

2 STORMS IN THE WEST

It is in Ireland that the crash of feudalism will be first heard.

Richard Cobden

Quoted as the text of Michael Davitt's book,
The Fall of Feudalism in Ireland.

The Irish land agitation of the late 1870s and early 1880s is of immense importance to the subsequent history both of Ireland itself and of Great Britain. The fact that the tenants of Irish farms were much poorer than the vast majority of British people in the 1870s is attributable to differences of history and of human relations, and not to any remaining differences of substantive law. In 1881, Gladstone was able to tell the House of Commons that "the land laws of Ireland chiefly differ from the land laws of England in the very special provisions which they present to us on behalf of the tenant."¹

How, then, did the recent history and the prevailing social conditions in Ireland differ from those of the rest of the United Kingdom?

The appalling potato famine of 1845-7 and its scarcely less terrible aftermath, lay well within the memory of many people, and within the living tradition of all. The number of deaths resulting from starvation, and from diseases exacerbated by starvation, may lie anywhere between half a million and a million and a half, out of a total population not much in excess of eight millions. Enormous numbers of people emigrated, and many perished on the emigrant ships. As if this horror were not enough, the survivors who remained in Ireland were evicted wholesale from their wretched hovels. In the three years 1849, 1850 and 1851, over 50,000 families were evicted; and even if we deduct the 13,000 or so who were readmitted, the total in terms of human misery was enormous.² The decline in population in Ireland was almost universal. Between 1841 and 1851, all but two Irish counties lost more than a tenth of their population. In every county in the whole Province of Connaught, and in several within Leinster and even Ulster, there was an overall decline of more than

a quarter. To see the situation in perspective, there were only three counties in Great Britain — one each in England, Scotland and Wales — which showed any perceptible decline, and in most cases there was a very marked increase.

The depopulation and the evictions were much exacerbated by the Encumbered Estates (Ireland) Act of 1849, which is a striking example of how similar measures may produce totally different effects in different places. The Irish Act followed one of similar content which had been passed for England in the previous year, to which we have already referred. Both Acts sought to remove obsolete legal restrictions on land transfer. This might have been expected to benefit landlords and tenants alike, by ensuring that incompetent or impoverished landlords could sell their estates to men with ability and capital to improve them. Such, indeed, appears to have been the general effect in England; but in Ireland old landowning families transferred land to newcomers (often of Irish peasant stock themselves), who evicted peasants on a massive scale in order to use the land for grazing, and who really did rack-rent those tenants whom they suffered to remain.³

The trouble, though, was not merely the behaviour of these crude and avaricious newcomers. Even the "old" landowners of Ireland, who still ruled in most of the country, stood in a very different relationship to their tenants from that which prevailed in most of England or the south of Scotland. The landlords usually belonged to the Church of Ireland, a body which was in communion with the Church of England; the peasants were mostly Catholics. In the more remote districts, the peasants spoke a different language. To an increasing extent, the landlords were absentees. A landlord in England usually took pride and interest in the well-being of his people. Many landlords in Ireland took little interest in their tenants' welfare, and made few or no improvements. In both countries most farms were held on annual tenancies. In England, a tenant was seldom evicted so long as he paid his rent, and so it usually did not matter that the landlord was legally entitled to retake the land after any year; in Ireland, however, it was widely believed that landlords would often evict arbitrarily;⁴ and in such conditions the tenant was naturally disinclined to plan for more than the yearly needs of himself and his family.

A landlord who retook land was legally entitled to take over any improvements, even if they had been made by the tenant,

without giving any compensation. To what extent landlords exercised their legal rights to the full in this matter is very difficult to decide; but, as a Royal Commission commented in 1881: "Even a single case, very likely misapprehended, in which a landlord of previously good reputation in this respect, is thought to have acted unfairly by a tenant, may largely affect the condition and good feeling of an entire neighbourhood."⁵

The real harm which this state of affairs did to the Irish tenantry was not so much that they suffered individual expropriation by avaricious landlords, but that the fear of such expropriation discouraged them from making improvements. Irish farms were frequently more or less derelict, and bore every sign of extreme poverty. The situation was made even worse because — although nominally the rent was fixed — the sum actually payable by the tenant tended to be a matter of negotiation. As a contemporary noted, the Irish tenants' "apparent poverty was the staff upon which they relied in lieu of payment of their rent; and to preserve this appearance it was necessary that they should avoid such things as a sufficient stock, or a good breed of cattle, improved agricultural implements, or any outlay on their farms, whether for ornament or utility. Their object was, with the least possible expense, to raise a scanty crop, which would prove that they were unable to pay the rent."⁶

There was a further important difference between the structure of the agricultural classes in Ireland and in England. "Farmer" in England usually meant a substantial tenant who employed workers who were not members of his own family but worked for wages. "Farmer" in Ireland usually meant a tenant with just about enough land for his family to till — if, indeed, so much. At one time there existed a large class of landless agricultural labourers in Ireland, but this class dropped from over 1.3 millions in 1841 to about 329,000 forty years later. It is not difficult to guess the reason. The landless labourers and the very small tenants must have been killed selectively by the famine and the accompanying diseases during the 1840s, and those who survived were more likely to emigrate in the ensuing years than were men with some sort of "stake in the land".

Of course the bleak picture which we have just drawn was by no means universal. Individual landlords would often acquire a better or worse reputation than the majority of their kind. There were also very marked variations in different parts of the country. The

most famous of these deviations from the general pattern was in the North.

Ulster was a good deal more prosperous than most of the country. The cultivation has been set at 50 per cent higher than that of the other three provinces.⁷ This difference is usually considered to be due, at least in part, to "Ulster Custom" — a species of Tenant-Right — by which a tenant could ensure that the value of the improvements which he made to the land should not revert to the landlord. "Ulster Custom" was not universal in Ulster, nor confined to Ulster, and its details varied considerably from place to place. It recognised a sort of "dual ownership" between landlord and tenant by which a tenant who vacated his land could sell his interest to his successor. The value of that interest corresponded roughly with the value of the improvements introduced by the tenant or his predecessor in title. Furthermore, it was very unusual to disturb a tenant so long as he paid his rent. The landlord benefited from the custom because he could deduct any rent arrears from the lump sum which the outgoing tenant derived from his successor; while the tenant had a saleable interest at the end of his tenancy, as well as the advantages of the improvements while the tenancy lasted.⁸

This attribution of Ulster's relative prosperity to Tenant-Right has been severely criticised by at least one modern commentator,⁹ and some people have even argued for the view that it was positively detrimental to Ulster agriculture. What influences future human actions, however, is not what happened but what people think happened, and there can be little doubt that most Irish peasants believed "Ulster Custom" to be a boon in the places where it existed.

In the decade before our principal period of study begins, Parliament began to deal with certain aspects of the Irish land problem. The Irish Church Act of 1869 is usually noted for its ecclesiastical provisions, but one of its most remarkable features was the disposal of land held by the Church of Ireland. About 1,000 leaseholds were enfranchised, and 6,000 tenancies were sold to the tenants themselves. They were required to provide a quarter of the purchase money, and repay the remainder over a period of years. This provided the first practical example of the use of legislation in order to convert traditional landlord-ownership into peasant-proprietorship, and was to form an important prece-

dent. The second measure — the Irish Land Act of 1870 — is a striking instance of a piece of legislation which contemporaries agreed in regarding as very radical — and which undoubtedly exerted a great influence upon subsequent attitudes — yet whose direct effect on the problems which it sought to solve was comparatively small. Like the Irish Church Act, it facilitated some sales of tenures, although the number was only a little over 800.¹⁰ The most famous sections of the 1870 Act are those which are attributed to the work of John Bright. The “Bright clauses” sought to apply throughout Ireland something comparable with “Ulster Custom”. “Ulster Custom”, however, depended for its effect on the prevalence of good landlord-tenant relations, and it was exceedingly difficult to translate into legislation. Furthermore, the House of Lords had greatly reduced the scope of the Government’s original proposals, and there was neither adequate control over future rent increases, nor security of tenure.¹¹ The Royal Commission which reported eleven years later on the workings of the 1870 Act, observed that: “. . . In nearly all cases of dispute between tenant and landlord, what the aggrieved tenant wants is, not to be compensated for the loss of his farm, but to be allowed to continue in its occupancy at a fair rent. This, as the law now stands, he cannot have; and in order to raise a question before the Court, he is forced to begin by a surrender of the only thing for which he really cares. The Plaintiff in a land claim, if he fails to prove his case, is turned out without the compensation that he claimed; but if he proves it he is turned out all the same.”¹²

Yet the general wave of relative prosperity which marked the third quarter of the nineteenth century extended over Ireland just as it extended over Great Britain. The Registrar-General’s report on Irish agriculture in 1875 indicated that “the decrease in the number of emigrants . . . was very considerable and the general comfort and prosperity of the people is definitely on the increase.”

In the same year, Lord Hartington (until recently Chief Secretary for Ireland, but currently in opposition) noted the decline in agrarian crime — commenting that “the condition of Ireland has in this, as in other respects, enormously improved within the last thirty or forty years.”¹³

This encouraging account was written just before the agricultural depression. In 1876, the value of the Irish potato crop, the staple food of the people, was £12.5 millions; in 1879, that crop was worth just over a quarter as much.¹⁴

The *Irish Times*, the country's leading Conservative newspaper, declared in the same year that "the small tenants of Ireland and a good proportion of the large ones too, have been barely able to extract from the soil the means of subsistence for their families. Their strenuously accumulated hoards have gone in rent. . . . There is absolutely only one way of relieving the strained situation. . . . The owners of the soil must consent to bear a portion of the losses entailed by causes over which legislation and the individual conduct of the tenantry were alike powerless to exercise any appreciable influence."¹⁵

A year and a half later, General Gordon (whose famous service in China must have familiarised him with poverty of the grossest kind) wrote to *The Times* that ". . . from all accounts, and by my own observations . . . the state of our fellow-countrymen in the parts I have named is worse than that of any people in the world, let alone Europe."¹⁶

Some landlords heeded the appeals for rent remission; others did not. As in the 1840s, natural disaster resulted in failure to pay rent, and evictions followed. The number of families evicted year by year had not exceeded a thousand since 1865; but the thousand mark was passed in 1879, the two thousand mark in 1880 and the five thousand mark in 1882.¹⁷ In the desperate "Land War" which accompanied these evictions, landlords and their agents in many parts of the country went in fear of their lives, and rural crime — sometimes murder — became more and more common. The mean annual number of "agrarian outrages" — as these offences were collectively known — was 220 from 1873-8; in 1879 it stood at 860.¹⁸ In the autumn of 1880, Joseph Chamberlain, who was by no means an unsympathetic observer of the condition of the Irish peasants, was writing that "there is no doubt that in some parts of Ireland a regular Reign of Terror has commenced. Ordinary law is entirely in abeyance."¹⁹

The turmoil of the Land War was not new in Ireland. Both in Ireland itself and among the Irish émigrés in America there existed, and had existed for many decades, innumerable organs of protest and revolt: everything from local and informal peasant conspiracies to national and international movements, with an almost limitless range of objectives, public or clandestine, political or social. The details of the movements which operated in the first three-quarters of the nineteenth century are quite outside our present study; but it is important to realise that the techniques

actually employed during the Land War were often familiar and even traditional, and therefore did not need to be taught or learnt. It is no less important to remember that the leadership was to a large extent local rather than national, and that the organisers at the centre were frequently much embarrassed by the activities of their nominal supporters.

At the General Election of 1874, more than half the constituencies of Ireland had elected MPs who supported the Irish Nationalist Party. The main aim of that Party was to establish "Home Rule". This term, like most in politics, could be used to mean different things; but it certainly included setting up an elective Parliament in Dublin, with considerable powers over Irish affairs. The new party was led by an erstwhile Conservative barrister, Isaac Butt — a man known to have a considerable partiality for the good things of life; whose personal finances were frequently precarious, but whose political methods were impeccably constitutional.

Even before the Land War really began in Ireland, some of the MPs were finding Butt's mild and gentle leadership inadequate. The most famous of the rebels was Charles Stewart Parnell, who had been returned at a by-election in 1875, Parnell was a young landowner, and a Protestant; an aloof and inaccessible man, fired with an immense contempt for England; one of the many examples which history affords of a great national leader who was utterly alien from the people whom he led. The rebel Nationalists carried parliamentary obstruction to the very limits, determined to ensure that attention should be given to the troubles of Ireland, even if all other public business seized up in consequence. These tactics made more and more appeal to the Irish at home, and even to the parliamentarians. Isaac Butt lost control of his party at the beginning of 1879, and died shortly afterwards. His nominal successor was William Shaw — more famous as a banker than as a politician — but the real leadership was already passing to Parnell. In May 1880, Parnell secured the leadership in form as well as substance.

While the Nationalists were getting tough at Westminster, the peasants at home in Ireland were promoting an agitation which became increasingly troublesome for the Government. The most prominent figure in this agitation was Michael Davitt; as a boy, he had lost his right arm in a factory accident; as a youth he joined the Fenians — a revolutionary secret society organised

mainly by Irish-Americans, which caused many disturbances in the 1860s. In 1870, Davitt was sent to prison for an offence of which he was almost certainly innocent; but he was released on a ticket-of-leave seven years later. He went to the United States, and there made contact with a number of émigré Irish rebels, including Patrick Ford, editor of the *Irish World* — one of the most virulent and influential of the Irish-American periodicals. In the spring of 1878, Davitt began to persuade Parnell that the Fenians and “constitutional” Nationalists should co-operate in overt political activities. This was the famous “New Departure”, which, according to its proponent, would include within its scope “a war against landlordism for a root settlement of the land question.”²⁰

In the course of 1879, Davitt used his considerable skill and energy to organise a very effective tenants’ movement in his native County Mayo, which was widely regarded as the poorest of all the Irish counties.

Davitt was by no means narrow and insular in outlook. He exerted a substantial influence upon the affairs of Great Britain as well as those of Ireland. At first he had considered the idea of making common cause with English radicals who were associated with Charles Bradlaugh,²¹ and it was only later that he decided to work for an alliance with the Parnellite group of parliamentarians. The fruit of this work was the formation, in October 1879, of a body known as the Irish National Land League — or, more commonly, as the “Land League”. Parnell was made President, and Davitt the Joint Secretary. The short-term aim of the Land League was that tenants should pay as little rent as possible; the long-term aim was a radical restructuring of the whole system of land ownership in Ireland in the peasants’ favour.²² Although there was no unanimity as to what form that restructuring should take, there was general agreement that the immediate demands should be what are usually called the “Three Fs”: Fair Rent, which should be fixed by some sort of tribunal; Fixity of Tenure, which meant that a tenant should be irremovable so long as he paid his rent; and Free Sale of the tenant’s interest, which meant an effective and thoroughgoing application of “Ulster Custom” to the whole of Ireland: what the 1870 Act had attempted, but largely failed, to achieve. Nobody regarded the “Three Fs” as the final aims of the Irish peasantry, even though they represented a good deal more than

Butt had been urging a few years earlier.²³ They did represent, however, an immediate programme upon which land reformers and Nationalists with very different long-term objectives could unite without too great a sacrifice of principle.

The Land League and the Irish Nationalist Party were largely complementary, although for some purposes they were kept completely separate; it was prescribed, for example, that Land League funds should not be used to help Parliamentary candidates. The alliance between the two bodies may have helped to hold random acts of violence in check; it also harnessed together the agrarian revolt and the activities of the parliamentarians.

The principal source of finance is quite evident. The American Irish, many of whom were actual victims, or sons of the victims, of the Famine diaspora, had been active in providing both money and organisation for innumerable Irish rebel movements for many years. They made massive contributions to the Land League, and also to later movements for political and social revolt in Ireland. The *Irish World* was particularly effective in organising contributions; in April 1882 it was reported that the total sum collected through this source alone had exceeded \$300,000.²⁴

By 1880, Parnell's prestige was supreme, and yet his position was precarious. On one hand he sought to extract what favours he could for Ireland from the British Government; on the other he needed to keep the extremists, in Ireland and in America, both sufficiently well-disposed to continue supporting his movement, and patient enough not to rush into violent action which would vitiate its chances of success.

In the early spring of 1880, the Conservative Government decided to call a General Election. They accepted the view that there was a need for some kind of Irish land legislation, and one hard-pressed Ulster Conservative secured a promise from his Party leaders that they would legislate on the land question in accordance with the wishes of Ulster.²⁵ The General Election resulted in the return of the Liberals with a substantial majority, and the Queen, to her vast distaste, was compelled to accept Gladstone once again as her Prime Minister. The task of dealing with the Irish Land War therefore fell upon the new Government.

The Minister who was principally responsible for Irish affairs was the Chief Secretary for Ireland, W. E. Forster, who was best known as the author of the great Education Act of 1870. Forster, who was generally counted a Radical, was a political

“fighter”, though a man of somewhat limited vision; he was in no sense a natural oppressor. At one point he had received serious consideration as a possible Liberal leader.²⁶ He acquired in Ireland the nickname “Buckshot Forster”, yet this unfortunate *cognomen* arose through a decision of his Department to arm the police with buckshot rather than the more lethal missiles which had hitherto been employed. Forster came much under the influence of the permanent officials of his Department working at Dublin Castle, who succeeded in persuading him that the prime task was the physical repression of unlawful activity. Almost incredibly, “during the whole of Mr Forster’s occupation of the Irish Secretaryship, he never once consulted any member of the Parnellite party on any part of his Irish policy; never asked their advice or even their opinion, on any Irish affairs whatever.”²⁷

The first departure from the policy of the previous government occurred by accident. From 1847 onwards, Parliament had passed a series of Acts giving special powers to the Government to deal with crime and disorders in Ireland. Each of these so-called “Coercion Acts” expired automatically after a limited period, but thus far they had always been succeeded by others to a similar effect. The current measure, which had been passed by the Conservatives, was due to expire on 1 June 1880. When the time came for the Cabinet to consider its renewal, there was no time to push a Bill through Parliament.²⁸ The Government decided to let coercion lapse, and try the effects of conciliation. At Forster’s suggestion, a Bill was introduced — the Compensation for Disturbance Bill — to stay the evictions which were proceeding apace in the Irish countryside. The Bill was moderate enough. It provided that a tenant evicted for non-payment of rent could claim compensation if he could prove that his inability to pay was caused by the last two bad harvests, and that he was willing to continue his tenancy on fair terms. It was designed to apply only to a part of Ireland, and to low-rented tenancies. Yet Forster was compelled to make concessions in the Commons; even so, twenty Liberals voted against the Bill and many more abstained; it was finally thrown out ignominiously by the Lords.

Predictably, there were more, and worse, agrarian disturbances in the latter part of 1880. Some parts of Ireland, however, were remarkably quiet; but the reason could scarcely have given much satisfaction to the administration. As the Lord Lieutenant of Ireland told the Cabinet, they were peaceful because “those who

would profit by (crime) are complete masters of the situation, and . . . their temptation is therefore removed."²⁹

The leaders of the Land League indicated — probably with complete sincerity — that they deplored the many acts of physical violence against men and beasts which characterised the closing months of the year. On the other hand, they gave full support to a policy of economic and social ostracism against those who fell foul of their organisation. This policy acquired its name from a certain Captain Boycott, a land agent who was an early and famous victim of the practice. Whether as a consequence of the official Land League policy of boycotting men who took the farms of evicted tenants, or through the more violent measures which many anonymous peasants continued to apply, there was a very marked decline in evictions during the last quarter of 1880.

The Government then decided to prosecute Parnell and certain other Irish leaders under the ordinary criminal law, on charges of conspiracy. Not surprisingly, the Dublin jury which had been empanelled for the trial failed to convict the accused. Thereupon, Forster brought forward proposals for renewed coercion, which were to include the suspension of Habeas Corpus. To these the Irish MPs responded by "obstructing" more furiously than ever in Parliament, and the Government found it necessary to introduce new parliamentary procedures in order to facilitate the passage of the Coercion Bill. While the excitement in Parliament was at its height, the Government returned Davitt to prison, on the rather thin pretext that his Land League activities had violated the ticket-of-leave on which he had been released.

In Ireland the Land War continued to be waged. Most of the parochial Catholic clergy, who had been rather hesitant at the beginning, gave increasing support to the work of the Land League. Some of the hierarchy opposed it, but Archbishop Croke of Cashel spoke in its defence, and thereafter was greeted with enormous enthusiasm wherever he went. In the early stages of the struggle, the Northern Protestants³⁰ as a whole would not support the Land League, and even the celebrated Captain Boycott was able to recruit Ulstermen to bring in his crops; but later there were signs of Orangemen coming to participate in the League's activities.³¹ Several years more were to elapse before the Ulster Protestants settled into a mood of intransigent opposition to the Nationalists and all their works. In the General Election of 1885, one of the Nationalist candidates found that a voting paper in

his own constituency of South Tyrone had been marked with the words "No Landlord!" against the name of his Conservative opponent, and the words "No Pope!" against his own. This he considered "a perfect picture of the mentality of the Ulster Presbyterian farmer".³²

Shortly after the Liberals took office in 1880, Gladstone had appointed a Royal Commission to enquire into the workings of the 1870 Irish Land Act. The Chairman was the Earl of Bessborough, an Irish landlord and also the rector of an English village. Bessborough's Report appeared at the beginning of 1881, and unambiguously advocated "the reform of the Land Law of Ireland upon the basis known as 'The Three Fs' — i.e., Fixity of Tenure, Fair Rents and Free Sale."³³

Gladstone decided that the Irish peasantry would never be satisfied until the experiment was made. The Government was far from united, but was prepared to defer to its leader. The Prime Minister made no secret of the true position, telling the House of Commons that: "With a political revolution we have ample strength to cope. . . . But a social revolution is a very different matter."³⁴

In April 1881, just over a month after the Coercion Act was passed, Gladstone therefore brought forward his great conciliatory measure, the Irish Land Bill, which proposed to grant all the "Three Fs".³⁵

The Government had a good deal of trouble over the Bill; but its critics failed to suggest any alternative course of action which had the slightest chance of both passing through Parliament and restoring peace to Ireland, and the Bill was duly carried in the Commons, receiving 220 votes to fourteen on the Third Reading. Most of the Conservatives abstained. The Irish were much divided, for many of the Land Leaguers had already set their sights much higher than the "Three Fs", and some enthusiasts had even decided that the "Three Fs" would prove prejudicial to the sort of long-term settlement which they desired. Accordingly, the Land League gave no clear lead, but effectively delegated the decision to the parliamentarians. The Nationalist MPs were also divided; some voted for it, but Parnell and many of his principal followers abstained.³⁶ In the Lords, the Conservative leader, the Marquis of Salisbury, recommended acceptance — although scarcely with good grace. Some rather drastic amendments were proposed by the Lords, but most of them were rejected by the Commons, and

in August the Bill was enacted in substantially its original form.

Fixity of Tenure and Free Sale did not present serious legal difficulties, but Fair Rent certainly did. The Act did not attempt a definition of what could be considered a "fair" rent, and left the matter to the Court. These "Fair Rents" — or Judicial Rents, as they were sometimes called — were to hold for fifteen years, after which time they could be revised. Thus a tenant was virtually in the position of a leaseholder. The Act also sought to encourage Land Purchase. When landlord and tenant were both willing to conclude a sale, a Land Commission established under the Act was empowered to grant a sort of mortgage of up to three-quarters of the purchase price, while capital and interest were repayable as a 5 per cent annuity over thirty-five years.

John Morley, a future Irish Secretary himself, wrote that: "The history of the session was described as the carriage of a single measure by a single man. Few British members understood it, none mastered it. The whigs were disaffected by it, the radicals doubted it, the tories thought that property as a principle was ruined by it, the Irishmen, as the humour seized them, bade him send the bill to line trunks."⁸⁷

One of the most telling contemporary comments on the Act was that of Lord Derby, who wrote in *Nineteenth Century*: "There is no loud boasting on the side of those who have succeeded; no outcry of resentment and despair from those who have been worsted. Perplexity and doubt, rather than confidence, seem the prevalent feelings. . . . 'We were bound to try something, and, on the whole, there seemed nothing else to try', is perhaps the most common judgment."⁸⁸

Whether viewed from the aspect of jurisprudence or the aspect of economics, there were very serious objections to the 1881 Act; and, as we shall later see, it proved far less than the final solution which the Bessborough Commission seems to have hoped that it would be.⁸⁹ Yet it had a great and real value, even though this was not seen until many years afterwards. It also provided a breathing space — or perhaps we should say a thinking space — when men could seriously consider a more permanent solution. Michael Davitt, the most radical of the Irish leaders, concluded more than twenty years later that it was "a legislative sentence of death by slow process against Irish landlordism", and went on to describe its author as "the greatest statesman England ever pro-

duced".⁴⁰ There seems little reason for disputing either of these judgments.

Although the 1881 Act went a great deal further towards the satisfaction of the peasant demands than Isaac Butt had ever wished to go, and probably went further than Parnell himself would have gone a year or two earlier, yet the events of the Land War had implanted in the minds of the Irish leaders the notion that Gladstone and his Government were their enemies. Parnell contended at first that it would be impossible to create "Fair Rents", although he later shifted his ground to the extent of recommending the peasants to use the Land Courts which had been set up, in order to test their efficacy. Nor was there any overall amelioration of the state of public order in Ireland. In October 1881, Forster told the Cabinet that: ". . . In one or two counties, especially in Mayo, there is improvement, but in the south-west, and in many of the midland counties, there is more lawlessness and intimidation. The number of actual outrages has increased, but a more serious fact is the increase of intimidation by 'Boycotting' and threats of 'Boycotting' . . ." ⁴¹

In Chamberlain's view, the situation had become ". . . war to the knife between a despotism created to re-establish constitutional law and a despotism not less completely elaborated to subvert law and produce anarchy as a precedent to revolutionary changes." ⁴²

On Forster's advice, the Government decided to use the special powers granted by the Coercion Act. Parnell and other leaders of the Land League were arrested on 13 October 1881, and lodged in Kilmainham Jail. Patrick Egan, the League's Treasurer, escaped to Paris and continued to receive large American contributions, although apparently much less money was actually available for the prosecution of the Land War than before the arrests. ⁴³

A few days after their arrest, the imprisoned leaders issued the famous "No-Rent Manifesto", requiring tenants to pay no rent at all, presumably until their own release. The Government promptly retaliated by proclaiming the Land League itself an illegal organisation. The Ladies' Land League carried on the work of the proscribed organisation to an extent, but Forster considered that "they mismanage their business and it is a mistake to suppose that they have taken the place of the men." ⁴⁴ Nevertheless, they seem to have been a considerable nuisance to the Government, and the decision not to proceed against them was taken

for political rather than legal reasons.⁴⁵

When the Land League leaders had been in detention for some months, it became possible to make some general appraisal of the condition in Ireland. The "No-Rent Manifesto" had proved a relative failure,⁴⁶ perhaps because of the general opposition of the ecclesiastical authorities. There was "no open resistance to the law"; boycotting, though still widespread, was less prevalent than previously; and the Land Act was in full operation by the spring of 1882.⁴⁷ The Act, however, did not prevent evictions in respect of past debts for rent, and 1882 was the worst year since the early 1850s. Chamberlain's view of the general position was that: "Agitation was rampant everywhere. Outrages were frequent and serious: no convictions of the criminals were obtainable, and the police did not know upon whom to lay their hands. Mr Forster's confident assurance that the police were acquainted with the disturbers of the peace and that their arrest would speedily lead to the settlement of the country had proved to be altogether illusory, and Mr Forster himself confessed that in this respect he had been disappointed and that his policy had failed. He appeared to be at his wits' end and could only suggest wholesale arrests and further coercion."⁴⁸ Parnell's well-known prophecy that "Captain Moonlight" would take over in his place was evidently being fulfilled. Even apart from obvious considerations of personal inconvenience, this situation was scarcely less pleasant for the imprisoned leaders than it was for the Government. If the "grass-roots" agitation succeeded, their own authority was in jeopardy; if it failed, the whole movement could collapse.

Eventually Forster was overridden in the Cabinet. Parnell and his associates were released from Kilmainham early in May 1882, and — to the Queen's indignation⁴⁹ — Davitt was released a few days later. Forster resigned, and was replaced by Lord Frederick Cavendish, brother of the Marquis of Hartington.

The release of the prisoners was the product of a *quid pro quo* agreement between Gladstone and Parnell — the so-called "Kilmainham Treaty". This was to the effect that the Government would drop coercion, release its civil prisoners, and pass an Arrears Act, which would relieve the tenants of liability for back rent; while Parnell would exercise control over the turbulent elements of the peasant movement, and strive to secure acceptance for the Government's policies. The agreement came under fire from two quarters. Some of the Conservatives were almost

hysterical at the Government for treating with the Irish leaders at all; while the more vehement Irish partisans, both in Ireland and in America, attacked it no less sharply. As Patrick Ford of the *Irish World* was one of the men seriously alienated by the Kilmainham arrangements, it is likely that the Irish tenant movement suffered a very serious financial loss as a result. Davitt, who also deplored the "Treaty", was later reconciled to Parnell, and played a large part in restoring confidence between his leader and Ford.⁵⁰

This alliance between the Government and the Irish leaders was almost shattered a very few days after it was effected by the assassination of Lord Frederick Cavendish in Phoenix Park, Dublin, at the hands of a small group of terrorists unconnected with the Land League. This set the whole new policy of conciliation at risk for a while; but the earnest endeavours both of the Government and of the Irish leadership led to a gradual restoration of peace and order. No doubt they were much assisted by the decisions of the Land Court; the average rent reduction over the first couple of years was more than 20 per cent.⁵¹

As the Land League had been proscribed, it was necessary to form a new organisation which would seek to redress the peasants' grievances. This body, the Irish National League (usually known as the National League) was formed in October 1882. Parnell was rather reluctant at first to consent to its establishment, but eventually became its President.⁵²

The events of 1882 did not terminate the Irish land agitation, even temporarily, but there was a real abatement of violence. Civil disturbance was closely related to the yield of the potato crop. The bad year of 1882, which had furnished only 2.4 tons per acre, was followed by three good years, with 3.8 tons or more.⁵³ By the spring of 1885, Lord Spencer (who had succeeded Cavendish as Chief Secretary) was reporting that the condition of Ireland had "greatly improved".⁵⁴ In these circumstances, it did seem possible that the Irish land problem might admit of a peaceful solution. Yet although the flames had for a time died down in Ireland, sparks from the blaze had already ignited a good deal of dry tinder elsewhere.

Notes-2

- 1 Parliamentary Debate 3S, 260, Col. 891, 7 April 1881.
- 2 *Return . . . of cases of evictions . . .* P.P. 1881 (c.185), lxxvii.
- 3 *Report into working of Landlord and Tenant (Ireland) Act 1870* (Bessborough Report), pp. 6-7.
- 4 See B. L. Solow, *The land question and the Irish economy, 1870-1903*, pp. 32-4, 77-8; see also Bessborough Report, pp. 3-4.
- 5 Bessborough Report, p. 8.
- 6 Rt Hon. M. Longfield, Essay on Ireland in J. W. Probyn (ed.), *Systems of land tenure . . .* (see bibliog.), p. 25.
- 7 Brian A. Kennedy, "Tenant Right before 1870" in *Ulster since 1800*, T. W. Moody & J. C. Beckett (eds.), (see bibliog.), p. 41.
- 8 For a fuller discussion, see W. L. Burn, "Free Trade in Land: an aspect of the Irish question", *Trans. Royal Historical Society*, 4s, vol. 31 (1949), pp. 61-74.
- 9 Solow, *op. cit.*, pp. 30-32.
- 10 On both Acts, see H. Shearman, "State-aided land purchase under the Disestablishment Act of 1869", *Irish Historical Studies*, iv (1944), pp. 58-80.
- 11 On the functions and defects of the Act, see Gladstone's memorandum to Cabinet, 9 December 1880 (CAB 37/4/81).
- 12 Bessborough Report, p. 7.
- 13 *Annual Register*, 1875, pp. 19, 230-31.
- 14 F. S. L. Lyons, "The economic ideas of Parnell", *Historical Studies*, ii (1959), pp. 60-75, at p. 63.
- 15 *Irish Times*, 15 July 1879, quoted in *Kerry Sentinel*, 16 July 1879.
- 16 *The Times*, 3 December 1880.
- 17 Michael Davitt, *The Fall of Feudalism in Ireland* (see bibliog.), p. 100.
- 18 W. E. Forster's memorandum to Cabinet, 10 May 1880, CAB/37/2/23.
- 19 Chamberlain to Ashton Dilke, 27 October 1880 (copy?), JC 5/26 fo. 1.
- 20 Davitt, *op. cit.*, pp. 111-13.
- 21 Davitt to William Haley, 7 January 1880 (misdated 1879), Haley 3,905, fos. 28-31.
- 22 A highly tendentious, but rather original, account of the League's activities is provided in Anna Parnell's unpublished *The Land League: the tale of a great sham*, NLI Ms. 12,144. Davitt's book is far more balanced and credible. For some of the imperfections of the Land League, see Harrington to Parnell (copy?), 12 October 1881. Harrington 8,578.
- 23 See, e.g., notes headed "Connie's Case". Butt 8,705.

- 24 *Irish World*, 22 April 1882.
- 25 J. L. McCracken, "The consequences of the Land War", in *Ulster since 1800*, T. W. Moody & J. C. Beckett (eds.), (see bibliog.), p. 62.
- 26 See, e.g., Carvel Williams to Joseph Chamberlain, 18 January 1875. JC 5/76/10.
- 27 Justin MacCarthy, *Ireland since the Union* (see bibliog.), p. 245.
- 28 W. E. Forster's memorandum to Cabinet, 10 May 1880. CAB/37/2/25.
- 29 Lord Cowper's memorandum to Cabinet, 9 November 1880. CAB/37/3/31.
- 30 The word is here used in its modern sense to include any non-Catholic Christian. In the nineteenth century it was frequently used to mean "Church of Ireland", and thus excluded the numerous Ulster Presbyterians, who were distinguished as "Nonconformists".
- 31 *Annual Register*, 1881, p. 211; Henry George's dispatch to *Irish World*, 11 February 1882.
- 32 William O'Brien, *An olive branch in Ireland* (see bibliog.), p. 169, fn.
- 33 Bessborough Report, p. 19. ¹
- 34 Parliamentary Debate 3S, 268, col. 391, 2 April 1881.
- 35 The first draft of the Bill, as Gladstone proposed it to the Cabinet, had not included Fixity of Tenure, but at the next meeting he accepted this "F" as well. JC 8/1/1, p. 17.
- 36 See F. S. L. Lyons, *John Dillon* (see bibliog.), pp. 48-51.
- 37 John (Viscount) Morley, *Life of Gladstone*, ii (see bibliog.), p. 220.
- 38 *Nineteenth Century*, October 1881, p. 473.
- 39 Bessborough Report, p. 15.
- 40 Davitt, *op. cit.*, pp. 317, 670.
- 41 W. E. Forster's memorandum to Cabinet, 9 October 1881, CAB 37/5/22.
- 42 Letter to Morley, 18 October 1881, quoted JC 8/1/1, p. 21.
- 43 W. E. Forster's memorandum, 17 April 1882, CAB 37/7/24; WEG 44,160 fo. 131.
- 44 Forster, *loc. cit.*
- 45 Lord Cowper's memorandum to Cabinet, 19 April 1882, CAB 37/7/25.
- 46 For a different view, see *Irish World*, e.g. 10 December 1881.
- 47 Forster, *loc. cit.* See also Spencer's circulation of Jenkinson's memorandum, 22 July 1882, which seemed to conclude that all disputes should be settled in four years, and possibly less. CAB 37/8/42.
- 48 JC 8/1/1 p. 31.

- 49 Sir Charles Dilke to Chamberlain (copy), 6 May 1882. Dilke 43,885, fo. 233.
- 50 F. Sheehy Skeffington, *Michael Davitt* (see bibliog.), p. 129.
- 51 Report of the Royal Commission on the Land Law (Ireland) Act 1881 (etc.), P.P. 1887 (c.4969) xxvi (Cowper Commission), p. 6.
- 52 T. M. Healy, *Why Ireland is not free*, p. 15.
- 53 B. R. Mitchell & Phyllis Deane, *Abstract of British Historical Statistics* (see bibliog.), p. 92.
- 54 Spencer's memorandum to Cabinet, 23 March 1885. CAB 37/14/13.