

**LOCAL
EVIDENCE
TO THE
DEVON
COMMISSION**

Aubane Historical Society

**NEW FROM
THE AUBANE HISTORICAL SOCIETY**

by

Brendan Clifford

**"SPOTLIGHTS
ON
IRISH HISTORY"**

A collection of talks at the O'Keeffe Institute,
Newmarket, on:

The Battles of Knocknanoss and Knockbrack, Joh
Philpott Curran, Daniel O'Connell, The Civil War
Edmund Burke, The Famine, etc.

ALSO

**"THE CORK FREE
PRESS"**

An account of the All-for-Ireland League in the
context of the politics between the Parnell split and
1916.

Published by:

The Aubane Historical Society,
Aubane,
Millstreet, Co. Cork.

INTRODUCTION

The Evidence given to the Devon Commission is one of the most important sources of information for an Irish Historian. It's a pity it has never been republished. The Commission sought to collect information on the land issue and put forward recommendations for its solution in the mid 1840s. It did a good job in collecting information and in making proposals. It emphasised the need for patience in solving the issue. The land system was based on the confiscations following the Cromwellian/Williamite wars that put an alien caste on top of the society with no normal human connection with the society as a whole. The relationship was a purely mercenary one of exploitation and there was no shared interest in a common society. It was a problem that patience in itself would never have solved. The Commission realised all this but had to describe the real situation in rather oblique ways. For example, the effect of the Penal Laws on Catholics was that they "... had checked their industry" which must have been one of the understatements of the century! The Government of the day did not, in any case, have much patience with societies that stood in its way of building an Empire and it was just then presented with a great opportunity of solving the 'Irish Problem', i.e., the existence of another and different society, with the appearance of the potato blight. This was seen as God lending the government a big hand especially when the Liberals came to power. The Devon Commission's patient approach was made redundant.

The vast majority of those giving evidence were landlords' agents and landlords themselves and it obviously deals with the issues from their perspective. The main problem being how to get rid of people who were not judged a commercial success as tenants. The descendants of those who had acquired the land originally by war and confiscation saw nothing wrong in giving themselves the moral authority to decide other people's rights to the land by how hard they worked for them and by how much they able to exploit them. This was the natural order of things as far as they were concerned. Resentment against this was considered some sort of perversion rather than being the most natural thing in the world.

The Commissioners met in towns throughout the country though not in Millstreet no doubt because of the fact that Millstreet was so much the private property of the local landlords and had practically no public life. The Commission met in Macroom and Kanturk. The local evidence is interesting in that there was a glimpse of the 'other side's' resentment provided by the evidence of Parish Priest of Millstreet, Fr Patrick FitzPatrick who put the proverbial cat among the pigeons by claiming that there had been an attempt at a Protestant Plantation in the locality by some landlords as part of their of their 'improvement'.

The particular interest for Aubane is the description of what happened after the death of Henry Leader of Tullig in 1834, who had not been an 'improving' landlord, which meant he did not go in for evictions. He lived at what is now Cashman's and the family had had a lease there for three generations which expired with his death. There was then a scramble to take over and 'improve' the estate. People who were not pulling their weight in the eyes of the new landlords were sent to the mountains, mainly Musherua. Some were Kellehers and this is one of the reasons there were so many Kellehers in the Aubane area. Tenants were invited to come from anywhere and as Protestants were considered by the landlords to be more 'improving' than Catholics they were encouraged to come.

I have also attached a poem translated by Sean Sheehan from the Gaelic by a local poet called O'Brien, who was one of those affected by the 'improvement' in Tullig and who ended up in Aubane. O'Brien was probably as interested in making poetry as he was in working the land and his neighbours were probably as interested in listening to him. These would have been exactly the type of tenants who needed 'improvement' as their poetry would not have helped pay the rent. And it is quite clear from the evidence that the last thing appreciated by the landlords and their agents was such things a poetry. His poem mentions the people referred in the evidence who went around valuing and apportioning the land in Tullig after Henry Leader's death. His sentiments give some idea of the bitterness engendered among people by this 'improvement' and how it would have lived on to feed the land war a generation later, 'the day of reckoning', that he foresees in the last line of his poem.

Jack Lane, October 1997.

EVIDENCE TAKEN BEFORE THE COMMISSIONERS APPOINTED

Jeremiah Eugene Macarthy, esq., sworn and examined.

1. Where is your residence?—My town residence is in the city of Cork, and my country residence Rathduane, in the barony of West Muskerry. I am a magistrate of the county, and I am also a large middleman. I lease in the county of Cork over 7,000 acres; and for the last thirty years I have farmed myself about 3,000 acres.
2. In what district are these lands situated?—About 1,000 acres are partly in the Kinsale and partly in the Cork union, and the remainder in the baronies of Duhallow and West Muskerry, all in the county of Cork.
3. Is much of the land in tillage?—I have fifty acres of wheat, and a small portion of barley. It is not my object to go too much into tillage, and I keep it in grazing, but it is all capable of converting to tillage. My father held a great deal of it for twenty years before. He began the world a poor man. He took land in the year 1781 to 1790, when prices were very low, and retained, the land on his hands, improving it, and getting it better. I have been reared to it, and practised it all my life, expending all my income upon the improvement of the land.
4. How do you hold it?—On leases of 999 years, 500 years, and one of 300 years, at an average rent of about 4s. an acre. A great deal of the land in Ireland is held in that way.
5. What is the system you have pursued in improving the land?—The system was, to keep it in dairy feeding as much as I could reasonably occupy, principally for the making of butter. The object was to dry the ground, and thereby render it productive; it is done by draining and liming; and I have succeeded to a very considerable extent. Part of the land is very mountainous.
6. Is that land of a nature, that if it was properly opened by roads, improvements might be carried on that would remunerate?—At present I have not a human being living upon it. If there were roads made into it, I should have 100 families upon it, and it would support them well; but they would not go there at present.
7. Who are the other proprietors in the district?—The proprietor to the west of me is O'Donoghoe of the Glens, and Daniel Cronin, of the Park; to the south of me, at some distance, Sir Nicholas Colthurst, but he does not immediately adjoin; and to the east of me, Mr. Hutcheson Massey.
8. Has any attempt been made to procure a road through it?—We have proposed it repeatedly; but the difficulty of obtaining funds from the government, and a presentment from the county, for what appears to be a private interest, renders it hopeless.
9. The system lately pursued by the Board of Works having been to give a sum equal to the sum subscribed by the landed proprietors, do you think that such a system would be sufficient, if continued, to have that road opened?—I have endeavoured to encourage that proceeding, and have failed. I could not bring the landed proprietors to unite together. Perhaps the circumstances of some of them would make an advance if money inconvenient. O'Donoghoe has made a short line of road in Kerry, which adjoins this property, which he has offered to give up to the public, if it were continued.
10. Supposing it were possible, without calling upon the landed proprietors to make any outlay of a gross sum, to procure an advance of capital, do you think the proprietors could be brought to pay interest for such an advance, and would it answer for them to do so?—Yes, for a portion of it; but when we consider that the county charges are extended over it, and the additional inhabitants upon it would make it more productive of taxation, the money would not be badly applied in opening the country for such a purpose. The taxation is levied upon that land, as well as the cultivated part of the country, at this moment. Indeed upon that estate of 2,500 acres, when I came into it the sum was about £30 a year, and I now have to pay £100 a year, ever since the year 1811.
11. Is that owing to the alteration in the valuation or to the increase of the rate?—It was under the old system when I first entered upon it, and the valuation took place afterwards; and taking into consideration all my improvements, they have subjected it to that amount more than the increase of the rate—the rate has been increased, but not in that proportion. The tenants in that country are much in the habit of holding in common—a very bad practice; but on the verge of the mountains it is difficult to be got rid of. I have endeavoured to strike out the lands in divisions; but in spite of that, families will come in and take partners, and congregate themselves together upon farms, upon which I would not wish to have more than two. Yet a good results from it, for the spade husbandry benefits the land, and they clear the stony grounds, and after they have gone through that process, they become better lands for ploughing and tillage.
12. Are the parties to whom you allude able to plough or till it?—In general they plough it, where it is free of stones; but the first breaking up the mountain land is always best performed by spade husbandry.

TO INQUIRE INTO THE OCCUPATION OF LAND IN IRELAND.

13. How far is that property situated from the crown lands of Kingwilliamstown?—It is singular I have never gone to that town, though it is not more than seven miles from me; but I am conscious I have done more upon that estate than the government with all their expense have done upon Kingwilliamstown, from the report I have received of what has been done there.

14. To what report do you allude?—The printed Parliamentary reports of Mr. Griffith. I find the practice in Kingwilliamstown is to lot lots of land to poor tenants, who will follow their old course of husbandry.

15. Upon your system, to whom are the lots of ground lot?—To the ordinary people of the country, whom I find it most difficult to change in their habits; but still they are improving a little. They have some wheat growing upon the ground, but they do not find it answer so well as the oat crop.

16. What is the difference pursued by you from that at Kingwilliamstown?—I believe the tenants are better off in Kingwilliamstown. They pay but trifling rents; but I have worked the land myself, and laid it out for grazing. I have no doubt, so far as green crops go, that Kingwilliamstown has done much better than I have; but I have not capital to waste in trying experimental farming. I have only five acres of turnips; but still I am conscious, that the country could be made to produce double the present rent, if I could get them to introduce turnips; but the reply is, “My neighbours will steal them if I plant them.”

17. Do we understand from you, that the system of growing turnips has been introduced at Kingwilliamstown?—Yes,

18. Then why do you call that expenditure wasteful, if you think the produce may be doubled by pursuing that system?—I mean that more money may be expended upon that sort of land than the produce would be worth.

19. Do you mean that if the produce was doubled by the system pursued, that then the expenditure would be wasteful?—I cannot bring my mind to think that the example set there would be beneficial to the country.

20. How in general in these districts is the rent fixed; by proposal or valuation?—We have no valuation to guide us. It is fixed as a bargain between man and man, whatever the opinion of the parties may be. I know the value of a lot of ground; I offer it at what I consider a fair rent. It is a matter of opinion; but the man will take it at whatever I choose to ask, I am sorry to say.

21. What proportion does the usual letting value bear to the poor law valuation?—The setting value is over the poor law valuation by about twenty-five per cent in the barony of Duhallow. I have a farm set in five different lots in the Kanturk union. The valuation was handed in to me, and I found the relative value to meet each of the lots, as the rent stood to each other, and it was twenty-five per cent, under the rent I am setting at; and I think that it ought to be so, as it lessens the amount paid by the tenant for the rates.

22. Do you remember what are the provisions of the act of Parliament in reference to the valuation? The instructions were that they should be valued at the present market value; but opinions may differ very much as to the marketable value. The distinction between a rack rent and the actual value may account for the twenty-five per cent., for though you act it at twenty-five per cent over, you may not be paid it

23. Is it not an equally good plan for the landlord and tenant to set it at a sum you intend to be paid?—Yes; but whatever it may be in other dealings, in respect to land, unless the tenant makes the rent, he cannot pay it. However, a man's anxious wishes may induce him to ask more for land than it could be made worth, yet, I think that the system of farming adopted is what makes the value of the land. A bad farmer, if he gets the land at half, will not be able to pay the rent; and a good farmer may make it worth double the rent

24. In letting land, you act upon your own knowledge of what it ought to produce; what proportion of the gross produce of the land do you conceive ought to be received as rent?—That is a question that comes strangely to an Irish landlord. Accounts are not kept so strictly in this country as in England. I know that one-third is put down in England as the rent to an English landlord; but it depends entirely upon the mode of farming adopted in this country. The landlord gets almost all that can be made of the land, the tenant living upon potatoes, or potatoes and milk. I think the landlord gets almost the entire. There are no sums of money collected in the hands of tenants that would indicate a profit rent, after paying the landlord and the taxes. I have heard it insinuated that it was meant to deprive the landlords of the mode of ejectment by civil bill. If that was adopted, it would be a discouragement to the letting of small farms, and almost oust the poor man of the means of having a small farm. I would suggest rather to extend the jurisdiction to £80 or £100 a year.

EVIDENCE TAKEN BEFORE THE COMMISSIONERS APPOINTED

25. You think that a beneficial state of the law?—Yes; it is a great premium to the landlord to set to a tenant. If I give a lease to my tenant, and it is only £46 a year, I can never eject him unless I go to the expense of a year's rent, and lose two year's rent of the holding; whereas, by civil bill ejectment, if he does not pay me the rent at the end of the year, I can get him out at an expense of £3 or £4, and at no expense to him.

26. How do you make out that the length of time for ejecting is so much greater in the one case than in the other?—You cannot eject in the superior courts till & year's rent is due, nor in the inferior courts; but you are bound by the law forms at the assizes, and if defence is taken, you must wait till after the assizes, which would bring it on to a full half-year, besides an expense equal to a year's rent; but in the other case, you have it decided in thirty days. I have got possession of a farm in this rear, under the process of ejectment, at comparatively a trifling expense. The tenant has the six months' power of redemption, and he has not to pay any of the law costs, if he is able to redeem.

27. Is there any other suggestion you have to offer?—As to the dealing between labourers and tenants—a farmer gets workmen into a house, and if at the end of the year they disagree with their employer, he has no means of turning them out of that house, and they may hold it to the injury of the occupying farmer, unless there is a notice to quit in six months, which in practice is very rarely used, and then they may put the farmer to the expense of a process of ejectment to put them out.—I would humbly suggest, that the magistrates at petty sessions might hear the complaints of farmers against the labouring men, who pay their rent in work, and that any difference at the end of the year might be subjected to their jurisdiction.

28. Does not your observation apply principally to those labourers and others who take their holdings by the year or half-year?—It applies to workmen who make a bargain, and get a house upon the condition of giving the work of themselves and their families for so much a day. I have thirty or forty men of that description. I have built slated houses for them. If they were in possession of a hut, it would be allowed to fall down; whereas, if they got a good house they pertinaciously cling to it, if bad men. It would not be my interest to turn out a good man, but a bad man holds possession of the house, and I lose two year's rent by trying to evict him; whereas, by referring it to the magistrates at petty sessions, justice would be done to all parties, and it would be an encouragement to farmers to put them into better houses than they hold now. The wages I pay are 7d. a day throughout the year. I give them a house with kitchen garden, and plenty of turbarry, and the grass of a cow and pigs, for £2 2s. a year. I give them then an acre of garden, or two acres, according as the bargain may be, chargeable at from £5 an acre to £7 an acre. For that £7 an acre the ground is ploughed, limed, and dunged by me, and they cultivate a crop of potatoes thereon. The ground at £5 is let limed and dunged by me, but cultivated by spade husbandry, and to pay for that they got work at 7d. a day. I find such men comfortable and happy, though not rich.

29. Have you many of those men who have remained with you some time?—Some of them have made little fortunes and have gone to take small farms; others have remained eight or ten years, Their anxiety is to get a piece of land and go farming, they do not like to be tied down to constant work. I have workwomen there at 3d. a day; I have twelve or fifteen employed for me picking stones, binding corn, and planting potatoes. I would suggest that the county rates should be disposed of like the poor rates, between the landlord and tenant; it would fall heavily upon me, but I would think it just. The tenant does not consider the rates when he takes a farm, and he is called upon to pay them when he has not a farthing. There is a portion of the year when he has not the handling of money.

30. Is your idea that he should pay the rate and afterwards receive a deduction from his landlord?—Yes.

31. How would that assist him in reference to the occasion you put, of the rate being collected at a time of the year when he has not a farthing?—I should hope that the landlord would take measures to meet that for his accommodation, and pay it himself. If you could get at the landlord, I would much rather have the demand direct upon the landlord.

32. What is the difficulty of getting at the landlord?—Most of them are absentees. If you could save the tenant from those charges, it would be the salvation of the country. The direct taxes are the bane of the country; the tenant has no money in his house. From this time till Christmas they will all have money in the house, as it in the harvest time.

[The witness withdrew.]

TO INQUIRE INTO THE OCCUPATION OF LAND IN IRELAND.

[The following communication was received from Mr. Jeremiah Eugene Macarthy, in answer to the complaint of the Rev. Patrick Fitzpatrick.]

“ I have for eleven years held in my own occupation the greater part of the lands which are now held by my tenants, besides what I now hold since 1811. I expended enormous sums of money in the improvement thereof, and in buildings thereon, and I am anxious to prevent the destruction of my labourers, by an unprincipled and a pauper tenantry. Having made those improvements, I endeavoured to select from abroad proper persons to occupy my farms, and in many instances I have been greatly disappointed, and compelled, in self defence, to turn out many tenants, at a loss, in general, of two year’s rent, and sometimes more. I received back my land impoverished, and much deteriorated; and find, as to that in my own occupation, though greatly mismanaged, I make more money of some of the farms than those pauper tenants paid me. In answer to the paragraphs which state that great distress has been caused in the western part of this parish, by the depopulating spirit, I beg to say, that I have slated houses at present unoccupied, which I erected for labourers, and find it impossible to get families to inhabit them, although I would give them constant work, at the current wages of the country, and gardens attached, but they object to being bound to constant work. I should willingly give to each labourer’s house, allotments of two or three acres, but the existing laws give no encouragement for that, as in case of non-compliance with the agreement, it would be as costly and difficult to obtain redress, or to remove the occupier, as if he held a farm of £40 a Year. I would beg leave to suggest giving a power to magistrates at petty sessions to settle and decide all cases of possession of lots under £10 a year, with right of appeal to the next quarter sessions, and no longer. Under proper regulations, this would give encouragement to small holdings, I have, in the occupation of tenants in this parish at present, 1,100 statute acres, and in my own possession over 4,000 acres, including mountain. I, at one time, made an effort to colonise part of the mountain, and build a good house thereon, which was occupied during the summer by my cow-herd; but when he had left it for the winter, some persons brought the dead body of a man and buried it within the house, from whence I had it removed, in a coffin, at my own expense, to the proper place of interment; the house, of course, would not be inhabited thereafter, and fell down. The chief reason for this opposition to my efforts was, that there was no road by which the priest or doctor in their illness could visit them. In that I concur. I have no doubt, that with a little public aid fifty families could be comfortably settled in that locality, with advantage to the proprietors, to themselves, and to the revenue, I am not desirous to get land into my possession, because I have more land in my possession than I can profitably manage (being a single man). I have at present many farms, which I would gladly let, if I could get industrious tenants. The case of ejection to which the witness alludes was adopted by me to force the tenants to pay their rent, from which political agitation, I do believe, prevented them. I accepted a small portion of the rent, I did not proceed thereon ; and at a cost of 40s. to the tenants, I proved to them that without rent they could not hold their farm. They are still in possession, although owing me nearly one year’s rent They hold under lease; and I may add, it is my habit to sign a lease for at least twenty-one years before I let a tenant into possession of his farm. Alas! the clauses of a lease with those people have very little effect. They are totally disregarded, so far as the tenant is concerned. Having been examined on oath before the commissioners in Cork, I beg to have this letter taken as part of my evidence on that occasion, under the same attestation,”

TO INQUIRE INTO THE OCCUPATION OF LAND IN IRELAND.

John Kirby, sworn and examined.

1. Where do you reside ?—In Cork at present.
2. What is your occupation or profession ?—A working farmer.
3. Have you any statement you wish to lay before the commissioners ?—In the year 1837, I took a farm under the courts, at 30s. an acre, for a term of seven years pending the cause. In 1838, the property was purchased by Captain Wallis, who raised the rents by nearly £60, from about £190 to £240 per annum. I had 122 acres and a half, and some odd perches. I suffered great loss by the floods; but was obliged to submit to a rise of the rents, Captain Wallis promising me every encouragement to bank the river.
4. Why were you obliged to submit to it; could you not have taken another place ?— No, farms are not easy to get, and I have sunk money upon the farm ; and have also got rid of a small farm I had under the Duke of Devonshire, and Captain Wallis was well pleased with what I had done. The next thing I have to state is, that they are not banking the rivers.
5. Was the promise made to bank the river in writing ?—No, it was a verbal promise.
6. Where does Captain Wallis live ?—Drishane Castle ; Mill-street is the post-town.
7. Did he ever bank the river ?—No, he did not for me. There was a good part of the ground cut off, so that I could not get on, and I lost the crops—they were injured. I wrote to Captain Wallis for an abatement, and he refused; and afterwards in this town, I proposed to his agent, Mr. O'Donnell, to give up the farm on giving a valuation of the growing crops, that valuation to be made by two gentlemen farmers. He refused, and desired me to serve notice of my intention to surrender. Mr. O'Donnell did agree to an arbitration to take the farm off my hands, and I was to have retrospective prices.
8. What do you mean by retrospective prices ?—As he raised the rent on me, I conceived that I was entitled to the back prices of the previous year.
9. Did he agree to that ?—He did.
10. Did the arbitration take place?—The arbitrators were appointed, and every thing understood between Mr. O'Donnell and me, and he went so far as getting the crops surveyed, or some of them. His arbitrator could not attend at the time, and I requested him to appoint another ; he said he would see Captain Wallis first, who was then in England, and the probability was, that when he, Mr. O'Donnell, returned to the country, he would appoint Captain Edward Croker: I said there was no more honourable man.
11. Did the arbitration take place or not?—He broke it off, because he refused to call in a third person.
12. By whom were the two appointed?—He appointed William Leahy.
13. Did the two arbitrators agree ?—No, they did not.
14. Did they call in a third ?—No, they refused.
15. Who did ?—Mr. O'Donnell, and Mr. Woodley, the arbitrator, and Mr. Wallis, they said they would not agree to it.
16. What was the result?—The result was, that he put off the sale from day to day, until there was a remonstrance sent forward to Captain Wallis, signed by some of the gentlemen in my neighbourhood, to have the arbitration carried on. Captain Wallis then sent Mr. Carnegie, and he valued the crops, as I understood, he was not in the country at the time.
17. What was the result; were you turned out of your farm?—The result was, that after the crops were cut by my wife, for I was out of the country at the time, and after they were saved and stacked, and the hay mowed, and every thing, the entire was valued, very moderately I think, at £602 18s. 4d. ; out of which was to be taken £340, the rent that was chargeable to me by agreement.
18. Who made that valuation ?—It was made upon the quantity of wheat, and the prices were added by me. These were the prices I got the year before. The day that the sale was to take place, Mr. O'Donnell came forward and said, that he would come into no other terms than the farm to be given up with the crops, at the value, and to pay £340, and to pay the execution. He said, I must give the farm, crops, and all as they were, and that he would take the crops in lieu of what rent was due and pay the execution : that was refused; and then he said he would cant, and every thing would go for nothing, and my wife was compelled to come into those terms,
18. Where does Mr. O'Donnell live ? - Coole House, near Mill-street.

[The witness withdrew.]

EVIDENCE TAKEN BEFORE THE COMMISSIONERS APPOINTED

The Reverend Patrick Fitzpatrick, sworn and examined.

1. You are a Roman Catholic priest?—Yes, of the parishes of Drishane and Cullen, both in the county of Cork.
2. How long have you been resident in that district?—Twenty-four years last February.
3. Has there been any consolidation of farms in the district?—Yes, there have. There were several cases upon the property of the late Mr. Abraham Morris, of Dunkettle. I have a statement of the number of families sent away altogether—another class, who were only partially left upon the lands; and another class who were sent on the Black mountain, and got a few acres.
4. When did that consolidation take place?—In the year 1807.
- 5: Under what circumstances did it take place?—This has been done to make room for Protestants, most of whom were brought from distant places. This has taken place on the property and by the authority of the late Abraham Morris, esq., and his agent, Mr. Carnegie. The following table will show the number of families who have been totally expelled, partially retained, or located on spots of barren black mountain, to drag out a miserable existence, not one of whom ever committed a political set calculated to give offence to their landlord, and whose only crime was their being Roman Catholics. All the Protestant tenants have got leases, whilst the Catholics were refused leases or proposals, and were distinctly told that no Catholic would ever get a lease upon that property. One of the tenants told me that that was the reason that no Catholic tenant would get a lease.
6. Were you told that in any other instances?—No, I do not recollect that; I heard it generally said. One Catholic tenant has got the lease of another person, through the interest of Mr. Wallace.
7. Had the tenants you have alluded to any conversation with Mr. Morris upon the subject?—No, I do not state that; but I take it for granted they had not, because Mr. Morris seldom saw them—but it was with Mr. Carnegie.
8. Did the tenants inform you, or did you inquire from them, whether they had had conversation with Mr. Carnegie?—No. We had a conversation about the leases, and one of them told me that.
9. Is that your ground for expressing a belief that these people were turned away because they were Roman Catholics?—Because there could be no other possible reason. They were under-tenants to Mr. Leader's family; and when that term expired they were all turned away. They could never offend in any way of voting. Mr. Leader's term depended upon his life, and these people held only as yearly tenants. They had no leases or proposals, but a great many of them could have registered on the quantity of land they had. They had larger quantities of land than some of those registered in the parish.
10. Can you say how many families were dispossessed?—Six families altogether on the lands of Aughbane and Tullig.
11. Do you know what became of them?—I do. They are in the country.
12. Did they receive any money, or any compensation?—No. I am sure not.
13. Did you make any inquiries whether they did or not?—The thing is so notorious in the parish, I have no doubt in the world about it.
14. Did you make any inquiries from the parties themselves, whether they received any thing or not?—No; but I know how the thing is managed. Mr. Leader died about this time in the year.
15. Do any of these people occupy land at the present time upon the estate of Mr. Morris?—No. The first column on this paper contains the names of parties who were entirely ejected.
16. Were they ejected by process of law, or did they surrender?—They surrendered possession. I did not hear of any one over-holding possession.
17. What quantity of land did they hold?—I cannot say that John Shea held a pretty large farm. Darby Corcoran held a middling farm. Daniel O'Keeffe the same, I should think.
18. Do you know the extent of their farms?—No. Part of it was arable, and part mountain.
19. Are there many tenants on Mr. Morris's estate who hold from year to year?—I have now a list of the tenants retained upon the land who have been deprived of a good deal of the land they farmed before. The best part has been given to Protestant tenants
20. Are there many tenants upon the estate of Mr. Morris who hold from year to year? - Yes, there are now. There are ten who have a proportion of the land which they had before.
21. Are they Catholics?—Yes. There was no Protestant upon the land but Mr. Leader, the landlord.

TO INQUIRE INTO THE OCCUPATION OF LAND IN IRELAND.

22. How many Protestants were brought in upon the lands you speak of?—Seven were brought in. One of these gave up his farm. Mr. Nash and another have got his farm with their own.
23. Where do they come from?—Mr. Smith was brought from Macroom. Doctor Orpen was the son of the Protestant clergyman of Kanturk. He happened to have the dispensary at the time. Another. Mr. Orpen had it, who was brought from some distance, and gave it up with the consent of the landlord. Mr. Nash came from the neighbourhood of Kanturk. Another came from the neighbourhood of Cork, and another nine or ten miles off.
24. If the case be as you state, that Roman Catholics were retained, upon what grounds do you assert that those dispossessed were dispossessed because they were Roman Catholics?—I cannot say exactly what the reason was. Some of those were expelled altogether. I can only say, that some of those did not, perhaps, hold immediately under Mr. Leader. John Butler was entirely expelled. I cannot say whether he held immediately under Mr. Leader, or fell in with another tenant.
25. How many were removed to the mountain?—Nine.
26. Do you know the condition of those removed to the mountain?—I know upon that part of the place next to my residence they are very miserable. They have got some acres of the bog and the black mountain. I do not know whether they are charged any rent for it; but they are breaking it up and building cabins. The place does not produce potatoes enough for them.
27. Did you make any inquiries as to the terms upon which they were removed to the mountains—whether they were removed to the mountain for a certain time without paying any rent?—Not exactly. But what I understood from the people was, that they were obliged to submit to any terms.
28. Do you know whether they are liable to pay any rent?—I cannot say.
29. Have you ever visited any of them in their houses?—Yes.
30. Did you ever make that inquiry?—I did not.
31. Did you ever hear whether they received any assistance in building their houses?—I never inquired. I should presume not; because I saw that some of the houses were very wretched hovels, and I should imagine if there was any encouragement given that they would be obliged to build better houses. I have also an account of another farm upon the same property.
32. What is the name of it?—Cloghnailobeg.
33. How many were removed from it?—Only one was removed altogether.
34. When was that removal?—At the same time; and the parties who succeeded him were two Catholic tenants. This was not given to a Protestant.
35. You have made a strong statement that a gentleman, now dead, removed tenants because they were Roman Catholics, and now you mention a case where the tenant removed was replaced by Roman Catholics?—Only this one. This is an exception.
36. Do you know what rent was due from those people either to Mr. Leader or the head landlord?—I cannot know that. I know that a brother of the real landlord came in for the share of the rent of the family, who were left some of the lands in their father's will, and some of them had pecuniary claims upon the land. One of the family came in by some means for the greater part; he was more clever than the rest; he was entire manager, and he was very severe in exacting the rents, and therefore the inference is, that probably there was nothing in arrear unless the gale then falling due.
37. Were you acquainted with the condition of those persons before they were ejected?—Yes.
38. Was it much superior to what it is now?—I cannot say as to appearance, but in real comfort certainly they complained to me of a portion of their land being taken away.
39. Are you aware what stock they possessed?—Yes, they had stock; but their houses had at all times, when upon the other part of the land, a poor appearance, and the reason was because they were dependent upon this uncertain tenure, and would not expend money in improvements. They had stock there, and I believe they were better off than their appearance indicated.
40. Have you any statement with respect to any other parties?—Yes. I have a list of eight families who were partially kept in Cloghnailobeg.
41. Are they Roman Catholics?—Yes. I have none here entirely expelled but the one man, John Shea. These families partially retained have been deprived of the greater, and the best part of their farms, in order to accommodate the Protestants with large farms of the best quality. The above transactions took place in 1837. I am almost sure that was the year.

EVIDENCE TAKEN BEFORE THE COMMISSIONERS APPOINTED

42. Then do I understand you to mean that Doctor Orpen and the other parties you have named have got the remainder of the farms belonging to the parties you have mentioned?—Yes; the greater part. I know the parties complain of it.

43. Do you know at all the size of their present holdings?—No, I do not; there is no large farm of any size,

44. Had Doctor Orpen and the other parties who have been brought in spent any money upon the property?—Yes, they had a good deal; Doctor Orpen has built a good house.

45. Do you know the size of the holdings of those who have been curtailed?—No; because it was formed partly of the mountain. I always heard them complaining of the management of Mr. Leader, but that bad as they were then they were under worse management now, and that more from the loss of the land than the amount of the rent charged by Mr. Morris; it was the loss of the land they complained of. Mr. Wallis, of Drishane Castle, has evinced a similar spirit in ejecting Catholic tenants and substituting others in their stead.

46. When did that take place?—One took place this year, and the other I think in 1837.

47. Has he many Roman Catholic tenants upon his estate who are tenants-at-will?—Yes; they may be said to be tenants-at-will; he lets dear enough, and then makes abatement, but will give no lease.

48. Has he brought in only two Protestant tenants?—In that part of the county.

49. Where did they come from?—One from near Mallow and the other near Millstreet,

50. Have they laid out any money upon their farms?—They built a farm-house, a slated house, and so have the Catholic tenants who have got the rest of the farm; and that is the arrangement with all his tenants. The other man built nothing, but thatched his cottage. He built no dwelling-house.

51. Have you any other statement you wish to make?—In the western part of the parish the depopulating spirit has caused great distress. I now come to a Catholic landlord. Mr. Jeremiah Eugene M'Carthy, who owns about one-ninth part of the parish of Drishane. and has totally expelled the greater part of his tenantry and taken the land into his own hands; and this course he is pursuing on all occasions. The portion of his property which is tenantable amounts to 1,000 or 1,200 statute acres, I have the number of acres from the person who surveyed the parish under the Tithe Composition Act

52. What knowledge have you of the other facts as to Mr M'Carthy's property? I know very well he is dispossessing tenants.

53. What knowledge have you of the particular facts you are going to state?—I know it from its being a part of my own parish. He holds one-ninth of the parish, and about 2,000 acres of wild mountain, which nobody can inhabit. I know that Mr. Wallis has treated with great severity a tenant of his because he declined going to vote at the last general election in 1841 against Messrs. O'Connell and Roche. This tenant expended a considerable sum in permanent improvements, in building a house, and planting upon his farm. I heard he was allowed for the house. I know he has planted a good deal and laid out a good deal of money.

54. Do you know whether the tenants of Mr. McCarthy owed any rent?—I believe some did and some did not: he manages in that way. He is glad to get the land, and let them go away and take the cattle. He is desirous of getting the land into his own hands, as his father was before him; and then, after a time, he takes in tenants again. I know the tenants took some rent (I do not know what it was) to Cork, and before they came home ejectments were served upon them. With regard to Mr. Wallis, there was a respectable tenant who held a large farm under him, whose rent was £150 currency, and according to his custom Mr. Wallis made an abatement of £50. This continued for some years, until at the last general election this gentleman refused to vote against Mr. O'Connell and Mr. Roche for this county: he did not vote for the Conservative candidate, but staid at home; but Mr. Wallis raised the rent £60, which had been previously abated, and has behaved very harshly to him since.

56. What is the name of that tenant?—Denis Sullivan.

56. How do you know that?—I know it very well from the tenant He spoke to me frequently, and I have spoken to the agent myself about it, and it is notorious.

57. Are you enabled to state that you have no doubt the man's rent was raised because he refused to vote according to Mr. Wallis's wishes?—Yes, I have no doubt of it. because I had a conversation with the agent.

58. Who is his agent?—Mr. O'Donnell

59. Where does he reside?—At a place near Coole. I have also here an instance of a landlord who put his tenants to a cost of £3, for a latitat which was served upon them a few days after the rent became due, without asking for it.

TO INQUIRE INTO THE OCCUPATION OF LAND IN IRELAND

60. When did that take place?—I cannot say now, but about the year 1833.
61. Have you known any similar instance within the last ten years?—I cannot say, indeed.
62. Have you any other statement to make?—I have other similar statements. The same landlords violate their engagements with their tenants. I know a tenant who rented twenty statute acres from a landlord in this locality, at £2 10s. an acre, and was promised a lease of three lives. This tenant expended £150, or perhaps hundreds, and in consequence of political differences, the landlord turned out the tenant at the end of about ten or twelve years. This occurred two or three years ago. The tenant happened not to have taken out a lease, and the landlord broke through his engagement with him in other respects, though the rent was punctually paid.
63. When was the promise of that lease made?—At the time of taking the land.
64. When was it?—The occurrence took place ten years after the land was taken : it may be thirteen or fourteen years ago.
66. How do you know it was made?—It was made to myself.
66. Who was the landlord in that case?—Mr. Wallis was the landlord, and I was the tenant.
67. When did the political difference take place?—About the election of 1837.
68. How long after that was the person you allude to allowed to remain upon his farm?—Until the year 1842 : two years ago.
69. Between 1837 and 1842, were any proceedings taken to dispossess him?—No; but the tenant applied for a lease after this misunderstanding took place, and the law agent of the landlord got instructions, it appears, to terrify the tenant with frightful clauses, which were never thought of at all previously.
70. What was the nature of those clauses?—I forgot them, but the tenant would not consent at all.
71. Was a lease offered with these clauses?—There was no lease taken out in consequence of the introduction of those clauses,
72. Did the landlord refuse to give any a lease with those clauses?—No : he could not object.
73. When was it the tenant refused to take a lease with those clauses?—I cannot say the period : it was between 1837 and 1842—perhaps about 1839.
74. When was the tenant dispossessed?—In the year 1842, I think ; but I may say, in explanation, and in favour of the landlord, that the tenant having built a house elsewhere and taken a lot of land from another landlord, and finding that the house was finished, and the tenant was going to remove, he having taken away some laurels and shrubs which he got himself in Cork, and planted before the cottage, and that he had removed one iron gate from the farm, and brought another gate and placed it there; and the tenant having taken away the roof of his stable and a small cow-house which the tenant had put there, the landlord may have thought that the tenant would do more to dilapidate, and that may account for it.
75. Have you any suggestions you wish to make to the commissioners?—I have some observations to make. There is very little improvement in agriculture: the lands are let too dear; the landlords give no encouragement; the tenants cannot afford the expense of draining ; there are no permanent improvements being made, except in a very few instances, and in those there has been no aid afforded by the landlords, with the exception of what Mr. Morris and Mr. Wallis may have given to their tenants. In the parish of Drishane, Lord Arden, now Lord Egmont, gives encouragement in building houses, and makes allowances for every improvement they make. The different qualities of arable land, I think, are let in the parish of Drishane at £2, £1 10s., £1 5s., and £1—very little as low as 15s.— by the English acre. The large fees which are paid to the agents impoverish the tenants.
76. What fees have you known paid to the agent?—I do not know it of my own knowledge ; but it is as well known as that this is day-light.
77. Are those fees still continued to be paid?—Yes.
78. On what occasions are they paid?—Chiefly on taking the land, and afterwards, if a tenant expects any accommodation in the course of the term, something is expected, if not given. My finding on the subject, and my conviction is, that the tenant in order to secure the interest and good-will of the agent begs and borrows a large sum of money for him, the repayment of which distresses the tenant for several years afterwards; and during the tenure the tenant must, on some occasions, be liberal if he wants any favour or any encouragement, if the landlord is not obliged to give it by the lease; and as to taking land, there is no doubt they receive large sums, and impoverish the tenants to a great extent. The tenure, as it regards its covenants, term, and amount of rent, is generally dictated by the landlord and agent: the tenant has hardly any freedom in that

TO INQUIRE INTO THE OCCUPATION OF LAND IN IRELAND

way, because he must get land.

79. How is the land usually set; by proposal or by valuation?—There is no valuation, the term and the rent are dictated by the landlord and agent; there have been no agrarian or other disturbances from time immemorial in this country I may say (I heard an old man say that in 1822 there was a large meeting about tithes), with the exception of the Rockite troubles for a brief period in the winter of 1821-2, although it is much to be apprehended that the oppressive and unfeeling conduct of landlords and agents will produce some dreadful convulsion.

80. Have you any other suggestions to offer?—No; I am not competent to apply myself to it.

[The witness withdrew.]

EVIDENCE TAKEN BEFORE THE COMMISSIONERS APPOINTED

Mr. Herbert O'Donnell, sworn and examined.

1. Where do you reside ?—At Coole House, near Millstreet.
2. What situation do you occupy ?—I act as agent to Captain Wallis, and I am a working farmer; I work what I hold myself.
3. What quantity do you occupy ?—Three hundred acres.
4. Principally tillage or grazing?—Both.
5. What is the district with which you are well acquainted in that neighbourhood ?—The parish of Drishane, in West Musketry.
6. Is it principally occupied in tillage or grazing farms ?—They are getting very much into tillage, formerly it was grazing; they have much improved the place by tillage.
7. In what manner is the rent fixed ; by private contract, proposal, or valuation ?—It is sometimes advertised, and sometimes the ground is valued. I know of some cases where the ground has been valued by two competent persons. I think sometimes they advertise to receive proposals. There is no fixed rule for setting.
8. What class of persons are employed to value land in case there is a valuation?—I think the class of persons is something like head farmers, the best description of persons I know. Mr. Morris had a property to set some time ago, and Mr. Carnegie was his agent: he appointed three persons, who were farmers of the better class.
9. Are you conversant with the facts in reference to the property of Captain Wallis, upon which John Kirby formerly resided?—Yes, I am.
10. State what were the circumstances in reference to that property ?—Captain Wallis purchased this property in the year 1838 ; it was sold by the court in Dublin. I went up ; I was the person who purchased it, and it belonged originally to his uncle; we found the tenants in possession, and among them, Mr. Kirby, who occupied the principal farm, called Curryglass. We found Mr. Kirby there, and he held under the courts, at 30s. an acre. We looked over the lands, and conceived them worth about £2 an acre, but we made the rent £240; there were about 122 acres and a half and some perches, and he agreed to pay £240 a year from the 1st of May, 1839. The advance in rent, £56 1s. 8d.. commencing; May 1st, 1839. Mr. Kirby was most anxious to get a lease at the advanced rent; but would only get it as a yearly tenant, because we did not know him at all, but we did not wish to turn him out till we knew what kind of tenant he was. The river was doing a good deal of damage to a part of the lands—that river was to be banked, as soon as convenient and practicable ; we promised Mr. Kirby that as soon as we could we would bank the river to prevent it injuring his land any more, because it was injuring it before.
11. Was that agreement made in writing?—No, but he carried us down to the river to look at it, and showed us the point where there were about three acres where the river was cutting a passage away. He was asked, “Why were you obliged to submit, could not you have taken another farm?” He says, “No, they are not easy to get; I had sunk money upon the farm, and had got rid of a small farm I had under the Duke of Devonshire; but Captain Wallis was well pleased with what I had done.” Mr. Kirby sunk no money; he had it only a year or two under the courts; and so far from sinking money, he allowed the dwelling-house and offices to go nearly to ruin, and impoverished the land very much by cropping without manure. I agreed with Mr. Kirby to make a temporary embankment for £5, till we could complete a permanent one, and afterwards allowed £10 for same. I also allowed him to make sale of limestone quarried on the land, of which I am certain he made £40 per annum, which he was not entitled to do, quarries being reserved and generally let at a yearly rent, I allowed him that privilege to compensate him for any damage the river might have done him. Before Captain Wallis purchased this property the river had divided about three acres from the farm ; but there was a passage made to it through the river. These three acres are grass land and not tillage. I did not agree to give retrospective prices.

TO INQUIRE INTO THE OCCUPATION OF LAND IN IRELAND

12. Was any proposal made?—He had it only three years entirely, and paid two years' rent; in the third year he got into arrear, and then proposed to surrender the farm, provided I agreed to arbitration. I did agree to arbitration, but I did not agree to give retrospective prices. I agreed to leave the entire matter to two gentlemen to act as arbitrators, not to give retrospective prices, for I did not know what they were, I named Spottwoode Boles, esq., but he declined acting. I then named William Woodley, esq., who did act, and Mr. Kirby named Doctor Hannan, and they both met and disagreed as to the value to be put upon the wheat and the oats. I did not break it off, but Mr. Woodley declined acting any further. He says, I refused to get a third man to come in; I did not refuse it, but Mr. Woodley took a dislike to it, and would not act any further. He is asked, "By whom were the two appointed?" He says, "He appointed William Leahy." He is then asked, "Did the two parties agree?" He says, "No they did not." "Did they call in a third?" "No, they refused." "Who did?" "Mr. O'Donnell and Mr. Woodley." I did not refuse to call in a third person, but Mr. Woodley refused to get further in the matter. He says the crops were cut: the crops were not cut Kirby had at this time gone off to America, and the crops were under seizure for the rent due, because I heard executions were about being laid on them, and I, as agent to Captain Wallis, thought it my duty to look to the interests of the landlord. There were, executions about to be levied, and I put keepers on to protect the property. Mr. Carnegie did not value the crops, for when he went there he found Mr. Peard had laid on his execution for £123. The crops, &c. were not valued by me, nor did I know of any valuation; he valued them when he came back. The highest price I got for the wheat was 25s. a bag, and that only for part; and for oats, from 7s. to 8s. per barrel of fourteen stones. I was called on by Mr. Peard, who held an execution against Kirby for over £123, to sell Kirby's effects for the rent., and allow him to get paid the amount of his execution, or to let him sell and pay himself, or he would sell under the execution and pay the rent himself. I could not go any further than a year's rent, He had bailiffs on the premises at the time. I did not agree to pay £340 which he says I did. Under the above circumstances, Mrs. Kirby and her son, who were authorised in writing by Kirby before he went to America to act as they might think fit for him, were recommended by their friends to give me up the farm and the crops, and to pay Mr. Peard the amount of his execution, over £123, and the crops and manure to be in lieu of rent and arrears, Mrs. Kirby getting up free the cattle, gardens, &c. farming utensils, household goods, and furniture. See the written agreement signed by Mrs. Kirby and her son. I have it here signed by them and by the arbitrators Messrs. Hannan and Croker, because when every thing went to the worst I called Doctor Hannan and Mr. Croker to see into it. Mrs. Kirby and her son were not compelled to come into any terms; but were recommended and advised to do so by their own friends, as the best arrangement they could make, and they appeared most obliged for the arrangement, and they consented to it; but Mr. Kirby has since returned from America, and it would appear does not approve of the manner in which they acted, though authorised by him. Mrs. Kirby was allowed to remain in the house, and her horses and cows feeding on the land from the 1st of May to the 1st of November, without any charge whatever. Upon giving up the land she was also allowed the orchard, which Mr. Kirby received £20 for before he went to America. He got the money, and I allowed it to him; and she remained in possession of the farm from the 1st of May to the 1st of November, and thereby spoiled a whole year's rent. Mr. Kirby owed one year's rent on the first of May, 1842, amounting to £240; and from the 1st of May, 1842, to 1st of May, 1843, another year's rent was due, also £240, all of which was lost to Captain Wallis. Now that is the honest and fair statement of the case; and so far from harming or injuring them, that was the last idea I had in the world: I would not be capable of doing it: nor would Captain Wallis allow me to do so if I was inclined.

[The witness produced the various documents alluded to in his evidence, in confirmation of the statement he had made. A passage from this evidence of the Rev. Patrick Fitzpatrick was read to the witness.']

13. Having heard the statement of the Rev. Patrick Fitzpatrick, relative to the ejection of Roman Catholic tenants, to substitute Protestants, have you any statement to make?— There was but one farm came in, the term expired, and some of the tenants that were there at the time of the lease dropping are there still, with the exception of one man who is a new tenant; but the people who occupied the ground were paupers, and we gave them a piece of mountain and charged them nothing. We allotted eight acres of mountain free, and did not charge them a farthing; they were perfect paupers and had no way of paying, but every other tenant on the land is there still. They took that land at a valuation; I valued it, and another with me. But the whole of the tenants are there still, and they are all Roman Catholics with the exception of one man of the name of Wynne; he was the only Protestant that got any; the others were not put out, they got other land on the

TO INQUIRE INTO THE OCCUPATION OF LAND IN IRELAND

mountain.

14. Do you understand you to state, that those people were dispossessed because they had not the means to hold the land?—Yes; certainly.

15. And not because they were Roman Catholics?—Certainly, because they are upon the land still.

16. Having also heard the statement made by Mr. Fitzpatrick as to Denis Sullivan, is there any observation you wish to make?—Yes. Denis Sullivan took a farm at £150 Irish money, upon a lease of three lives, and the tenant got down hill, and Captain Wallis made him an abatement; first, he made it £120, he reduced it then to 100 guineas; he continued, that he owed a large arrear of £300 or £400, which he wiped off; but certainly Sullivan had at the time of the last election refused to vote with his interest, and undoubtedly he did withdraw the abatement, and he called upon him for his rent in a month or so after it became due. Certainly he withdrew the abatement in consequence of that, but Sullivan has £100 a year by it clear, after paying the rent that is payable—after paying the full rent by the lease.

17. He has it underlet?—Yes, he has part of it; he has a good part of it in his own hands, but if he was to let it tomorrow, paying the full rent, he would get £100 a year by it.

[Mr. Fitzpatrick's statement as to himself was then read to the witness.]

18. Having heard also the statement by Mr. Fitzpatrick in reference to his own case, is there any remark you wish to make?—The only remark is this, that Captain Wallis when he did speak to him about the lease referred it to his attorney, Mr. Herrick of Cork, for the leases; there were to be a great many reservations and clauses in the lease, and Mr. Fitzpatrick on that declined taking the lease, and he held the farm on until he took another farm from Mr. M'Carthy O'Leary, near the chapel in Millstreet, on which he built a very good house; he then left Mr. Wallis's farm and went to live there. Part of the agreement was, that he should reside on the farm, and neither set it, nor dispose of it; it was upon those conditions he promised him the lease, without consent, and as soon as he went up to Millstreet, he served him with a notice of six months, and at the expiration of that he gave up the premises. Mr. Wallis forgave him a half-year's rent in part payment for the improvements, but that did not pay him, for I admit he laid out £200 upon it.

19. Are you able to state whether the covenants introduced by Mr. Wallis were the usual covenants?—Yes, the usual covenants that are now inserted in the leases generally. Though there had been political differences between them they were very good friends till the election, and then there were these differences of opinion.

20. You spoke of a valuation of the farm being made, yourself being one of the valuers; in a valuation of that kind are both parties named by the landlord?—Yes, the landlord sends two or three; if two do not agree, he sends a third; he says, such a land is valued so and so, you shall have it at that rent, having such and such encouragement; he gives timber, and slate, and limestone at the raising price, and a general term of three lives.

21. Does he follow any system of assisting the tenants in draining, or otherwise improving their farms?—At present when the last farm came in, the encouragement he gave was to make bound ditches at his own expense, and divide every farm, and paid for making all those divisions. He was bound to give them timber and slates for their houses, and he was at all the expense as to the draining.

[The witness withdrew.]

EVIDENCE TAKEN BEFORE THE COMMISSIONERS APPOINTED

Mr. James McMurtie, sworn and examined.

1. Where do you reside ?—Rossnalee, near Kanturk.
2. What is your occupation?—Land steward to Mr. William Leader.
3. Are you a native of Scotland ?—Yes.
4. How long have you been in Ireland ?—Going five years.
5. What part of Scotland do you come from ?—Ayrshire.
6. Were you brought up to agriculture ?—Yes.
7. Have you superintended any considerable works as well as being land steward ?—Only superintended the farms.
8. Have you been employed as one of the judges by the agricultural society, and so been able to judge of the state of the tenants' farms in that neighbourhood ?—Frequently I have seen them in that way.
9. Do you consider that agriculture is improving in the district ?—I do not think it is going forward much at present.
10. What do you consider to be the cause of that ?—Want of skill and capital.
11. What is the quality of the ground ?—It is a good strong kind of ground, not the finest ground.
12. Taking the district with which you are acquainted, what do you consider the average quality of the ground ought to produce in quantity of wheat or oats, whichever is the most prevalent crop ?—The average of the district might produce about nine bags under fair farming by the Irish acre, that is the acre that is generally used.
13. What do you think, judging by the crops as you see them, it does actually produce?— I think it produces a bag and a half, or nearly two bags less,
14. Are you acquainted with the value of land in the part of Scotland you came from ?— Yes, by knowing the rent the farms are let at.
15. Does the soil in Ayrshire correspond with the land in the part of Ireland you are in ?—Yes, as much I believe as any other part of Ireland I have seen, in climate and land.
16. Suppose the land in the district where you reside to be tilled in the Scotch fashion, and improved as it is in Ayrshire, what rent do you think it would bring compared to the Scotch acre ?—The land is as various here as it is in Ayrshire ; land here would fetch 24s. the Scotch acre—it would be very fair at from 24s. to 25s.
17. What expenditure, in your opinion, would the land require in order to its producing nine bags the acre, as you say it might ?—When a farm is under rotation, it would require to be manured very well with lime and dung.
18. Does it require draining?—Yes, it does ; it would require draining.
19. What does the land let for in this country, that you say would let for 24s. the Scotch acre ?—I am not very well aware of the price of land in this country.
20. In the neighbourhood in which you live ?—About 28s. or 30s. the Irish acre; about 25s. in Scotland would be about the same proportion—the lands are a little smarter in Scotland.
21. Do you mean that the land which would let for 24s. the Scotch acre would let for 30s. the Irish acre ?—My opinion is, that the farms in this country are by the waste land of the farm cheaper than Scotch farms are, that is, about one acre in fifteen cheaper.
22. In going about the country to inspect farms for the agricultural society, have you found among the farmers much disposition to improve their farms ?—No, I do not see much of it; there are instances of it, but they are not in a general way very improving. The land might be soon got into a much better condition than I have been describing by improvements ; of course in the state it is in it is not equal to what the Scotch land is, but it would be more valuable than the Scotch land by improving.
23. Do you think that more produce might be raised from it?—Very little care in this country would make the land produce a good deal more,
24. Have you drained, any land in this country ?—Yes, a good deal
25. About what was the cost by the Irish acre ?—It came to 6d. a perch ; we varied from sixteen to twenty-two feet, and we generally found 6d. the lineal perch, including horse work and every thing, paid for it.
26. By how much did you consider that the land was improved by that operation ?—By 8s. or 10s. an acre.
27. Do you think that the value of the land would be increased 9s. or 10s. by having the wet lands drained, and a proper system of agriculture introduced?—Yes, I am certain it would.

TO INQUIRE INTO THE OCCUPATION OF LAND IN IRELAND

28. Supposing a farmer had capital or was supplied with it, do you think it would be profitably invested in the draining of land?—If they were left to themselves they would not do it right

29. Supposing a countryman of your own to come over and take a tract of land of the description you have stated, is it your opinion that he could make a good thing of it?— Yes.

30. At the rent at which such land could now be had?—Yes,

31. What length of lease, supposing you were going to take land of that description, should you require to repay yourself for the money laid out?—I should like thirty-one years. I think the land is dear enough in the way in which they farm it, and it would be cheaper if they know how to employ capital upon it to improve it, but I think it is dear to them generally now.

[The witness withdrew.]

TO INQUIRE INTO THE OCCUPATION OF LAND IN IRELAND

Nicholas Leader, esq., sworn and examined.

1. Where do you reside?—Dromagh, near Kanturk.

2. Are you a magistrate and a landed proprietor?—Yes, I am.

3. Does the district round Dromagh afford opportunities for extensive and remunerative improvements?—I think it does very extensive opportunities of improvement. I think if a better system of agriculture was followed that the farmers in the country might live very comfortably. I am almost surprised how they can pay their rent in the present rude state of agriculture; but they are able to pay their rent at present. If they used even a moderate degree of skill, their condition would be very comfortable, seeing that they are able to exist now in the very imperfect way in which they farm. I have seen myself, even upon a small expenditure in an imperfect system of draining, immense benefits conferred upon the poor; and I am only more surprised it is not more generally followed by the large mass of farmers, seeing the very great benefits obtained by those few who have done it. As far as the rotation of crops goes in the country, it is generally a potato crop or two off the bye-land, then a crop of wheat, then a crop of oats, and then a crop of potatoes again, till the land is exhausted; and then it is laid down without grass seed, which is one of the worst systems.

4. Do you find a disposition among the people to improve when encouraged by the resident landlords to do so?—There are exceptions; but I should say generally that it is very difficult to get the people to improve their farming. I look upon most of the people of Ireland as totally ignorant upon the subject, and disregarding advice; and taking the great mass of the farmers, there is very little spirit of improvement among them.

5. Have you been able as yet to improve the farm of any one working farmer, and persuade him to manage in a different way?—Yes,

6. What effect has that had?—I think it will produce a very beneficial effect. Upon my own place I have got some of them to follow a different system. Upon my own property, I am happy to say, that I think draining upon the improved system will be extensively followed. I am happy to say that some of them who hold long terms have commenced the system; but I have given a great deal of time and trouble to it, and I do not think that most landlords would be disposed to waste the time and attention that I have; but I hope it will become general. There are some persons who hold under long leases who have drained on their own account.

7. Have those leases been granted recently?—No; granted fifteen or twenty years ago.

8. What, in your opinion, is the term of lease most calculated to promote improvements?—Twenty-one or thirty-one years. Long leases are very injurious. At the commencement of long leases there may be an anxiety to improve, and there is generally at the beginning of every tenure; but at the expiration of the tenure the tenant will try to get every thing he can out of the ground, and so the value is deteriorated. A term of twenty-one or thirty-one years would be best, because the tenant, instead of injuring the ground and trying to get as much as he could out of it, would be looking forward to getting a renewal of his term.

9. Have any long leases expired upon your property since you have become possessed of it, and what has been the state of the land?—I have seen some leases expire of sixty-one years, and found the land in the very worst state, subdivided; and instead of the landlord getting his land in a very improved state, it has been delivered up in the very worst possible condition.

10. Did the occupiers hold at low rents?—Yes, they did; and the lessees of the land scarcely kept any of it in their own hands. They mostly sublet.

11. Can you state what the condition of the middlemen themselves was in those cases?—They generally became a very idle set of people, and not at all persons that it would be desirable to continue tenants.

12. What is the system generally adopted in reference to permanent improvements in the district?—The occupying tenant very seldom makes any permanent improvements. My experience is this—I can seldom see a good house built upon the land by the tenant. It is generally effected by the landlord, or the larger proportion allowed. The occupiers lay out very little in permanent improvements. The amount of produce in the country has increased by more general cultivation; but the value of the land to an intelligent farmer coming in is not more than it was several years since, though the produce may be increased by cultivation; but I think the land was in a better condition for an intelligent farmer by its not being so exhausted by cropping. As to the advantages of long tenure hitherto, the lease formerly given was a lease of three lives, which was a very long term indeed; and if that could be attended with any beneficial effects, we should have seen it in that district. It was almost the invariable lease given,

13. What is the condition of the labourers in your district?—The labouring class are very badly off.

EVIDENCE TAKEN BEFORE THE COMMISSIONERS APPOINTED

14. Have they pretty constant employment?—I think they have tolerably regular employment; but the wages are so low in the country where I live that there are many of the actual labouring class very wretched. Most of the land is held in farms of from thirty to fifty Irish acres, and every one of the farmers have labourers living on the land. I think their condition is deplorable, The wages are small. On the other hand, though the wages are so low, I am almost certain that in Scotland work may be as cheaply done.

15. In your opinion, though the wages are nominally lower here, they are not lower compared to the amount of work done?—No. I have asked in many places the cost of work, and I find it is not lower in my country than it is in England, where wages are higher.

16. Do you employ labourers extensively?—Yes. I have often 150 men employed in a day, between my colliery and my farm, and sometimes 200.

17. What class of persons are employed in the colliery?—The people of the country.

18. What wages can they earn?—They got from those who take the contracts from 10d. to 1s. a day.

19. In what way are those men provided with houses?—Some of them have houses upon my land, and pay rent according to the description of the house. Some of them build their own houses.

20. Does the condition of the colliers appear to be better or worse than that of the common farm labourers?—I should think they spend their money more liberally.

21. Have they any con-acre?—The con-acre, as far as potatoes go, is very general.

22. Do the colliers resort to it?—In some cases.

23. Are the colliers pretty regularly employed?—Yes. pretty well. They do not wish to work in consequence of the nature of the work in winter—it is wet.

24. For what purpose is the culm raised in that district?—Entirely for burning lime; it is taken long distances.

25. Has the burning of lime, as far as you are enabled to judge from the culm consumed, increased in the last few years?—Yes, considerably.

26. For what purpose is the lime principally used?—It is used by factors, and is mixed up with earth for growing potatoes, and for agricultural purposes.

27. Have you any suggestions of any measures of improvement?—As far as my opinion goes of the letting of land, I may say that the way I judge of the value of land “is seeing what would be given for a farm by a man of capital and skill. I have seen a native of Scotland take a farm in my neighbourhood, and he has paid for it a higher rent than I think would be paid by any solvent man of that class in the country. He has told me he was quite content with it, and his opinion in, that the rents of the country are fair, and he would take any extent of land in moderation at the rent of the country; and comparing the usual letting of the country with that farm, held by people of the same class, I should say that the farming classes have their land at a fair rate. In many instances the landlords have acted liberally and given land below what it would actually bring in the market. Among the wealthier, description of landlords that is very general; and I know that it is difficult in my part of the country for a farmer with skill and capital to get a farm, which, shows that the dispossessing of the occupying tenants is not very general. I should say that it very seldom occurs on the expiration of a lease, except when a man is not solvent, or for other reasons. He is generally retained in the occupancy of his land; and I know it is considered a very cruel proceeding to turn out a man under those circumstances.

28. Do you mean that the class of landlords themselves would consider it a harsh act to turn out a tenant from his farm under those circumstances?—Yes. There has not been much consolidation of farms in my neighbourhood, but there is great difficulty in preventing the subdividing. Farmers have no other means of providing for their children than trying to subdivide the land.

29. Have you any other suggestion?—I could not make any suggestion in this country which differed from what I should make in England or Scotland, or any other part of the empire. I do not see why the Law should be changed in this country and not in England or Scotland, for the landlords have exercised their rights in a very lenient and merciful way.

[The witness withdrew.]

EVIDENCE TAKEN BEFORE THE COMMISSIONERS APPOINTED

James Carnegie, esq., further examined-

1. Your residence is at North Esk, in the county of Cork?—Yes.

2. What is your occupation?—I am land agent to the property of the late Mr. Abraham Morris, of Dunkettle,

3. Having read the statement of the Rev. Patrick Fitzpatrick, have you any observation you wish to make to the commissioners?—Yes, I have, Perhaps no charge was ever made against any landlord or agent so uncalled for, so unjustifiable and devoid of truth, as that made by the Rev. Patrick Fitzpatrick, of Drishane, against my lamented friend, Mr. Morris, and myself. The first complaint that was made was at the beginning of September, 1836, as communicated in the Southern Reporter, in which was the following paragraph :—” We have heard, but cannot bring ourselves to credit the report in circulation, that in the parish of Mill-street, in this county, Mr. Morris, of Dunkettle, meant to banish immediately the Catholic inhabitants of a large section of the parish which has within a few days come into his hands, by the death of the last heir by whom the lands were held. It is said that Mr. Morris has declared that he will not give a perch of all those lands to a Roman Catholic, but must have Protestant tenants on every farm.” Before Mr. Morris or I knew that that had appeared in the paper, it was contradicted by the Roman Catholic tenants themselves without our knowledge. The letter from the tenants is dated Mill-street, September 12th, 1836, and appeared in the Southern Reporter:—

“To the Editor of the Reporter.—Sir,—We perceive by the last Saturday’s paper, that communication has been made to you respecting the ejection of the Catholic tenantry from off the estate of Mr. Morris in this neighbourhood, which has come into his hands by the demise of the late Henry Leader, of Tullig; now we, the undersigned tenants and others, do believe, to the best of our knowledge, that there is no intention on the part of Mr. Morris or his agent to eject any of the tenants; but on the contrary, to make them more comfortable than heretofore,”

That is signed by four of the tenants, Now I wish to read a plain statement of the facts as they then stood, which was submitted to Mr. Morris, and sent to the Cork Constitution newspaper by me, on the 27th of September, 1836 :—

“To the Editor of the Constitution.—Sir,—An unwarrantable attack has been made by the Southern Reporter on Abraham Morris, of Dunkettle, charging him with ejecting from house and home the Catholic population of a large section of the country near Mill-street, and with establishing a Protestant colony in their place, 1050 acres of inland, and 2450 acres of mountain land, have fallen into the hands of Mr. Morris, by the death of Mr. Leader. Those lands were held by a middleman, who had rented them out to a number of poor tenants, the great majority of whom had neither capital nor skill to cultivate one-third of the ground which they held; and were they left to struggle with that quantity, they never would be better than they are, and the greater part of the moor or mountain would remain in the same state to the end of time. The entire number of their hovels, for houses they cannot be called, is not worth £60. Many of the tenants have not laid out fifty barrels of lime for the last thirty years. Although such are the facts Mr. Morris, with the kindest feelings, has permitted me to allow them to remain on the estate, and to take measures to improve their condition, in order to see what could be done by stimulating them to exertion, and by putting them in the way of supporting their families with greater comfort and respectability. I have, in accordance with Mr. Morris’s instructions, valued the entire of the lands, and divided them into farms according to the capital and wants of the parties. Having arranged for the improvement and cultivation of all reclaimable mountain on the estate, and being convinced that the mountain could not be reclaimed, and that these poor people could not be made comfortable or excited to exertion, or if excited, that their exertions would not be rewarded, unless I could procure lime for them on reasonable terms, I agreed with a gentleman to whom I set part of the land, to raise upon another part of Mr. Morris’s estate 50,000 tons of limestone, half the price for which they had heretofore been able to obtain it. The tenantry on this property I have before stated had neither the funds, skill, nor enterprise to cultivate one-tenth part of the moor which they hold, and even the greater part of the inland was worn out and exhausted, and more than one-half of it laid down to weeds, but the course I have taken will enable them to work half the inland, and a quarter of the mountain, to double the quantity of stock, and produce double the crops. No man unacquainted with the cultivation of green crops knows the value of this description of land. This I will instruct the tenants in, and for the first year I intend giving them clover, grass, rape, and turnip seed free ; the second year they will know their value, and be glad to purchase for themselves, By these means and the other arrangements made by Mr. Morris over thirty families, tenants

TO INQUIRE INTO THE OCCUPATION OF LAND IN IRELAND.

of the estate, will be enabled to live in comfort and independence. Mr. Morris has given a portion of the inland and mountain on reasonable terms to each of the resident tenants; and has let eight farms to Protestants of capital and enterprise, on which they are bound to build and reside, thus conferring benefit on all parties, and improving the face of the country. I have merely stated plain matters of fact, without catering into the statements and insinuations of the Reporter.— I am, Sir, your obedient servant,” “James Carnegie.”

“North Esk, 24th September, 1836”.

Immediately after that, the tenants having contradicted this statement, the Southern Reporter turned from Mr. Morris, and stated that it must have been the agent who was the transgressor against the parties. In answer to that charge against me I made this communication to the Constitution:—“Sir,—The Reporter has thrown off the mask, and openly declared that though the blow was aimed at Mr. Morris, it was intended for his agent,” And I challenged the Reporter to produce a single case of oppression, or an instance where I had not used every means in my power to better the condition of the tenantry committed to my care, without reference to religion, politics, or party. There was never any reply to that, and the matter was entirely forgotten until this commission issued. I have now a statement of the whole circumstances from the commencement, giving an account of every tenant, and showing how incorrect is the whole statement which Mr. Fitzpatrick has made. In 1781 the grand-father of Mr. Morris demised the lands of Tullig, Cloughbonlybog, Aughbane, Toureen, and Glountane, containing about 3,500 acres of inland, moor, and mountain, to Mr. Henry Leader, for the term of three lives, at the yearly rent of £245 of the then currency. Mr. Leader sublet the lands to a number of cottier tenants, in consequence of which Mr. Morris had for several years considerable difficulty in procuring payment of the head rent, being obliged to collect it from the miserable occupiers, who were exhausting and destroying the lands. In 1836 the lease expired by the death of the oldest son of the lessee, who was the last of the three lives. Mr. Morris thus became entitled to the possession of this large tract of land, and found it greatly impoverished and deteriorated, occupied for the most part by a pauper tenantry, without either capital or skill, or any resources whatever to enable them properly to cultivate the soil. Of course Mr. Morris could not in justice to himself, and certainly I could not in the faithful performance of my duty as his agent, allow matters to continue in this state. Here was presented a favourable opportunity and an extensive field for improvement, and it was our duty as well as our inclination to avail ourselves of it. I went over the whole of the lands, accompanied by two of the most competent valuers of land whom I could procure, Messrs. Rubie and Fitzgibbon. We divided it into regular farms, and valued every farm in itself. I then suggested to Mr. Morris that his friend, Thomas George French, esq., of Merino, should go over the lands to check both the valuation and the divisions marked out. This also was done; our arrangements and valuation were approved of by him, and the lands were let accordingly. A question then arose as to our obtaining the possession without resorting to an ejectment on the title, but this was easily and promptly set at rest, as the old occupiers had confidence in us, and expressed a readiness to do whatever we wished. Our chief concern now was how to dispose of all the occupiers, and where to find tenants with sufficient enterprise and capital to build houses and offices, properly to cultivate the soil, and to set an example to the old tenants. The lands of Cloughbonlybeg were occupied by tenants, each of whom had more ground than he could manage. Only one of the tenants was removed from this farm, and he got seventy acres of inland, and 111 acres of mountain on another part of the lands, being one of the new divisions. Three Protestant tenants were brought in and one Roman Catholic, viz., Dr. Herbert Orpen, Mr. John Smith, Mr. John Philpot, and Michael Callaghan. As to the tenants on the lands of Tullig, the Widow Corcoran had a small farm on this ploughland. Darby Corcoran was joined with her in this farm. Darby had a farm on the lands of Kilmedy, on which he went to live; and she and her son Daniel got a farm on the lands of Glountane. Another tenant, Timothy Shea, had all his property seized by a butter merchant, and had run away before Mr. Morris got possession. The mother of the middleman, a very old woman, had a lot of the ground; but having no means to cultivate it, she had no use of it, and it was not let to her, as her son was as well able to support her as any man in the county of Cork. The only ambition she had was to keep her house and garden, which she still occupies, paying no rent. John Shea was the only tenant on the lands who had any means of holding a farm that did not get one, and he had only hold for a short time, and did not live on the lands. He had another farm on which he resided, and in which he had a considerable interest, and he would not bind himself to build and reside on Tullig. There was a farm on this ploughland which the middleman held in his own hands,

EVIDENCE TAKEN BEFORE THE COMMISSIONERS APPOINTED

on which his brother-in-law, Mr. Daniel O’Keeffe, was living. He would have got this farm, or any other, if he would have bound himself to build and reside, Butler, I understood, was brought in by Sullivan, and was there only one year. He had no claim, nor did he make any. Every tenant either got a farm according to his means, or from fifteen to forty acres of reclaim-able moor, with various allowances, The tenants to whom the moor farms were allotted have improved their holdings and made them valuable, but have not hitherto been charged with any rent. Three hundred and twenty-three acres of inland, and 203 acres of mountain of this ploughland was let to the Rev. John Charles Morgan, the rector of the parish, Mr. James Nash, Mr. Cadmore, and Mr. Bastable; and Captain Wallis, of Drishane, got twenty acres which adjoined a farm of his, With respect to the lands of Aughbawn, about thirty-nine acres of inland and 251 acres of moor and bog were let to Mr. Philip Rubie, and the old tenants got farms according to their means. The lands of Touvene, which were occupied by Messrs. Daniel and David Killiher, containing 34A. 2R, 34P. of arable land, and 340 acres of mountain, were held on lease, without any alteration, save the reservation of the bog, as they had sufficient means to cultivate the lands, The lands of Glountane, containing over 600 acres, were in possession of a most miserable set of tenants. All of them got farms exceeding their means, with the exception of Matthew Shea, who had neither cow, sheep, or horse. He was located on a good reclaimable moor. Twenty-six acres of arable land, and 280 of mountain and moor were let to Mr. Richard Neville, a Roman Catholic, a good farmer, having both skill and capital. He has already done wonders in the improvement of his holding. The persons to whom these lands were now let were men of skill, enterprise, and capital. They have already expended from £7,000 to £8,000 in buildings and other permanent improvements on the lands, and they have not only employed a considerable number of hands, but by their example have conferred a general benefit both on the old tenantry and on the entire country around them. No disagreement of any kind ever took place between the new and old tenants, nor have there been any disturbances or complaints. The greatest harmony and good feeling prevails amongst them. All the old tenants are benefited by the employment that they receive and the good example set before them. Not only have excellent houses and offices been erected by the now tenants at their own expense, on leases for three lives, but draining, irrigation, reclaiming moor, green crops, and an improved system of farming have been introduced, which cannot fail to benefit the tenants as well as their neighbours. Mr. Morris kept about forty acres of a red or flow bog, from ten to twelve feet deep, in his own hands. I have pipe-drained, clayed, and limed about fourteen acres of it, on which I had a good crop of turnips, and in one year I saved two crops of Italian rye grass off it. Mr. Morris had more difficulty in getting the £245 a year than there is now in receiving more than three times that sum ; and there cannot be a doubt but that both landlord and tenant, as well as the surrounding country, are benefited by the improvements on this property.

4. Did Mr. Morris receive the £240 from the middleman?—We were obliged to collect it from the tenants, The middleman would pay nothing. We had to have recourse to the miserable tenants, and of course experienced a great deal of difficulty in getting it.

5. Do you know what they paid the middleman besides?—It was considerably less than what we are now receiving from the lands. The Rev. Patrick Fitzpatrick has stated that only one tenant was removed from Curraghbowleybeg, but he could have also told the commissioners that that tenant got seventy acres of arable land and 111 acres of mountain, on another part of the property; and he has also stated, that the other tenants were only partially kept in, and that the best of their land was given to the Protestants, They were all left their houses and more land than they were able to cultivate ; and if their land is not better than what the Protestants got, it is most certainly not worse, although there is now a very considerable difference. I shall state the number of acres of arable land and mountain left with each, which will plainly show to any one acquainted with them that they have still more land than can be properly cultivated by them :—

	Arable.			Reclaimable mountain.		
	A.	R.	P.	A.	R.	P.
William Murphy, .	. 17	0	35	. 9	2	18
John Lynch, .	. 29	1	0	. 14	1	0
P. and B. Mahony, .	. 48	1	36	. 29	1	0
Hugh Killihan and Sons,	. 70	0	10	. 102	0	10
	<hr/>			<hr/>		
	165	0	1	155	0	28

TO INQUIRE INTO THE OCCUPATION OF LAND IN IRELAND

So that you see the tenants that Mr. Fitzpatrick stated were only “left in partially,” got 165 acres of arable land, and 155A. Or. 28P. of reclaimable mountain, while the Protestant: tenants put in got but 164A. 1R. 28P. of arable land, and 187 acres of reclaimable mountain and bog. Now with, respect to the tenants located upon the reclaimable moor or. mountain, or as the Rev. Patrick Fitzpatrick graphically stated, “located on spots of barren black mountain to drag out a miserable existence.” The number who held land were six—five in his parish, and one in the pariah of Clondroghed; their names were. Jeremiah Killiher and John Killiher (brothers), John Sullivan, Daniel Kelly and his son-in-law Corcoran, and Matthew Shea, and were located as follows on Aughbawn—John Killihan got forty-five acres of reclaimable mountain, Darby Killiher got forty-five acres. Those have now good houses, and have reclaimed and fenced a great part of their land; have good stacks, and are very comfortable; before they had only sixty-three acres of inland and mountain. On Tullig John Sullivan got thirty acres, Daniel Kelly and his son Corcoran got twenty-five acres. Those also have good houses, and have reclaimed a considerable portion of their lands, and have sufficient stock, and are comfortable. There are two men who got a portion of this mountain, who were not tenants, but were living in huts” by the side of the road on the land; they were sons of an old man who had at one time, held part of the lands—their names are Cornelius and Daniel Buckley : they got twenty acres. There was a man of the name of John Riordan living on this mountain in a hovel holding five acres, and paying £3 a year. I saw that this man had done a great deal on this lot, and I gave him ten acres more. He built a good house, and his widow is now very independent. Glountane.—The only tenant who did not get a farm on these lands was Matthew Shea, and he was broke, and had neither cow, sheep, or horse. I gave him small portion of inland and mountain—in all ten acres. He has now a good house, and has cultivated a great portion of the land, and is now better off than over he was. John Leader lived in the mountain in a miserable cabin and had only two acres, I gave him two more, and he has reclaimed the whole, and has now a good house, and is very independent. Michael Sullivan had only a hut on the land; he got six acres, and has: cultivated the greater part of it, and built a good house, and is very comfortable. Not one of these have been charged any rent up to this day. He also states the name of Daniel O’Keeffe; he was upon the middleman’s farm minding it for him, and we had nothing to do with that. With respect to the Roman Catholic tenants getting no leases, I have here the lease of Mr. Richard Neville for three lives, of 308A. Or. 4P. of the lands of Glountane, and those of Messrs. Daniel and David Killiher for the same term, 374A. Or. 34R. of the lands of Toureen. I trust that I have by this plain statement of facts rebutted the charge of bigotry, exclusion, and extermination, made against my departed friend. I know him to be incapable of entertaining such feelings towards any class or denomination of his fellow-men; but that this statement should not stand alone upon my evidence, I have brought up Mr. Rubie, one of the tenants well acquainted with all the facts, for your examination.

6. Have you read the evidence given by Mr. Thomas Power relative to tenants being turned out at Knockrad?—I have. .

7. Have you any statement to make with reference to that evidence ?—Those lands were the property of Mr. Arthur O’Connor, who was implicated in the rebellion of 1798; he was allowed to go to France, and his brother remained in this country and managed the land for him. At the time he went away there was a lease of three lives. His brother took upon him to make a very long lease ; while that lease was running, which he had no power to make, Colonel Baker purchased the lands according to that lease, and when the lives dropped they net up a lease made by William O’Connor against the present Mr. Godfrey Raker. I went over the lands with Mr. Raker and valued them all, and recommended him to make an arrangement with the people, and give them new leases, and make a new agreement with them. They all consented to it but one. I advised him to give that old woman a small portion of the land during her life at a nominal rent. After some litigation they made an arrangement with Mr. Baker for the land at so much an acre, hut after that they set up a lease again, and he was obliged to eject them.

8. Were there any agrarian outrages upon that property?—I understand there were about the time the ejectment was brought at the Waterford assizes by Mr. Baker.

9. Were any of the people dispossessed off that land?—Yes, I think there were. I am not positive.

[The witness withdrew.]

EVIDENCE TAKEN BEFORE THE COMMISSIONERS APPOINTED

Mr. Philip Rubie, sworn and examined.

1. Where do you live ?—I live near Cork, at a place called Ardrum View.
2. What is your occupation ?—I am a farmer occupying 400 acres in my hands. I some-times have a good deal more, and sometimes less,
3. Were you ever employed to value the property of the late Mr. Morris, in the neighbourhood of Mill-street?—I was, I am in the habit of valuing land in that sort of way between landlord and tenants and also parishes under composition.
4. Did you receive any directions respecting that valuation ?—No, except saying that where the old tenants had means that we should look out for farms for them according to the capital they had and their means. I got directions to find out the quantity of stock they had.
5. Had the tenantry any considerable stock?—No, they had not, the greater part of them; and from what I understood at the time, they were poor people living in a wretched state in old huts and cabins.
6. Did you make a division of the land after the valuation among the tenants ?—I was ordered to give so and so to the people and strike out the boundaries, and as far as I could I divided it according to the directions I got
7. Did you give in that division, in your opinion, to each tenant a quantity of land according to the stock they had to occupy ?—I think there was as much given to each of them as they were able to manage according to the capital I understood they had.
8. Were there many of those who were obliged to remove on account of the divisions?— No. there were not.
9. Were any of them obliged to remove to the mountain ?—Yes, they were.
10. How many do you think?—I believe five or six; perhaps seven.
11. What became of them?—They got other farms upon other parts of the property.
12. Were there slated houses, or what was the description of the houses upon the property at that time?—The worst description ; poor hovels.
13. What is the state of the houses at present?—There have been a great many slated houses built, and they are all more comfortable.
14. Are they all more comfortable than when you valued the ground?—Yes, they are quite different
15. Has there been much land reclaimed?—Yes.
16. Have they improved much ?—Yes,
17. Do you know from your valuation what amount of rent they paid before ?—in some cases it was less and in some cases more.
18. What was the gross amount of the whole of your valuation; was it more or less than they paid ?— I cannot say, but I think it was less.
19. What encouragement did those who removed to the mountain get to assist them ?— They went asked for no rent at all, and they got lime and limestone, and timber for building their houses. ,
20. Do the tenantry in general agree pretty well among themselves ?—Yes, they do agree very well.
21. Has the farming been much improved ?—Very much ; there has been an entire change in it
22. Are there any limestone quarries in that part of the country?—Yes, there are two now; limestone is very dear there and scarce.
23. Had Mr. Morris a limestone quarry on any part of his property ; has it been worked, and what do the tenants pay for it?—The price paid in the other quarry was from 40s. to 50s. the small 100, which is only twelve tons of limestone. Mr. Morris had let the quarry to a new tenant, and he got Mr. Nash, we understood, to quarry the limestone at 15s., that is what the tenants now pay instead of 40s. to 50s.; and the country people get limestone cheap.
24. Were you present at the signing of a declaration by the tenants on the estate of Mr. Massey relative to the charge made by the Rev. Michael Lane ?—Yes, I was.
25. Did you examine them all upon that occasion, and what was the result of the examination ?—Yes, I did. I read what was charged, and they seemed to be quite astonished ; they said they would take their oaths—they were quite wild about it that they should be charged with any such thing, and I explained it in Irish to those who did not understand it in English, and I saw every one of them sign this paper.

TO INQUIRE INTO THE OCCUPATION OF LAND IN IRELAND

[The witness handed in the following paper:]

“ We, the undersigned tenants on the estates of Massey H. Massey, esq., having heard with surprise that a statement had been made to the commissioners at Macroom that we waited on our parish priest, and requested him to state to them that we were oppressed by our present agent and driver extorting fees, in money, spirits, and sugar, we feel it a duty we owe to them, as well as to ourselves, to declare in the most solemn manner, and we are ready to make affidavit, that neither we or either of us ever called upon the parish priest, or to any one else, to desire him or them to make any such statement. And we solemnly declare, that none of us ever gave or sent spirits, or sugar, or any thing else to our agent, or to any person for him, or ever said that we did ; and that we were never asked by him, or any one for him, directly or indirectly, for any sum or sums of money, except the sum of £5 which we agreed to pay for our leases, which sum was to pay for stamps, drawing, and sending them abroad to be executed; and we were told by our said agent that there was no other claim of any kind in respect of said leases; and although we are aware that Mr. Carnegie paid out of his own pocket for the stamps and for getting the leases executed, the majority of us have not up to this day paid any part of the expenses of said leases. And we further declare, in the strongest manner, that so far from having any charge against Mr. Carnegie, that we are more obliged to him than to any man. He has not only got a certainty of our farms, but has shown us, at great expense to himself, how to drain and irrigate our lands, and to improve them so as to enable us to pay our rents; and only for him many of us should have given up our farms. And as to the statement of Mr. Linchan having distrained us fourteen days before the last September fair in Macroom, for the purpose of making us pay distraining fees to pay for reaping his corn, we declare there is no truth in the statement, for although there were a number of us distrained, there were only five of us on the estate charged with fees, and none of our cattle were sent to pound, nor were any of them sold on the day of sale, and that the whole sum charged was 18s. We are ready to make affidavit of all this; and we feel certain that the statements must have been made to the priest by some malicious person, who may have some interest under Mr. Massey, but who is no regular tenant of his.

Edmond Scriven,	Richard Sharton,	Jeremiah Horgan,
John M'Carthy,	Daniel ^{his} × Horgan,	John ^{his} × Horgan,
Patrick Ryan,	Patrick ^{mark} Healy,	John ^{mark} × Riordan,
John Riordan,	Daniel Casey,	John ^{mark} × Riordan,
Michael Casey,	Daniel ^{his} × Connell,	John Shorton,
Timothy Healy,	Ellen ^{mark} Healy,	Patrick Connell,
Tim. ^{his} × Turvey,	James ^{his} × Gully,	Thomas Scriven,
Johanna ^{her} × Connell,	Timothy Connell,	Cornelius ^{his} × Murphy,
Samuel Scriven,	Margaret ^{her} × Connell,	James Welphy, cottage."
Ellen ^{mark} × Healy,	Timy. Riordan,	
Danl. ^{his} × Murphy,	Matthew Connor,	

26. Do you know whether much money has been laid out by the tenants in the improvement of the estate ?—Yes, from £5,000 to £8,000. They have got now roads where a horse could not pass formerly—it would take them an hour to go a mile.

27. How were those roads obtained ?—By the present Mr. Morris, through Mr. Carnegie himself.

28. Has the example set by those tenants been followed by the others?—Yes; all the mountain that was not worth anything when they took it they have forty tons of hay on it now. We irrigated it, and drew water out of the river.

29. What assistance does the agent give as to draining upon the estate generally ?— He gave them as much instruction as he could. He certainly did every thing in his power. He is most anxious they should improve

30. Does he keep any agriculturist or drainer?—He had proper people to teach the tenants,

31. Were the Protestant tenants that were introduced brought from a distance ?—One was an apothecary in the town, who attended at the dispensary in the town; another was the rector of the parish. None of them came from a distance. I came the furthest off myself. I laid out £700 upon one farm.

32. Was there much anxiety to get farms at that time?—Yes, a great many Protestants wanted to get farms. Some of them got more ground than they had before, but a great many were not disturbed. Those who had means were left on the land.

[The witness withdrew.]

TULLIG WAY

On getting up one morning
At the beginning of an excellent harvest
When looking from the sloping field
On the expanse of my holding
I spied crowds of people
Heading in towards my house
Investigating our land
And calculating to themselves

II

Myself I fell in a fit
No movement was left in my limbs
I was struck dumb
With fright and with horror
My hens were blind
Neither cow nor bull lowed
The cock did not call in the morning
Announcing the day

III

When I came out of my fit
They stopped nearby
FitzGibbon was on horseback
And bodyguards behind him
And he measuring what we had
The fruit of our sweat
A group of men on horseback
Investigating our land
And calculating to themselves

IV

I'll tell you their names
Philpott from Duhallow
Scoundrel of the Maigue
And ugly was his appearance
His grey cloak flapping
And the bottom of it in the mud
Small statured Smith in the saddle
Man of warrants and summonses

V

Nash, in the nobleman's house
A place that had plenty
Where salt had taste
Where wine was in casks
Where information was dispersed
By disinterested gentry
The yelping of hounds in the morning
Heading out into the plain
A fine noble member of the gentry
I wish for all that again

VI

Mangan is happy and comfortable
Down at the bottom of the townland
Cudmore from the city
Down in the middle of his place
Healing disease
And getting paid for it

VII

If Bastable comes
Up to the top of the townland
He won't have his health
And it will be no advantage to him
There is always trouble there
And he will inherit it
But I think he will leave
That place after him

VIII

If ever I'm leaving Aubane side
I'm leaving my blessing there
Oh, it's there I'll find young warriors
Excellent, lively and strong
Who will stand up for me on the day of reckoning