

LAND SYSTEMS  
AND  
INDUSTRIAL ECONOMY  
OF  
IRELAND, ENGLAND, AND CONTINENTAL COUNTRIES.

BY

T. E. CLIFFE LESLIE, LL.B.

OF LINCOLN'S INN, BARRISTER-AT-LAW.

*Examiner in Political Economy in the University of London, and Professor  
of Jurisprudence and Political Economy in the Queen's University  
in Ireland, and Queen's College, Belfast*

LONDON:  
LONGMANS, GREEN, AND CO.  
1870.

# CONTENTS.

	PAGE
*I. INTRODUCTION . . . . .	1
II. THE STATE OF IRELAND, 1867 . . . . .	5
III. IRELAND IN 1868 . . . . .	34
*IV. THE IRISH LAND QUESTION, 1870 . . . . .	57
V. POLITICAL ECONOMY AND EMIGRATION . . . . .	85
VI. POLITICAL ECONOMY AND THE TENURE OF LAND . . . . .	117
VII. LORD DUFFERIN ON THE TENURE OF LAND . . . . .	133
VIII. MR. SENIOR ON IRELAND . . . . .	151
IX. THE LAND SYSTEM OF ENGLAND, 1867 . . . . .	160
*X. THE ENGLISH LAND QUESTION, 1870 . . . . .	204
XI. WESTPHALIA AND THE RUHR BASIN, 1868-1869 . . . . .	230
*XII. WESTPHALIA AND THE RUHR BASIN, 1869-1870 . . . . .	254
XIII. A VISIT TO LA CREUSE, 1868 . . . . .	265

	PAGE
*XIV. A SECOND VISIT TO LA CREUSE . . . . .	283
XV THE PEASANTRY AND FARMS OF BELGIUM, 1867.	294
*XVI THE FARMS AND PEASANTRY OF BELGIUM, 1870.	341
XVII APPENDIX POLITICAL ECONOMY AND THE RATE OF WAGES . . . . .	357

## LAND SYSTEMS

&c.



### INTRODUCTION.

ALONG with a republication of several essays in deference to many suggestions, this volume contains additional articles\* on the Land Systems of Ireland and England, and on the industrial economy of La Creuse, Westphalia and the Ruhr Basin, and Belgium, founded on later study and local inquiry.

It appears to the author that the Land Systems of England and Ireland are best studied together. The two systems react in many ways on each other; their results present some striking resemblances, and where they differ most, the differences are instructive. They have a common origin and foundation. The first sentence in Mr. Furlong's standard treatise on the Law of Landlord and Tenant in Ireland is: 'The common law regulating the enjoyment of real property

\* Marked with an asterisk in the table of contents.

both in England and in Ireland is founded upon and governed by the principles of the feudal system.' Their similarity of structure is the main cause why the Irish land system has remained intact down to the introduction of the Land Bill now before Parliament. This is so, not only because the landowners of England have been reluctant to permit interference with powers similar to their own, but also through the influence of the structure of the English land system on the ideas of other classes. Had there been in England a simple jurisprudence relating to land, a law of equal intestate succession, a prohibition of entail, a legal security for tenants' improvements, an open registration of title and transfer, a considerable number of peasant properties, the rural economy of England would long since have created unanswerable objections to the Irish land system in the public mind.

On the other hand, there are striking differences in the results of the two systems, which throw much light on both. The Land System of Ireland, for example, tends to suppress the existence of towns; that of England, on the contrary, to give to large towns undue predominance in our industrial and social economy. The English agricultural labourer, again, answers to the Irish small tenant-at-will. And emigration is the movement in the case of Ireland corresponding with immigration into large towns in England. The latter movement is moreover swollen by immigrant

poverty from Ireland; and there is a reflux of its own poverty into that island.

Both Irish emigration and English immigration into towns contrast curiously with an immigration from the country into the towns of France, arising from a very different cause, the economic and political effects of which are among the subjects discussed in the two articles on La Creuse.

Although the author has described effects of the Land Systems of France, Germany, and Belgium, he has, in doing so, simply recorded facts which have come under his own observation, and the genuine impressions made on his mind by careful inquiry on the spot. He has endeavoured also to indicate the influences of geological and other physical conditions on the industrial economy of the Continental localities of which a description is given in the volume. Without reference to such conditions, to history, and to positive institutions, the author believes it impossible for the economist to arrive at a true theory of the causes which govern the production and distribution of wealth.

It is right to acknowledge the obligations the author is under to the extensive and profound learning of his friend Mr. Francis S. Reilly for information and suggestion on many, but especially legal, subjects; although he ought to add that Mr. Reilly is in no way responsible for his conclusions.

Without the hospitable aid and instruction which he has received from M. Léonce de Lavergne during visits to La Creuse, it is improbable that he would have attempted a description of that singular department—the history of which, isolated as it is, has been strangely interwoven with the political and social history of France for more than two hundred years.

2 STONE BUILDINGS, LINCOLN'S INN :  
February 21, 1870.

### THE STATE OF IRELAND,\* 1867.

STUDENTS of Irish history know how from time to time in its troubled course, after some overwhelming disaster, there has come a pause in misfortune, a tranquil interval, when statesmen, beholding the capabilities of the country and its people, and mistaking the signs of exhaustion for those of a new life of peace and prosperity, congratulated themselves upon the regeneration of Ireland in their own days. 'In the first nine years of King James,' wrote Sir John Davis, after three rebellions in the reign of Elizabeth, 'there hath been more done in the reformation of the kingdom than in the 440 years since the Conquest.' A still profounder statesman, Bacon, four years afterwards congratulated a Chief Justice of Ireland on his appointment at a time when 'that kingdom, which within these twenty years wise men were wont to doubt whether they should wish it to be a pool, is like now to become a garden, and younger sister to Great Britain.' A generation had not passed before these words were followed by

\* Reprinted from 'Macmillan's Magazine' for February 1867. In the reprint of this and other essays in the volume, a passage here and there has been omitted. In other respects hardly any change has been made. But as the situation of things *has* changed in succeeding years, changes in the author's views may occasionally appear, owing to that cause, or to further inquiry and reflection.

another rebellion, suppressed in its turn in such a manner that Sir William Petty in 1672 expressed his conviction that the Irish never would rebel again, the more so, as they had never before such prosperity as then.\* Political wisdom and sagacity are both supposed to have made great progress since the reign of Charles II., yet such has been the falsification of repeated hopes of Ireland's reformation that there are still to be found men who repeat the very wishes (doubtless ignorant of their antiquity) which Sir William Petty 200 years ago sternly rebuked, and of which nearly 300 years ago the poet Spenser exposed the folly.† The repetition of such sentiments in itself might merely prove that political and moral progress has been unequal in England as in Ireland, and be worth notice only on the part of those historic minds who find an interest in every living vestige of ancestral barbarism in either island. But it is connected not remotely with inquiries of more practical interest and importance, to which conflicting answers are returned; inquiries such as, What is really the present state of Ireland? Has it made any real progress since its last great disaster? Is the land, the people, or the law, the cause of its

\* 'Political Anatomy of Ireland,' chaps. iv. and xii.

† 'Some furious spirits have wished that the Irish would rebel again, that they might be put to the sword. But I declare that notion to be not only impious and inhuman, but withal frivolous, and pernicious even to those who have rashly wished for those occasions.'—Sir W. Petty, 'Political Anatomy,' chap. iv. 'So have I heard it often wished that all that land were a seapool, which kind of speech is rather the manner of desperate men than of wise counsellors; for were it not the part of a desperate physician to wish his patient dead rather than to apply the best endeavour of his skill for his recovery?'—'A New View of the State of Ireland,' by Edmund Spenser, 1596.

long backwardness and misery? Can legislation do anything for its benefit?

The chief difficulty in answering the two first of these inquiries arises from the very different state of different parts of the island. Different counties and towns—adjoining estates, and even adjoining farms and houses—are very differently circumstanced, and would return a very different report; nor is it too much to assert that the man does not exist who could give a complete and true account of Ireland's present condition. Even the very same results may be produced in different places by opposite causes, and are of different import and omen accordingly. Of this a striking instance offers at once in the rate of wages; an instance of great importance in itself, because it touches the root of the whole Irish question, as for brevity it is sometimes called. Great stress is laid by some on the advance in Irish wages as a proof of a proportionate increase in general prosperity, and of the benefit of emigration. As a matter of fact, the rise in wages is much less than those who take this view suppose; and, in truth, the bulk of the employers of labour below the landed proprietors are in no condition to pay such a price for it. The demand at such a price as has been stated could in most Irish counties be that of one small class alone; and such wages would therefore imply a much greater emigration of labourers and disappearance of farmers than has as yet taken place. But, moreover, those who allege a rise in wages as a conclusive proof of a proportionate increase in general prosperity, overlook the distinction between a

home demand for labour and a foreign one, to which alone they refer it. If ten thousand labourers only were left in the island, they might earn perhaps more than a pound a day from the upper ten thousand; but would such payment be a proof of Ireland's great prosperity? Would it not rather prove that Ireland had lost one of the three great instruments of production, labour; and that the industry of Ireland had gone to develop American instead of Irish natural resources? The following table shows the rates of wages earned by agricultural labour throughout the year just closed in different parts of the island, as ascertained by personal inquiry:—

	<i>s.</i>	<i>d.</i>	<i>s.</i>	<i>d.</i>	
County of Antrim from . . . . .	7	0	10	0	to 10 0 a week.
Down . . . . .	7	0	10	0	„
Armagh . . . . .	7	0	9	0	„
Monaghan . . . . .	6	0	8	0	„
Cavan . . . . .	6	0	7	0	„
Dublin . . . . .	7	0	11	0	„
Wexford . . . . .	6	0	8	0	„
Cork . . . . .	6	0	8	0	„
Mayo . . . . .	6	0	7	6	„
Donegal . . . . .	6	0	8	0	„*

From the foregoing table it appears that wages throughout most of Ireland do not average more than a shilling daily throughout the working year, which, though a great improvement upon former

\* Even such rates as the above are not maintained in all the districts remote from railways: occasional wages of 2*s.* 6*d.* a day in the West are far from being a sign of agricultural prosperity and a permanent demand for labour. In parts of Mayo, for example, where oats and potatoes are commonly grown in alternation until the land is exhausted, there is a great demand for labour at spring-time and harvest (when wages sometimes reach 2*s.* 6*d.* a day) and very little demand through the rest of the year.

rates when constancy of employment is considered, is yet at present prices a low rate, and one which threatens or promises, as people may think it, a great additional emigration, if the home demand for labour be not greatly improved. And, in connection with this, it is an important point to notice that wages are highest in the localities where population, in place of decreasing, has increased—a point illustrative of the distinction between a home demand for labour and a foreign one. When wages rise by reason of the amount of profitable employment, the quantity and brisk circulation of capital, the wealth and consumption of large classes within a country, it is not only an advantage to the labourers, but a sign of general affluence; it is otherwise when it means no more than that labourers have disappeared. Happily it means the former in at least one-half of Ulster. In that vast system of manufactures which now stretches over several countries, it is around towns in which population has doubled in half a generation that agricultural wages are highest. This circumstance deserves the more attention since it has been lately persistently alleged that the want of coal and iron is the cause of Ireland's poverty, and a cause which must keep it always poor. Writers who persist in such statements can surely never have heard of Derry, Coleraine, Ballymena, Antrim, Newtownards, Lisburn, Banbridge, Newry, Armagh, Strabane, and many other manufacturing towns of Ulster, besides Belfast, to say nothing of the numerous factories which stud the rural districts of the provinces, or of the great amount of

industry engaged in the domestic manufacture of the finer fabrics, which the power-loom cannot for many years compete with. Much of the wealth and usefulness of Belfast itself arises from the fact that it is the commercial centre of several counties; and were it overthrown by an earthquake to-morrow, the United Kingdom would have lost one of its best cities, but the looms of Ulster would remain numerous and busy. That the natural deficiency of coal and iron is not the chief obstacle to Irish wealth is indeed sufficiently established by the fact, that in Belfast manufactures in iron are successfully carried on. A fact of still greater significance is that Belfast has in one generation sprung to its present importance, through the land on which it stands becoming the property of its citizens, from being the property of a single proprietor hampered by settlements and incumbrances, and by no means brought up to industry. This is a fact which in itself might justify a presumption that the want of other than agricultural employment for labour in Ireland, and the consequent rush to a foreign demand, is due to no faults of the people or the island, but to the law.

A noble writer has recently described with graphic eloquence the long series of restrictions laid on almost every branch of Irish trade and industry by English legislation in less enlightened times than our own; and the importance due to such historical causes is proved by the different history of two Irish industries—the linen and the woollen manufactures. Almost at the same moment that Protestant manufacturers were flying from France on the Revocation of the Edict of

Nantes, to lay the foundation of the linen manufacture of Ulster, now one of the most flourishing industries of the world, woollen manufacturers, both Protestant and Catholic, were flying in thousands from Ireland to parts of the Continent where the industry they planted flourishes still, but in Ireland has only begun to revive. The history of Flanders affords a precisely parallel instance; the manufactures which the Spaniards drove from its provinces took lasting root in Great Britain, but only begin to reappear in the land of their birth.\* The foregoing is not the only historical explanation of the exclusion from three provinces of Ireland of every industry but that of tilling land. It has been pointed out by Adam Smith, that whatever progress was made by England in rural industry itself, originated in the trade and freer institutions of its towns. In common with other philosophers, he has also remarked that in every part of Europe wealth and civilisation began upon the borders of the sea, where there was comparatively free and easy communication with the outer world, but in Ireland the English seized every important port; and Sir John Davis, early in the seventeenth century, asked, ‘When the Irish might not converse or commerce with any civil men, nor enter into any town without peril of their lives, whither should they fly but into the woods and mountains, and there live in a wild and barbarous manner?’ It was no more the policy of the age following than of the one preceding that

\* When manufactures started up with steam in Belgium, it was in the Walloon provinces near mines of coal and iron they rose. Now, however, the Flemish provinces begin to count their growing manufactories again.

eminent statesman, to civilise and elevate the Irish; and the period of the Commonwealth was signalised by repeated orders to drive all Irish and Papists to a distance from every considerable town. When to this we add the blighting influence of the penal laws and the exclusive municipal institutions of a later time, we need hardly wonder that the Irish people clung with 'morbid hunger' to the land alone for their support. But why did the land afford so little support? why was their only industry so barren of results when starvation was frequently the penalty of failure? Why, as it has been often asked, did the English system of landed property, which has succeeded so well in England, fail so utterly in Ireland?

The first answer such a question ought to get is that the English system has not succeeded well in England, but has, on the contrary, proved a most disastrous failure. Agriculture, it is said indeed, has been carried in England to the greatest known perfection. If this were so, it would nevertheless be true that the proper test of any rural system is the peasantry, and not the beasts or herbs it produces; and that the English peasantry, descendants of a noble race, are a reproach to the name of Englishmen. But can agriculture really be said to have prospered when Sir Robert Peel in 1850 could describe it in the terms that follow, though favoured by the very circumstance the Irish cultivator lacked,—the contact and demand of wealthy towns? 'You will find,' the statesman wrote to Mr. Caird, 'immense tracts of good land in certain counties, Lancashire and Cheshire for example, with good roads,

good markets, and a moist climate, that remain pretty nearly in a state of nature—undrained, badly fenced, and wretchedly farmed. Nothing has hitherto been effectual in awakening the proprietors to a sense of their own interests.\* Such was the state of English agriculture under the legislation of the proprietors of the soil for its especial benefit; and the improvement since—an improvement far from general—is traceable to an opposite policy, the policy of commerce and of towns; towns which have long been cities of refuge for the rural population while half the island is uncultivated.

But England at least *had* towns to receive and employ its landless population, while Ireland was without them. And thus, while the chief movement of population in England has been a migration from the country to large towns, in Ireland the chief movement has been emigration—to the towns of England and America. This emigration of the rural population of Ireland to America is no new phenomenon of this century; it was the subject of treatises more than a century ago. 'What was it,' says a writer of 1729, 'induced so many of the commonality lately to go to America, but high rents, bad seasons, and want of good tenures or a permanent property in their lands? This kept them poor and low, that they scarce had sufficient credit to procure necessaries to subsist or till their ground. They never had anything in store, all was

\* This description was more than borne out by the published accounts of Mr. Caird's tour, and in reference to many counties in addition to those particularly named by Sir R. Peel.

from hand to mouth, so one or two bad crops broke them. Others found their stock decaying visibly, and so removed before all was gone, whilst they had as much left as would pay their passage, and had little more than would carry them to the American shore.\* It might have been urged then, as it is urged now, that the emigrants were but seldom evicted. Eviction was unnecessary—not even a notice to quit was commonly required. The broken down, the breaking down, and those who feared to break down, fled along with the evicted. Even farmers with capital, the writer adds, fled likewise, from the want of security for its investment on their farms. It has been lately maintained that the absence of leases cannot be the present cause of the distress and emigration of the farming classes of Ireland, since leases were ‘almost universal in the eighteenth century,’ when rural distress was as great as it is now, or lately was, before the worst cases of distress disappeared. But in the first place, the fact is not so; farming leases were not common in that century. Where leases to farmers existed at all, they were for the most part too short to permit of the permanent improvements essential to husbandry being made by the tenant; and the landlord never made them—what with settlements, charges, and mortgages, seldom could make them. The actual cultivators, however, for the most part had no leases and

\* ‘An Essay on the Trade of Ireland,’ 1729. A beautiful edition of this and several other rare treatises on Ireland, including those of the poet Spenser, Sir John Davis, Sir W. Petty, and others, was published some years ago by Messrs. Alexander Thom, of Dublin, with great liberality, for private circulation.

were placed and displaced, as the Highlanders are to this day, at the whim of the landlord. Accounting for a decrease in the number of houses in Ireland, the writer last quoted observed in 1729: ‘Another reason I apprehend to be that from gentlemen’s receiving or dismissing whole villages of native Irish at once; and this is done just as gentlemen incline to break up their lands and improve them by tillage, or as they lay them down under grass and enlarge their sheep-walks; and by this means the poor are turned adrift, and must remove to some other place where they can get employment.’ And this was while Ireland had no Poor-law—the contrivance in England to prevent insurrections of the peasantry. But the middlemen, it is said, *had* leases, and long leases, yet cultivation did not prosper with them. The middleman, however, was a landlord, not a cultivator; and it is for cultivators that security is demanded. It is not proposed to increase the security of landlords, otherwise at least than by making their titles more marketable and their tenants more solvent. The middleman lived in a world from which commerce and enterprise were banished; his only ambition was to live like a landlord; he was often deeply embarrassed; his title was almost always defective; but he had a famishing crowd round his doors offering rent, and a power of distress to take all they could give. The petty freeholders of a more recent date were not middlemen, it is true, and they had leases of a kind much better than none; but they were made at random for political objects; the measure of security allowed them came

unattended with any other change to teach agriculture either by example or precept, or to furnish a market for their produce or any safe investment for their savings. What indeed are all such arguments against leases intended to prove? Is it that security is needless as a motive for investment? Do men of sense build houses or shops on other men's land without leases? Cases of actual confiscation of tenants' improvements may be rare; but a single such case as that of O'Fay and Burke alarms every tenant who hears it or reads it, and ill news now travels faster than ever. Does any one measure the mischief of an agrarian outrage by the injury to the victim, or the harm done by a Fenian by his personal acts of destruction? It is really not against his actual landlord that a tenant most needs security, but against all possible landlords; security in fact against the law, which is for him a law of confiscation. It is one of many examples of the tardy accommodation of human jurisprudence to justice, that 270 years ago the poet Spenser urged the necessity of legislative protection for the tenantry in Ireland in terms which apply to this day as well as to that at which they were written:—

*'Iren.*—There is one general inconvenience which reigneth almost throughout all Ireland: that is, that the lords of the land do not there use to let out their land for terms of years to their tenants, but only from year to year, and some during pleasure.

*'Eudox.*—But what reason is there that any landlord should not set, nor any tenant take, his land as himself list?

*'Iren.*—Marry, the evils hereby are great: for by this means both the landlord thinketh that he hath his tenant more at command to follow him into what action soever he shall enter; and also the tenant is fit for every occasion of change, for that he hath no such state in any his holding, no such building upon any farm, no such cost employed in fencing or husbanding the same as might withhold him. All which he hath forborne, and spared so much expense for that he hath no firm estate in his tenement, but was only a tenant at will, or little more, and so at will may leave it. And this inconvenience may be reason enough to ground any ordinance for the good of the commonwealth, against the private behoof or will of any landlord that shall refuse to grant any such term or estate unto his tenant as may tend to the good of the whole realm.

*'Eudox.*—Indeed it is great wilfulness in any landlord to refuse to make any longer farms unto their tenants as may, besides the general good of the realm, be also greatly for their own profit and avail. For what reasonable man will not think that the tenement shall be made much better for the landlord's behoof, if the tenant may by such good means be drawn to build himself some handsome habitations thereon, to ditch and inclose his ground, to manure and husband it as good farmers use? For, when his tenant's term shall be expired, it will yield him in renewing his lease both a good fine and also a better rent. And also it shall be for the good of the tenant likewise, who by such buildings and inclosures shall receive many benefits.



























































































































































































































































































parition en masse chez nous. Ils parcourent en bandes les forêts voisines de la commune, où ils trouvent un abri assuré, après les déprédations nocturnes.

“Depuis la plantation jusqu'à la récolte, ces bêtes fauves ne cessent de faire la guerre aux champs de pommes de terre. C'est la nuit qu'elles choisissent pour exercer leurs rapines. Le sanglier voyage volontiers par bandes. Aujourd'hui, ils vous culbuteront quelques centaines de plantes de pommes de terre dans un champ, demain dans un autre ; parfois, la même nuit, dans cinq ou six champs différents à la fois.

“Que dirai-je des champs de seigle ou d'orge situés à proximité des bois ?—A peine le grain commence-t-il à mûrir, que les sangliers arrivent. Ils se jettent de préférence sur les parties les plus belles et les plus épaisses, ils forment des javelles, les couchent à terre, dévorent les épis, se vautrent dans la paille, courent de çà de là, et vous mettent la récolte dans un état lamentable.

“Que mettra le laboureur dans son champ, après la pomme de terre ainsi ravagée ? Du seigle, le plus souvent. Eh bien, pour glaner la pomme de terre oubliée dans les sillons, le sanglier vous retournera un champ tout entier : avant la fin de l'hiver, pas un pied carré n'aura échappé à ses atteintes.

“Que faire ?—Voilà sept ans que cela dure, et réellement nous avons subi de grandes pertes à cause de cela. Toute la population demande à cors et à cris que le gouvernement, protecteur naturel de nos propriétés, et auquel nous payons régulièrement l'impôt, intervienne et prenne des mesures promptes et ex-

péditives pour nous délivrer de ces animaux destructeurs.”

Where such complaints are heard, however, Adam Smith's third period of husbandry has been reached ; in Ardenne the wild boar has scope enough without obtruding within the precincts of human cultivation. He may roam the very 'forest of Arden,' which Murray's 'Handbook' says recalls so well Shakespeare's description of its scenery, that one might dream of meeting there the banished duke in sylvan court. And in truth, the natives of Ardenne in general may, in comparison with the ever-toiling Flemings, whom they contemn, be said, like the duke's companions, 'to fleet their time carelessly as they did in the golden time.' M. de Laveleye remarks upon their hospitality to strangers. But hospitality is a primitive virtue, sometimes accompanied by that primitive development of the intellect, which takes forms considered blamable where industry has arrived at the advanced commercial stage at which honesty is accounted the best policy. The tourist who comes for sport is welcomed, but as the people of the place themselves observe, it is *toujours le dernier venu*, supposed to come with the most open hand, who gets the peasant's heartiest aid, and the village host will sometimes balk his sport for private ends. A very pleasant innkeeper caused us, not long ago, to miss a boar-hunt that he might not miss us at his *table d'hôte*, and if his charges were low in proportion to the prices of an untravelled place, he seemed to think he might requite himself for entertainment at so light a cost by indirect and ingenious













































































