landlord and tenant depended formerly on the existence of two estates—one in the tenant called a lease, and the other in the landlord termed a reversion. Thus, if an owner in fee-simple leased his estate for lives renewable for ever, or for 10,000 years, he was held to retain a reversion, and to be in law a landlord.”†

The landlord's reversion has practically been swept away by the Land Act, and along with it has been abolished the theory of “unearned increments,” and the very notion of property. “Where the freehold now is,” says Mr. Brougham Leech, “in point of law, it might be hard to say, but that practically it is in the tenant there can be no doubt whatever.” The landlord has for ever lost the right to re-enter upon his land at the expiration

* Co. Litt. 226, 142b.

† De Meleyne's Landowner's Guide, p. 14.

Compensation
for loss of
reversion.

Value of
reversion is
represented
by the official
value of the
tenancy.