CHAPTER XLII

1880-81

THE IRISH LAND BILL

In March, 1880, a change of Government took place, the Liberal party having been returned to power by a large majority at the General Election. The question of the moment was whether Her Majesty would send for the official Liberal leaders, Lord Granville and Lord Hartington, or for Mr. Gladstone, to whom the victory was mainly due. The Duke anticipated that his personal friend and connection, Lord Granville, would be entrusted by the Queen with the formation of the new Administration, and he would have welcomed a Granville Ministry, as his experience of the 1868-1874 Government had caused him to fear that Mr. Gladstone would be forced into immoderate concessions to the Radicals. A passage in a letter (January 13th, 1880) to Lord Dufferin, written before the Election, shows the Duke's anxiety on the subject, though he repudiates any idea of a capitulation to the Parnellites:

'Of course I agree with you about Ireland, but I have not yet seen any symptoms of the Liberal leaders patting Parnell on the back. If they do so, I shall part company—which, indeed, I am not unlikely to do on other questions. I do not know how serious the present state of things may be—I mean, how deep-seated the disaffection is. But when men are incited

to believe that they may take the property of others as their own, the doctrine is not unlikely to be widely accepted. What a curious wave of opinion seems to be passing all over the world on this subject!'

After the result of the elections had become known, Mr. Gladstone and Lord Granville communicated with the Duke. Mr. Gladstone's letter (April 12th, 1880) was on the subject of the future policy of the Government:

'In respect to domestic legislation, the proceedings of the expiring Government have left the ground more open and easy, as there can only be a short session. The most complicated of the questions now more or less embodied in the Liberal programme, such as local government and the suffrage, with redistribution of seats, will, I should suppose, have to stand over. But the distressed condition of agriculture, and the return of new representatives of the tenant farmers. will press on the questions relating to land. vidually, I have been led to the abandonment in principle of entail and settlement affecting the corpus of the property (as distinct from powers of charge) more by moral and social than by political, or even economical, considerations. But I should think this question manageable in extent, and if manageable, then hard and impossible to exclude from the first programme of a new Liberal Government.'

Lord Granville (April 5th, 1880) inquired as to the Duke's choice of office:

'You must be as surprised as we are at this wonderful spring tide, although you have been one of the principal motive-powers.

'I know what I should do if I were the Queen. But, unfortunately, I am not on the throne, and I

have not seen my idea suggested by anyone.

'But it is probable that, in case of a normal Liberal Government being formed, I shall be consulted as to the members of it in the House of Lords. I can write to you as I could to no one but my brother, and as you are not certain to be back yet, I shall be glad if you will tell me in perfect confidence, and without prejudice, whether you would prefer a hard-working or an easy office.'

On the 22nd of April the Queen sent for Lord Hartington, the leader of the Liberal party in the House of Commons, and the following day both Lord Granville, who was Liberal leader in the House of Lords, and Lord Hartington were received in audience by Her Majesty. The Queen had desired that Lord Hartington should form a Ministry, but it was understood that Mr. Gladstone would not accept office except as Prime Minister; and, in the opinion of Lord Granville and Lord Hartington, it was impossible that a strong Government could be formed which did not include the former Liberal Prime Minister. They therefore advised that the Queen should send for Mr. Gladstone, who proceeded to Windsor the same day to receive Her Majesty's commands.

In Mr. Gladstone's new Administration the Duke accepted office as Lord Privy Seal, Lord Granville being Foreign Secretary, and Lord Hartington Secretary for India. Mr. Gladstone himself undertook the office of Chancellor of the Exchequer. The Duke, who was all his life a worker, would have preferred an office where his energies would have had fuller scope, but in this matter he left himself in the hands of the Prime Minister, as the following letter to Lord Dufferin shows:

'Long before you get this you will have heard the results. But I do not yet know them. I have left

myself very much in Gladstone's hands. He has many difficulties, although with almost supreme power so far as popular enthusiasm and authority are concerned. But there are a great many self-assertors to be dealt with, and I do not desire to be among them. Both Granville and Hartington have behaved very well, and with a great want of self-assertion.'

Irish questions practically engrossed the attention of Government during the early years of the Administration, and soon after the meeting of the new Parliament a measure was introduced dealing with evictions, which was known as the Disturbances Act. One of the provisions of this Act was to the effect that the clause in the Land Act of 1870, under which no tenant evicted for non-payment of rent was entitled to compensation, should be modified under certain circumstances, such as agricultural distress. It was proposed to refer the question of compensation to the judgment of the County Court. To many members of the Government this was merely a foreshadowing of what was to come. Lord Lansdowne, who was Under-Secretary for India, went so far as to resign, and a good deal of active persuasion was needed to prevent the Duke from casting discredit on the Government by leaving it. He actually sent in his resignation in a letter to Mr. Gladstone (June 14th. 1880):

'I am very sorry to say that the result of my reflection is that I cannot accept any share in the responsibility of recommending to Parliament the measure decided upon by the Cabinet on Saturday.

'I am not going to trouble you by arguing the question over again. It is sufficient for me that I find myself in the position of being wholly unable to defend the proposal of the Government with a good conscience.

Both as to time and as to substance, it seems to me open to objections so grave that I cannot face them.

'I cannot defend any disturbance of the Land Act of 1870 made suddenly on the summons of Mr. O'Connor Power, when it is notorious that we had determined not to deal with the subject during this session.

'I cannot argue that the particular interference proposed with that Act is a just one in itself. I cannot argue that there is any justice in treating as a capricious eviction an eviction for the non-payment of rent.

'I cannot argue that it is just to place in the hands of a legal court the power of compelling an owner to pay a fine of from five to seven years' rent to a tenant whom he may be compelled to remove for insolvency.

'I cannot pretend that the limitation of the measure to two years' duration is otherwise than illusory. Such a step once taken is not likely to be easily retraced.

'Neither can I argue that the limitation to cases where insolvency has arisen from one particular cause, even if that could be ascertained, is a limitation which can be maintained.

'I cannot argue that the adoption of such a measure, preceding the issue of a commission, can fail to fore-judge a question of the gravest kind in point of

principle.

'I cannot deny that the measure looks in the direction of (what is called) extending the Ulster custom to the whole of Ireland. That is to say, because we have secured certain advantages to men who had acquired them by purchase or inheritance, we contemplate giving them to other men who have never had them either by purchase or by inheritance.

'I cannot deny that so sudden a resolution on the part of the Government, in the face of an anti-rent agitation in Ireland, will give the impression of weakness and irresolution in the defence of even the most

equitable laws.

'These are but specimens of the insuperable diffi-

culties under which I find myself when I think of what I can and what I cannot say upon the decision of the Cabinet.

'Under these circumstances, I feel that I have no choice. I must ask you to place my resignation in the hands of the Queen. I hope I need not tell you what this determination has cost me. Nothing but the absolute necessity under which I find myself could have induced me to come to it.

'I should be glad that you should allow my colleagues to see this letter.'

This protest brought from Mr. Gladstone two letters, which are quoted here.

From Mr. Gladstone (June 14th, 1880).

'While I do not presume to measure beforehand the effect on your mind of any considerations I can offer, I think I may fairly ask you not at this moment to give to your letter the rigidity of a final announcement.

'I ask you also to consider them in the spirit of candour which you would undoubtedly exhibit on

almost every political subject.

'Would it be quite equitable to press against the Cabinet the proposition that "it is notorious that we had determined not to deal with the subject during

the present session "?

- 'I aver that the only subject we had determined was not to deal with the purchase clauses of the Irish Land Act. We never considered the question of ejectments connected with the present distress in Ireland.
- 'For myself, I can most strictly say the proposal of O'Connor Power has had no other effect than to draw my attention to a question which, like many other questions with strong claims, I had not considered, and had had no time to consider.
- 'I must also say of that question that the evidence in regard to it grows and varies from day to day.

'I was under the impression that ejectments were diminishing, but I now find from figures first seen on Saturday that they seem rather to increase. I find also that they are attempted wholesale.

'This state of facts entails on me—and I think many colleagues might be disposed to say the same thing the duty of inquiring where I had not previously known

there was urgent cause to inquire.

'On inquiry, I find reason to believe that many ejectments are on account of an inability to pay rent, caused wholly by destitution, and that destitution due to the circumstances of the last harvest.

'Thereupon I have to ask myself a twofold question:

- '1. In a country where we have numbers of occupiers living strictly from hand to mouth, and where the harvest has in certain districts been so destroyed as to cause frequently an absolute though temporary destitution, is it quite just that, on an ejectment served for not paying that which the man could not pay, he should forfeit entirely the little estate or interest in the land which was created for him by us under the Land Act of 1870 under the name of compensation for disturbance?
- 2. Is the adoption of such an extreme proposition consistent in spirit on the part of those who in 1870 admitted that for tenancies under £15 then existing the fact of 'exorbitant' rent, without any distinct condition of inability to pay, should operate to prevent the destruction of the principle of disturbance in cases of ejectment for non-payment?

"My answer to question 1 is, "No, it is not just";

to question 2, "No, it is not consistent."

'Then I put question 3: Am I to shrink from doing what is just and consistent because, as I admit, I shall be told that I am doing it at the bidding of O'Connor Power?

'It is a sound and just rule that we should discard the fear of being thought afraid.

'It may, perhaps, be said this is a casus omissus in

the Land Act. I seriously think it is less in disparagement of the ordinary rules of property than what we did in the Land Act.

'I have lost no time in writing. Pray let me see you to ascertain the exact amount and breadth of any difference between us.'

From Mr. Gladstone (June 15th, 1880).

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'Believe me, there is not any need for your assurances as to your feelings in this critical affair; they speak for themselves. No one who knows you can mistake or undervalue them, true though it may be, as to myself, that under the ruthless pressure of hourly business I may seem to force my way through it all with a stony indifference. Nothing can alter my feeling of gratitude.'

The Duke's letter was shown, as he had requested, to his colleagues, and drew from Lord Granville the following letter (June 14th, 1880):

'Your note filled me with dismay. I saw Gladstone, Hartington, and Spencer on the subject of it. I try to put aside my feelings of regret at losing you as a colleague, and at missing your counsel about foreign affairs, and your support in defending our policy in the Lords. But it appears to me that the responsibility you are taking is very great—to aim such a blow so soon at Gladstone's Government, to give such a triumph to the Tories, and to give such a stimulus to the House of Lords to put themselves in collision with the House of Commons, with all the results that may happen in Ireland. I do not go into the merits of the question. There is much to be said on both sides; many of your arguments are logically excellent. But even from that point of view, by going away are you strengthening the principles which you desire to VOL. II.

maintain? Are you not playing the game like Carnarvon did with regard to the Eastern Question—weakening Derby and leaving the field more open for those who have the most extreme objects in view? Gladstone will be most anxious to meet you, but do not press him too far.'

It was no doubt partly due to Lord Granville's warning against throwing their chief into the hands of the extremists that the Duke consented to reconsider his determination to leave the Cabinet. In a letter to Lord Dufferin he wrote:

'I see that in resisting I shall ultimately stand alone. What I may do under those conditions I do not know. I wish and long to be out, but I have to consider the political position and the certainty that Gladstone may be driven to extremes.'

To Lord Dufferin.

'I do not care how much fighting I have with the enemy, but I hate having to squabble with colleagues.'

In the end the resignation was withdrawn, and certain amendments were made in the measure, but the Disturbances Bill was decisively rejected by the House of Lords (August 3rd, 1880).

Mr. Gladstone was of opinion that this rejection changed the situation in Ireland irretrievably for the worse, and, together with the hard winter of 1880-1881, made a Land Bill inevitable. To his expression of this belief the Duke made the following rejoinder (November 3rd, 1880):

'A Government which has failed to carry any particular measure is under great temptation to ascribe all the evils of humanity to its loss. But I fail to see

what harm the loss of the Disturbance Bill has done, except to give room for abuse of the Lords.

'The Bill was to check unreasonable evictions. Forster says that none such have been going on. But before the Bill was lost, even when it was on the stocks, we had "drifted" into the position of considering a new Land Bill necessary—why, I never could see, always excepting any measure to extend ownership. But the plan now is to destroy ownership, and confound it more and more with occupancy, a drift which I think purely mischievous.

'I am open to conviction as the result of inquiry, but I see no sense in a foregone conclusion that because Parnell has opened a campaign for separation and dismemberment of the Empire, therefore we should confess our own work of 1870 to be an "old almanack."

For the next few months, the forthcoming Land Bill was the subject which most engaged the attention of Ministers. During this period the Duke wrote frequently to Mr. Gladstone, and their correspondence gives a fair history of the formation of the measure. Most of the letters, however, are concerned with details, many of which did not appear in the final result. Out of a large number of letters, only those are selected which express the Duke's views most systematically or throw light on the Bill itself.

From Mr. Gladstone (November 29th, 1880).

- '1. What objections are there to free sale, or to sale by Irish tenants of their interest in their occupations?
- '2. Can we not . . . give to the Irish occupier an increased security of tenure, and yet avoid the mischief of a recurrent State interference for the determination of rents?

'3. Must we not again get a fixed starting-point by an interference once for all, and may we not build this interference upon a renewal and some extension of the clause in the Land Act about exorbitant rents?

'The state of Ireland is so serious that I do not know what form our deliberations may take; but for my own part I am very desirous to keep, if possible,

on the lines and basis of the Land Act.

'It was, I think, originally Carlingford's idea to check the arbitrary exercise of power by fixing it. It is now Longfield's idea. I always liked it from the first, and I should like *now* to make it our basis, as the mildest form in which we can have a medium of sufficient strength.

'From my point of view, I do not see much difficulty in drawing preliminary resolutions, and they may be very useful in giving us time, which cannot fail to be

greatly needed.

'One of my chief alarms is a seriously divided Commission. I did not think Forster dreaded it as much as I do.

'Be this as it may, land is my great anxiety. The disturbances are temporary, but in this we ought at least to aim in good faith at permanence.'

To this the Duke replied on the following day:

'I am very busy reading the evidence. Meanwhile

I reply to your questions.

'1. "Free sale" by tenants is sale of what is not their own. In Ulster there are always limitations. These limitations have the aim and effect of keeping up the right of the owner to reasonable increments of rent on fit occasions.

'You have boasted that the Land Bill of 1870 has not prevented such reasonable increments being realized. Yet now this very fact is quoted as showing that the Act has "failed." Mr. C. Russell quotes cases to show that some increments have been un-

reasonable. But his facts do not bear out the allegation.

'At all events, unlimited sale and unrestricted competition prices for goodwill do, and must, tend to

eat up all right to increment of rent.

'It is a transfer to ownership and the reduction of owners to rent-chargers. Of course, when sale is allowed by owners and regulated by them, it is compatible with periodical revisions of rent. This is Lord Portsmouth's case. But if allowed, or rather bestowed by statute, it could not be regulated. It would be "free sale." I have the strongest objections to this one of the "three F's."

'2. The principle of the Land Act of 1870, that of discouraging and checking evictions by imposing a fine under the name of "disturbance," is of course a

principle which could be carried further.

'But, on the other hand, if it be carried so far as practically to render revisions of rent impossible, it would be a complete departure from the aim and object of the Act. This is one of the cases in which the principle lies as much in the limitation put on it as in

the general idea involved.

'3. Some extension of the clause about exorbitant rents is certainly within the principle of the Act, and I am not at all prepared to say that the extension may not be reasonably proposed. But the mischief is that the legislation aims at something wholly different, and I doubt now whether any measure which is not revolutionary will be accepted by the tenants under the excitement into which they have been thrown.

'Speeches like Bright's have done great harm. They raise vague expectations, and imply statements as to existing facts which are not true. As far as I have gone, the evidence does not prove that increments have been arbitrarily made; on the contrary, the evidence is the

other way.

'Dowse clearly holds that ownership consists in the receipt of a rent-charge. Moreover, he lays down the

wonderful doctrine that what we have to do is to satisfy the existing occupiers, and never mind the interests of the people who may wish to become occupiers in the future. A most convenient doctrine truly.

'I hope to put my notions into some more systematic form soon. But one must, at least one ought, to read the evidence. As regards the opinions mooted, it is pretty nearly chaos. And this is one of the most alarming features. It is a complete unsettlement of

all fundamental ideas of property.

'I like Abercorn's suggestion that the purchase clauses should be extended to the purchase of perpetuities. "Fixed" tenures and "fixed" rents when bought are at least not confiscation. I see no objection to them. The tenants of Ireland (except the cottiers) are quite able to buy what they want to get. Let them buy it.'

From Mr. Gladstone (December 3rd, 1880).

'I agree very much in your objections to free sale as you understand it. But by free sale may be understood sale not subject to veto. Therefore, my question referred to "free sale, or sale." The question to be solved is, Can there be a free—i.e., non-permission—sale such as shall not encroach on the property of the landlord? I am inclined to think there can, and to find the means of it in the Longfield idea.

'I am working constantly on this subject, and, unfortunately, there is a great deal to read besides

the evidence upon the Commission.

'What we really want is to get below generalities, and to touch the testing points and forms of the question. For this purpose I put challenging propositions.

'For example, I am disposed to hold the following proposition, to which we made approaches in the Land

Act and in the debates on it:

"In a country like Ireland, in many parts of which

employments are so little diversified as not to leave a real freedom of choice, the occupation of land upon living terms is itself money's worth, and is also money's worth of a kind that ought not to be represented in the rent."

'Pray turn this over in your mind.'

To Mr. Gladstone (December 6th, 1880).

'I confess I have the greatest difficulty in understanding your proposition—that "occupation of land in Ireland is money's worth."

'To whom? Of course it is money's worth to the occupier. But unless he pays rent it would not be

money's worth to the owner.

'You surely don't mean to affirm that all Irish occupiers have a right to live rent free. It seems to me that a great deal too much is made of the peculiarities of Ireland. The Highlands have no manufactures and no big towns in them, and railways now afford egress and access to all classes to the general labour markets of the kingdom.'

To Mr. Gladstone (December 7th, 1880).

'I have been pondering over your proposition. I fear I am very stupid, for I really cannot understand its terms, unless, indeed, it have a meaning which I can hardly believe you entertain.

'The only interpretation I can put on it is one which would tend to encourage and perpetuate a

cottier population on the verge of pauperism.

"The occupation of land on living terms" I interpret to mean "on terms which afford only a bare living." Then follows the proposition respecting such occupiers, that they should be charged nothing for rent.

'Of course, if this doctrine is established it will give a new lease of life to the semi-pauper cottiers, a new premium on all the lowest standards of living, which are the curse of such a population. They would breed and feed upon potatoes until not even a bare living remained.

'I hold, on the contrary, that no occupation of land ought to be encouraged which does not afford a surplus for rent over and above a decent and comfortable livelihood. So much for policy, but now as regards justice to the owners of land. Take the case of Carraroe. The rent paid by these poor people averaged only 30s. a head.

'For this they had land enough to grow plenty of potatoes, besides a not inconsiderable flock of sheep

and cattle.

'Every artisan in England and Scotland, every workman even, pays more for the rent of perhaps one or two rooms, which simply affords shelter, but no food or clothing. The Irish cottier has for his 30s. plenty of the food he is accustomed to, as well as some saleable articles.

'He goes habitually to England to earn wages. Why should such a cottier be pitied for paying 30s. for a home, and for at least a tolerable supply of food?

'I therefore dispute the proposition altogether—if I understand it, which, however, I suspect I do not.

'Pray do not trouble to reply; I only write to tell you what occurs to me. Why on earth should I wish landowners not to pay income-tax on their actual rent? It is monstrous and absurd that they should pay only on Griffith's valuation when they often get easily three or four times that valuation.

'This of itself is a premium on "increments" of rent, which may be perfectly legitimate, but surely ought not to be specially exempted from taxation. This is a by-point, but not wholly unimportant.'

The following letter (December 15th, 1880) to Mr. Gladstone deals with the principle of the Bill:

'I write one line to prevent a misunderstanding which might arise. When I first read your memo-

randum in the Cabinet-room I saw that in its general aim and tenor it was adverse to revolutionary changes, and in favour of keeping within the main lines and intentions of the Act, or, at least, of the Bill, of 1870.

'Seeing this, I said at once to you that I agreed with it. But I did not understand that under the words "right of assignment" there lay one of the "three

F's "—namely, "free sale."

'My impression has always been, and still is, that any of the "three F's" carries or will carry the other two. An abstract resolution, therefore, which affirms that it is desirable to give free sale to all tenants in Ireland, even below a certain value, is in my mind a most formidable proposition. At all events, it is one entirely outside both of the Bill and of the Act of 1870.

'As an alternative to landlords for the penalties of "disturbance" it would take a subordinate place, but as one of a few abstract propositions on what is desirable it seems to me to be open to very formidable objection.'

To Mr. Gladstone (December 24th, 1880).

'I wish only to write a line on the definition of principle on which you have based a general recognition of a right of sale. At a time when a chaos of opinion is one of the main evils to be dealt with, such definitions of principle assume unusual importance.

'The upshot of your principles is that farms in Ireland should never be let at "full letting value," but should always be so let as to afford a fine, or a saleable interest, over and above the ordinary profits of occu-

pation.

'This result is reached through the argument that occupancy "on living terms" ought not to be represented in the rent.

'Surely this is an argument of indefinite elasticity. Who is to define "living terms"? I suppose it means

"terms that will afford a livelihood." But what kind of livelihood? Is it to be the bare life supported on potatoes and salt herring? Or is it the livelihood that will afford a much higher standard of living? Or is it, still further, what one of the witnesses demands -a livelihood that will afford a comfortable and substantial income out of which sons can be provided for and daughters portioned? A principle of this kind, once sanctioned and definitely formulated, will have a great chance of being followed to its logical consequences. The Land Act of 1870 founded itself on a very different principle—namely, that, as a matter of fact, the right of sale had been extensively acquired in Ireland by purchase or some other form of legitimate expectation, that it was to be recognised as a fact, and should be extinguished where it had been bought up and paid off. I need not say that the introduction of it where it has never existed as in itself a good thing is the antithesis of the principle of the Act of 1870.'

From Mr. Gladstone (December 25th, 1880).

'Though God knows I have little time for writing, I must not leave you under a grievous misunderstanding

which I had hoped to avoid.

"" Living terms" are surely terms on which a tenant can live; and those in Ireland have been and are largely worth paying for, and in not a few cases they have been unduly paid for in rent; and they, with improvements, constitute an interest; and this interest is a fair subject of sale, and its assignment was, I believe, allowed (it did not require to be enacted) by the Land Bill as we adopted and introduced it.

'This is quite apart from customs and from customs

bought up.

'My doctrine does not in the least interfere with

"full letting value."

'Pray read an article by Trevelyan which I have asked Knowles to send you in proof.



'I wish there were more men in the Cabinet who had

tried to read up the history of Irish tenures.

'I meant to have begun with wishing you a happy Christmas (if Minister can at this time send Minister such a message of peace); let me end with it.

'Affectionately yours,

'W. E. GLADSTONE.'

'P.S.—Rely upon it, in the matter of land the real question is not whether there shall be less than I propose, but whether there shall be more.'

On January 5th, 1881, Lord Dufferin wrote to the Duke:

'All of us landlords, and I may say everyone who holds a shilling of property, whether in land or in the funds, ought to present you with a crown of gold for the vigorous stand you are making against such tremendous odds.'

During the Christmas recess the Duke had been giving close attention to the Bill, and on January 28th he wrote to his chief:

- 'I have been trying during the last week to put my thoughts in order as well as I could on your outline of a Land Bill.
- 'Two great provisions stand out conspicuously— (1) a court with authority to review and revise and determine existing rents, and (2) an absolute and universal prohibition for the future against too frequent increments of rent.
- 'I need not say that both of these provisions are interferences with contract which were never contemplated in the Land Act of 1870, and may fairly be described as wholly outside the lines on which that measure was drawn.
- 'Nevertheless, I am not prepared to say that either of them can be wholly avoided. Both of them ought,

I think, to be placed under exceptions and limitations, which are only reasonable, if not absolutely necessary.

'For example, I cannot think that existing rents, which have remained unaltered for a long time, and against which no recent or frequent increments can even be alleged, ought to be open to State revision. Some limit ought, I think, clearly to be imposed. I should say that rents which have not been augmented at all since the Land Act ought to be assumed as "fair rents." Or, it might be said, for a period of fifteen years. This would limit the excitement and agitation which must be raised if every tenant in Ireland is encouraged to hope that he may get off from a bargain which he made long ago, and which he has been fulfilling easily until the recent agitation.

'Again, as regards the future increments of rent, all cases must clearly be excepted where such increments are due on a definite contract connected with the reclamation of land, or the accruing benefit of other improvements. Your proposition probably does not contemplate interference in such a case. So far I

see no very serious difficulty before us.

'But when I come to other points I do see difficulties

very formidable indeed.

'The universal right of "free sale" establishes the principle of joint ownership where it has never been acquired equitably or by any legitimate expectation.

'Against the consequences of this right a landlord can only defend himself by bringing a sort of legal action against every one of his tenants for the purpose of showing how much more rent he might have charged, and consequently how much of the saleable value ought equitably to belong to him. I cannot conceive any provision more certain to embarrass the courts, to demoralize the tenants by tempting them to false swearing, and to cause universal discontent.

'This plan seems to me to meet none of the fundamental objections against a great statutory transfer of proprietary right from one class to another, although in theory it aims at giving some compensation for that

right.

But, further, I gather from your outline that you contemplate abandoning the following leading principles in the Land Act: (1) That above a rental which was assumed to mark roughly the line of comparative weakness and dependence, contract should be left wholly free; and (2) that leases should be an equivalent both for disturbance compensation and for improvement compensation, with the exception of permanent buildings, and that this principle should be abandoned, even for the larger tenants, who are perfectly able to defend themselves.

'I hope you have read the most recent rebutting evidence on the subject of the alleged confiscation of improvements. The Commission quotes especially the evidence of a Scotsman of the name of Robertson. His allegations refer chiefly to cases on the Leinster estate. Mr. Hamilton, the agent, has shown that Robertson's statements are scandalous misrepresenta-

tions and suppressions of the truth.

'I do not dwell further on this now, only saying that in my opinion there is no evidence whatever that the Land Act of 1870 has failed to secure all that is justly due to tenants above the £50 line on the score of improvements.

Nevertheless, again, I do not object to weighting the scale of 1870 a little more heavily, as a fine on

disturbance.

'To sum up:

- '1. I do not object to legal revision of rents under certain limitations.
- '2. I do not object to a statutory limitation of the time within which rents can be legally raised.
- '3. I do not object to weighting the scale of disturbance more heavily than it was weighted in the Act of 1870.
- 'What I do see the strongest possible objections to are:

'1. The universal right of sale where it has never been legitimately acquired.

'2. The abandonment of the line of free contract.

'3. The abandonment of the principle that time exhausts all claims except the permanent buildings.

'I still think that one "F" will carry with it both the other two, and that the proposal of free sale will destroy all the virtue of ownership, and render impossible the only operations which have hitherto produced improvement among the cottier tenantry of the west.'

To his friend Lord Dufferin the Duke wrote (February 1st, 1881) criticising the Bill:

'I wrote to you about a fortnight ago giving an outline of Gladstone's proposals. Since then all kinds of pressure have been put on him to go in for the three "F's." He will not do so in form, but I fear he will

go very near it in substance.

'He says we cannot help giving "free sale," but he thinks it can be limited (1) by letting landlords show how much of the saleable value belongs to them, and (2) by declaring their right to increments of rent at intervals. Now, the first of these checks involves an aggressive action on the part of landlords against every tenant, to show how much is underrented, while the second check is only too likely to give way before agitation.

'The result is that I am getting more and more disgusted with our position, and more and more anxious

to be out of it if I could.

'Of course, he retains a "reasonable veto"—reason-

able in the judgment of a court.

'But the most extraordinary part of his proposal is that any tenant may apply to the court to have his farm put under the protection of the court, whereupon, if the court agrees to take it under its protection, everything falls under the power of the court. It may give the whole three "F's" at once. It may regulate everything—tenure, rent, and fixity of rent as well as of tenure.

'The court is allowed to refuse, and even encouraged to refuse in certain cases, as, for example, when the estate is well managed, and the exception of one farm would be mischievous to the management. Gladstone's notion is that court management will soon be intolerable to both parties, and they will agree to get out again.

'But the tenant would seek it in order to get the three "F's," and after having got it, would seek to get out again in order that he might have that freedom

which has been refused to the owner.

'I have no idea how such an idea can be embodied in a Bill, and I am in hopes that its absurdity will then

appear.

Richmond's Commission* has signed a report in the vaguest terms, but clearly indicating that a court should have power to check rents. This is all they say, except adding a sentence which implies that well-managed estates are a small exception in Ireland!

'Nothing could be worse or more shabby than this report. It looks like a desire to admit all that is alleged against the present law, and to give no help

whatever by any suggestion.

'It is reported that Dizzy is ready to dish the Whigs again by a stronger Land Bill than they would agree to. I do not know whether this is true, but I have my suspicions. I hear that Bath (who, however, is quite honest) says he does hope we shall produce a good strong Bill. What this word means people don't seem to care to define to themselves.

'Gladstone's proposals so far are confined to yearly tenancies. But I suspect he will propose that when a lease ends the tenant shall at once come under the

* A Royal Commission to inquire into the condition of agriculture in the United Kingdom, of which the Duke of Richmond was chairman.

protection of a general law which gives him more than his lease!

'Verily we are being scourged for our former sins. I have been unwell all day, and perhaps write in the blues more than usual. But it is the perplexities around me which have made me feel ill. I have told Gladstone of the immense temptation I feel to be free to expose the gross lies told by the witnesses before the Commission, and the claptrap of the report.'

To Lord Dufferin (February 23rd, 1881).

'I never felt in such a fix in my life. Gladstone is the only barrier between us and the deep sea. He will not agree to the three "F's"—that is to say, in form. But he sees his way to elaborate provisions which must, I think, end in them, and are very little short of them now. On the other hand, he argues steadily against extreme views, and denies joint ownership, and keeps, or wishes to keep, some power of management in keeping the right of eviction subject to a fine, as under the Act of 1870. This is the only principle of the Act, or nearly so, which is not abandoned.

'The power of sale is to be checked by a right to refuse to accept purchase on specified grounds, among which is any custom limiting the rate. Also by a right on the part of the owner to share in the price, if he has established cheapness or lowness of rent. But any yearly tenant may apply to court for a fixed lease, or to have his farm put wholly under "supervision" or protection of court. It is the most wonderfully elaborate scheme you ever saw. All the Radicals pronounce it fundamentally deficient, inasmuch as it does not give fixity, but keeps up the power of eviction, although under increased rates of fine. What they want is to deprive ownership of all power of management. This Gladstone will not agree to, but he does agree to transfer all power to a court, if the court thinks fit to accept it. Thus it places every landlord in

Ireland at the mercy of the court, which may or may not accept this power of protectorate! Gladstone's own idea is that this will be so intolerable an alternative to all parties that they will not apply, and will prefer free contract, because the tenant will also be prevented from free sale in this case, and will still be liable to eviction if the court approves.

'I do not see my way to be an advocate of such a measure as it stands, but it is not settled yet, and

there may be great modifications.

'It is weary work—such ignorance of all that landed ownership ought to be and is.'

The Duke's wide practical experience of landholding among a Celtic people gave him an insight into the difficulties and dangers of legislation with regard to land tenure in Ireland which no theoretical knowledge could supply; and there was more similarity between the conditions in the West Highlands of Scotland and the South and West of Ireland than Mr. Gladstone could bring himself to believe.

To Lord Dufferin (April 7th, 1881).

I have found it impossible to use the arguments necessary to defend Gladstone's Bill, which is really the "three F's" under a temporary and thin disguise. At least, it is potentially the "three F's" to every tenant who desires to have them, and who chooses to run the very small risk of having his rent raised by the court to which he must apply.

'The measure may be necessary to appease Ireland, which is in a dangerous condition. It may, if accepted, do good even to owners, who are in danger of losing all. But this is an argument from political necessity which, as a Minister, I cannot conscientiously use. It is the "blunderbus argument"—a very strong one, but not one easy to defend on the part of those who hold the blunderbus.

'I have felt also that being a party to this Bill as a Minister would fatally embarrass me in questions still before us.'

From Mr. Gladstone (March 28th, 1881).

'As far as I have been able to gather, your main point of difficulty in the matter of Irish land is the "right of sale." You do not, I think, stumble at the interference of the court with rent, which, in my mind, is a far more advanced proposition.

'As to this right of sale, I think it quite an open question in principle whether when the court limits rent it should also limit the price of the tenant right.

It stood so in my original draft.

'But, apart from this, I earnestly beseech you not to arrive at any hasty conclusion adverse to the law of sale.

'I have gone through this part of the subject fully in my mind. I must deal with it in the coming monster speech at great length, and I am convinced that the argument is overwhelming.'

This correspondence with Mr. Gladstone shows the divergence of opinion existing between him and the Duke, on fundamental points affecting the government of Ireland. When the Duke was finally convinced that Mr. Gladstone was determined on a course of policy which he could not conscientiously approve, he resolved to leave the Government, rather than become responsible for such a measure as the Irish Land Bill.

The letter containing the Duke's resignation is dated March 31st, 1881:

'MY DEAR GLADSTONE,

'After every effort to do so, I find myself unable to face the position in which I should be placed if I were to be one of those who recommend to Parliament the Land Bill for Ireland now adopted by the Cabinet.

'I will not weary you with arguments on the subject.

The time for that is past. It is enough for me to say now that I cannot use, with honesty, almost any of the counter-arguments which must be used in order to

justify some of the main provisions of the Bill.

'On questions of minor importance this is a position which, in the course of public life, must often be accepted and submitted to. But in questions of such far-reaching consequence as those involved in this new Irish Land Bill it is a position in which I cannot place myself with a good conscience, or even with tolerable peace of mind. Under these circumstances, I have no choice but to ask you to lay my resignation before the Queen.'

Mr. Gladstone again urged delay, pointing out certain concessions which had been made. But the Duke wrote (April 15th, 1881) stating his objections to the very principle of the Bill:

'I heard of the little ameliorations consented to on Saturday. But I confess I am more struck by the fact that the Cabinet had ever consented for a moment to omit "market value" as the *ultimate* standard of rent than by the fact that it has been restored. The Irish Secretary has been steadily opposed to this and to every other mitigation of the extreme doctrines of tenant right.

'But I stand back from the picture and look at it as

a whole.

'The Bill is an organic whole, "compacted by that which every joint supplieth," and instinct with a life which is death to ownership of land in Ireland, as ownership is enjoyed and understood in every civilized country. Again and again I have tried to ride at this fence with my eyes shut. Again and again I find myself recoiling from it as a fence which I cannot take with a good conscience. The blunderbus argument is the only one I could use with sincerity. I don't deny its force. But Ministers, in using it, are themselves the

holders of the blunderbus, and I can take no share in presenting that powerful weapon of logic at the heads of those who will address to us appeals which I cannot answer. Perhaps I can best explain my position and feelings about this Bill by asking you to go back a few years to a time which I remember well, by asking you to suppose yourself member of a Cabinet which adopted a fortification scheme on an immense scale, to be provided for by a loan! Or at the present time if the Cabinet were to decide in favour of a "differentiated" income-tax, carrying out the principle of Northcote's "exemptions" to its logical conclusions! I am convinced that no loyalty to colleagues or any other considerations of personal feeling, to which I am deeply sensible, would induce you to face the position of defending these measures in Parliament. It would be to you a moral and intellectual impossibility.'

On April 8th, 1881, Mr. Gladstone wrote to express his regret at the inevitable separation:

'I am sorry to admit that I can offer no objection to your confirming to-night on your own, the highest authority, the very melancholy intelligence of your resignation.

'Were there any proceedings of Cabinet to disclose, you would, as you will well recollect, require the special permission of the Queen to speak upon them; but as there is nothing to state but your dissent from some of our proposals in a measure now printed and circulated, I do not think there is any difficulty.

'I write this note, alas! beside your chair in the

Cabinet-room-now vacant.

'God bless you in all things.'

In two letters to Mr. Gladstone, dated April 20th and April 26th, the Duke vindicated his position:

'You ask me to reconcile two passages in my last letter to you—one in which I distinguish between what

I can submit to or accept as a peer, and what I could be responsible for proposing as a Minister; the other passage in which I say I must speak out in defence of what I think on the merits.

'You ask what meaning remains in the first passage after the second.

'Surely you cannot think that a public man, because he submits to the inevitable, is bound to do so *in silence*. This would be unreasonable even if every-

thing is inevitable.

'But besides the freedom of every man to point out the unreasonableness of that which is submitted to for the sake of peace, or for the avoidance of greater evils—besides all that, it is *possible* that fair argument may induce Parliament at least to modify *some* of what appears to me to be the unreasonableness of parts of the proposal.

'Considering the chops and changes which the Bill underwent up to the very last moment, in the Cabinet and out of it, you surely cannot be prepared to argue that, as it stands now, it is a work of perfect and almost divine wisdom, so that no man ought to speak

against any part of it.

'I have no doubt that I shall be obliged to submit to or accept much which I think wrong and injurious. But it does not at all follow that we should all hold our peace about the extent of sacrifice which such submission really involves.

'I pass to another part of your letter, which I under-

stand much better.

'You enumerate the political dangers, arising out of the condition of Ireland, which compel you to reopen the Irish Land question and to propose this Bill. I am very far from undervaluing the argument of political danger arising out of the condition of Ireland. You then go on to say that, looking at these dangers, "were I the greatest poltroon on the face of the earth, I should for one be driven forward by forces. . . ."

'You have no reason, certainly, to fear being charged

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to the constitution of the dispersion in the ments of the groups and institution. The fill in its ments are accounty an anythesis for the fill in its ments are now to be applied more to see liquid. Therefore that a found.

I come you will not mind my using this freedom. I care a great deal for my freedom, out on you and tongte, to say what I can are we so to a to matters of public interest.

Ter, and I represented "extreme curious." I represent year time opinions in 1970, and I deny altoyears has randing of the argiments which you now now he readments a change to fundamental as this Bill throughout.

The second letter is as follows:

'Since writing to you last night I have been thinking over the implied construction, in abatement of my freedom on the Land Bill, which you put on my words that "a man may accept what he can take no share in proposing."

'I do not wish to engage you in any argument on these words. But I am anxious that you should understand my own view, which is that these words clearly leave my own judgment unfettered as to how much I can ultimately "accept" as a peer when the time

comes to consider that very serious question.

'You are able to draw some distinctions in which I cannot follow you. For example, you said that if the Bill were to give the "three F's" you could not yourself propose it; but you implied that Forster might do so, you remaining Prime Minister.

'Well, I myself cannot understand such a distinction

as that. I could not act upon it.

'On the other hand, I can see an enormous distinction between being member of a Cabinet which proposes a Bill and being merely a peer who says, "There is much in this Bill which I disapprove, but in the position in which we are now placed I am not prepared to run the risk of throwing it out."

'But the position just now is wholly different from both these cases. It is now the case of dissension with a view to reasonable modifications one way or

another.

'In this preliminary dissension I feel myself to be absolutely free. The whole circumstances under which the Bill has been drawn up were such as placed me and others in a most disadvantageous position—driven to the last moment—never sure what was and what was not finally decided.

'I do not complain, because I know the exigencies under which you conceived yourself to be. But, as a matter of fact, I did keep myself open, by means of repeated memoranda to the Cabinet contesting several

main points of fundamental consequence.

'I confess that my own feeling of obligation lies in a different direction. I feel more bound by the conduct, the language, of the Cabinet of 1870 than you seem to do. In my opinion, we ought not to unsettle so completely what was done and said then, unless under clear evidence of the failure of that Act to secure what it aimed at securing. I see no such evidence.

'On the contrary, I see abundant evidence that it did very nearly all that it was just to do in that

direction.

'Even in your speech of November 9 at the Guildhall you gave no sign of intending to go as far as you have done. Under all these circumstances, and many more which it would be tedious to go into, I do feel wholly free to discuss the land question with perfect freedom, whatever I may ultimately be obliged to accept as the result of what I think is a needless surrender of much that ought to have been tenaciously held.

'You deny being influenced by the Duke of Welling-

ton's motive, "fear for the peace of Ireland."

'I do not understand this, because your last letter but one dwells almost wholly on the political dangers of the condition of that country.

'My opinion of the authority you wield is such that I believe a fearless serious departure from the Act of 1870 would have been quite enough if you had put your foot down as firmly as in the Cabinet.

'You did so in argument against the "three F's." This Bill is "potentially" the "three F's" to all present tenants, and I think, and fear also, to future tenancies.

'You cannot blame anyone who sticks to what you laid down in 1870, if he sees no adequate reason for lapsing in the evidence before him. I left you, not only because I could not be a proposer of the Bill, but quite as much, perhaps even more, because I foresaw the use of arguments which I regard as rotten to the core.

'What is a man to do under such circumstances? I cannot agree to complete silence. I shall be obliged to leave unsaid much that I think.'

On April 8th, 1881, the Duke made a statement in the House of Lords of his reasons for leaving the Government, from which the following extract is taken:

'I have a few words to address to the House of the nature of a personal, and, I am sorry to say, a very painful explanation. I have resigned the office which I have held in Her Majesty's Government, and that resignation has been accepted by the Queen. usual for a Minister, under such circumstances, to give some explanation in Parliament of the causes for the course which he has taken. There are, however, some great difficulties, and, indeed, insuperable difficulties, in the way of my giving on the present occasion any explanation which can be really satisfactory to your Lordships or to myself. My differences with my colleagues concern, and concern only, a measure which is now before the other House of Parliament, and, quite obviously, it would be improper for me now to enter upon the discussion of that Bill. I can only, therefore, say, in very general terms, that whilst I approve and heartily support every measure which can reasonably be taken to increase the number of owners of land in Ireland, I am opposed to measures which tend to destroy ownership altogether, by depriving it of the conditions which are necessary to the exercise of its functions. It has been one of the professed objects of the Liberal party for many years to get rid, as much as possible, of these restrictions which constitute what is called "limited ownership" in land. My opinion is that the scheme of the Government will tend to paralyze the ownership of land in Ireland by placing it, for all time to come, under new fetters and limitations under which it is not placed in any other civilized country in the world. Under this scheme neither the landlord nor

the tenant will be owner. In Ireland ownership will be in commission or in abeyance. I regard this result as injurious to the agricultural industry of any country, and especially injurious to a country in the condition of Ireland. I am not able to develop this opinion or to defend it now, but I trust at least it will be recognised by your Lordships as an opinion which represents an objection fundamental in its character, and affecting, more or less directly, several leading proposals of the Government. Holding the opinion I have indicated of the Government scheme, I felt I could not, as an honest man, be responsible for recommending that scheme as a whole to the adoption of Parliament. I have only further to say that I have taken this step with deep regret, on account of the separation which it makes between myself and my noble friends near me, and especially the separation which it makes between myself and my right honourable friend at the head of the Government. I have had the honour of a close political connection with my right honourable friend now for the long period of twenty-nine years—a connection on my part of ever-increasing affection and Nothing but an absolute sense of public duty, in relation to a question of immense and far-reaching consequence, could have compelled me to take the step which I now most reluctantly communicate to your Lordships.'

The Duke received many letters expressive of regret at his resignation, from members of the Cabinet and others.

From Lord Spencer (April 10, 1881).

'Do not trouble yourself to answer this, but I want to write a few words to say how much I regret the step which has removed you from the Cabinet.

'Your absence will be a great, very great, loss to us, for we have no one who speaks so fearlessly his view, and is able to express it so forcibly as you. 'I have no doubt that on general principles your view is quite just and strictly right, but I see no policy for Ireland which has a chance of restoring law and quiet and order which does not deal with the land question, and if it must be dealt with, I see nothing short of what Gladstone has proposed which will have a chance of success.

'As an admirer of yours of some years' standing, I wanted to say to you how sorry I am that you have left the Government....'

From Mr. Bright (April 8, 1881).

'MY DEAR DUKE,

'I cannot let the day pass away without telling you how much I am grieved at the conclusion to which you have come to withdraw from the Government.

'I had hoped that you might have consented to remain with Mr. Gladstone under the pressure of the political necessity which rests upon him; but I acknowledge the difficulty of your position in the House of Lords, expected to support a measure to some portions of which you have insuperable objections.

'I cannot condemn your course; I can only regret it. At the Cabinet this morning all present felt and expressed this regret. I am sure you will be glad if we succeed in the attempt to put an end to the sad discord existing in Ireland, although you are not able to give us the powerful assistance which was expected from you. I hope, however, that you will be able to support many portions of the Bill, and especially those which are intended to increase the number of proprietors of land in Ireland.

'I shall still have the advantage of reading your contributions to the *Review*, and I hope at times, not rarely occurring, the pleasure of meeting you as heretofore on the terms of friendship which you have so kindly permitted, and which I have so greatly valued.'

From Lord Granville (April 5, 1881).

'MY DEAR ARGYLL,

'I am really touched at your having been induced by anything I said to think over your position.

'I have often, when younger, taken a bigger fence than I liked, merely because the brook on one side and the rail on the other appeared to me still more dangerous.

'A man is the best judge, in the last resort, of his own honour, but there are very few occasions on which he would not act more wisely after consultation with

real friends.

'Pray have it completely out with Gladstone and the Chancellor before you finally decide.

Yours affectionately,

From Lord Dufferin (April 19th, 1881).

'MY DEAR LORNE,

- 'I have just got your second letter of April the 13th. . . . I only add a line to what I said yesterday to urge you once more to take your place in the Government. I am sure that, both for the sake of the country as well as for your own, it will be best that you should do so.
- 'How pleasant it would be to have you for a master! but, apart from any consideration of this kind, who is there in either House whose presence in the Cabinet would be a better guarantee for a sober, high-minded, and conscientious policy? To speak plainly, the tendency of the extreme section of the Liberal party is to buy the support of the masses by distributing amongst them the property of their own political opponents, and it is towards a social rather than a political revolution that we are tending—at least, if what is taking place in Ireland is any indication of the future, and a precedent established there is almost

sure to be applied elsewhere. Now, what a bulwark against the impending flood will be your name, your courage, and your authority! As it is, look what the clause you introduced into the Irish Land Act has done towards maintaining alive in Ireland the principle of freedom of contract, which otherwise would have been entirely lost. It at once stamps the whole Bill with the character of abnormal and exceptional legislation, which is the only theory upon which it can be justified; and your power for good in the Cabinet would be ten times more than what it would be as a friendly critic outside.

'And now good-bye, dear Lorne. Don't bother too much about me, for I will know how to possess my soul in patience.

'Yours affectionately,
'Durrenn'

When the Report of the Bessborough Commission, which had been appointed to investigate the working of the Irish Land Act of 1870, was laid before the House of Lords, the Duke, on July 1st, made a long speech, calling the attention of the House to the Report of the Commission. On the 7th of July the Queen wrote the following letter to the Duke with reference to this speech:

'DEAR DUKE,

'I am anxious to know how you are, and if you have not suffered from your exertions on Friday. I read with much interest your fine speech, which Lord Granville said was "magnificent." . . .

'What has been the effect of these last nights in the House of Commons? I should be grateful if you could enlighten me.

'Ever yours affectionately, 'V.R. & I.'

The Irish Land Bill passed the second reading in the House of Commons by a majority of two to one. There was some opposition in the House of Lords, but eventually the Bill became law (August 22nd, 1881).

The Duke did not allow political differences to interfere with the private friendship which had existed between him and Mr. Gladstone for so many years. The following letter touches on this point:

To Mr. Gladstone (November 29th, 1881).

- 'I shocked some of your faithful adherents lately by writing a letter to the effect that the Irish Land Law was "barbarous legislation, only excusable, if it could be excused at all, by the barbarous condition of Ireland."
- 'But I feel more and more every day that this is within the truth. So, you see, I am wicked and unrepentant, but—liberavi, and I don't wish to bother you any more about it in any correspondence we may have.
- 'I have been at the sad work of looking over old letters, and this has made me see how many our letters have been, and through what discrimina rerum for more than thirty years. We can afford to differ on the Land Act, as well as on some other things. I am putting your letters together, and they are a very big bundle.'

The following quotation from a letter, written by Mr. Gladstone to a friend, shows the feeling he entertained for the Duke during the years of their political comradeship:

'Enmity itself has never been more tenacious than Argyll's friendship and support.'

In the month of August, 1881, the Duke was married to Mrs. Anson, widow of Colonel Anson, V.C., and

eldest daughter of Dr. Claughton, Bishop of St. Albans. After his marriage, he spent some weeks cruising in his yacht on the west coast of Scotland and visiting his island properties, and the following winter was spent quietly at Inveraray. The Duke returned to London in time for the meeting of Parliament in February. During the session he spoke on several occasions in the House of Lords.

In the month of July, the Duke was presented by the Prince of Mantua with the Mantuan Medal in gold. The accompanying letter from the secretary explains the history of this distinction:

'Sir,

'The Council of the Prince of Mantua and Montferrat's Medal Fund have awarded you the medal for distinguished piety and virtue, as a token of the high esteem they have for your long life devoted to God and your fellow-men.

'These medals were instituted in the fourteenth century by Louis Gonzaga, Captain of Mantua, and for four hundred years were continued by his suc-

cessors. . . .

'The Prince of Mantua and Montferrat, the present male representative of the house of Gonzaga, has lately recovered a book which records the gift of medals to about one thousand eminent persons of all nations by his ancestors. . . .

'His Highness would like to add your autograph letter to the collection of the great names of the past, and your photographic portrait also, if you deem this

occasion worthy of them.'