

# IRISH POPULAR POLITICS AND THE MAKING OF THE WYNDHAM LAND ACT, 1901–1903\*

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**ABSTRACT.** *The Wyndham Land Act was the most important land reform introduced by any British government during the period of the Act of Union (1801–1922); and this article provides a new interpretation of the origins of this revolutionary legislation. Whereas previous accounts attribute the Act to the initiative of the Irish chief secretary, George Wyndham, this article locates the legislation in the wider context of both popular and ‘high’ politics. The state of the land question in fin de siècle Ireland is examined, as is the United Irish League’s extensive agitation for compulsory land purchase between 1901 and 1903. Finally, the impact of the agitation on the British government is considered, and the article demonstrates that the Wyndham Land Act was introduced as a result of the United Irish League’s campaign for land reform.*

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In 1901, the Irish chief secretary, George Wyndham, characterized the state of the land problem in the following terms:

In spite of ... some 40 Acts of Parliament, the [Irish] land question is not progressing towards a solution ... Landlordism and political economy were banished from Ireland by the Act of 1881. As a consequence, Ireland ... is fixed for ever in the deplorable conditions of land tenure which obtained there 30 years ago.<sup>1</sup>

In less than two years, however, Wyndham introduced a Land Act which was described by John Redmond, the leader of the Irish Parliamentary Party, as ‘the greatest effort yet made to settle the Irish land question’.<sup>2</sup> The new legislation fundamentally transformed the nature of land holding in Ireland: the Treasury invested over £70 million in Irish land purchase, 200,000 tenant farmers became owner-occupiers under the Act, and the system of dual ownership created by the 1881 Land Act was replaced by a peasant proprietorship. In short, the Wyndham

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<sup>1</sup> George Wyndham, ‘The Irish land question and the need for legislation’, 1901, London, Public Record Office (PRO) Cab 37/59/147.

<sup>2</sup> Hansard 4th series, 25 Mar. 1903, vol. cxx, c. 216.

Land Act was the most far-reaching reform of the Irish land problem introduced by any British government under the Act of Union.<sup>3</sup>

Historians have explained the origins of the Wyndham Land Act in terms of constructive unionism. A number of conservative administrations in the late nineteenth century passed ameliorative Irish legislation with the object of ‘killing Home Rule with kindness’; in other words, legislation was passed with the intention of resolving the social and economic problems which were presumed to be the source of nationalist activism. The Wyndham Land Act is correctly understood by this school as the pinnacle of constructive unionism’s achievement. There is, however, a tendency in the historiography to over emphasize the importance of developments in the political committee rooms at Westminster and Dublin Castle, at the expense of events taking place on the ground in Ireland. In particular, the United Irish League’s (UIL) extensive agitation on behalf of compulsory land purchase between 1901 and 1902 has been neglected by historians in their explanations of the origins of the Act. F. S. L. Lyons, for example, presents the classic statement of this school of thought in *Ireland since the Famine*, and it is worth quoting his account in full:

[Wyndham’s] first attempt [at a Land Bill in 1902] was an ill-considered measure which was wisely dropped, but before he could gather himself for a much more comprehensive bill in 1903 the entire situation was dramatically changed by another of those independent and unofficial Unionist initiatives ... This time ... the credit belonged ... to ... Captain John Shawe-Taylor ... On 2 September 1902 he wrote a short letter to the newspapers inviting certain named representatives of landlords and tenants to meet in conference to bring about a settlement of the long struggle between the two classes ... This letter ... might well have been ignored had not Wyndham given it a benediction ... [I]n December the Land Conference assembled in Dublin ... After only a fortnight’s discussion the Conference produced a unanimous report which ... formed the basis of the Land Act that Wyndham triumphantly passed through parliament during the session of 1903.<sup>4</sup>

In this version of events, Captain John Shawe-Taylor and George Wyndham are elevated to the status of major actors while the extensive UIL agitation and the coercive response which it elicited, are relegated to a background role. It is as if the chief secretary and Shawe-Taylor operated in a vacuum, unaware of the disturbances around them. The origins of the Land Act are discussed in a more subtle and sophisticated manner by Andrew Gailey in his study of constructive unionism, *Ireland and the death of kindness*, but the broad contours of his argument are the same: Wyndham presents his second Land Bill to the cabinet in March 1903, for example, not ‘as a concession to anarchy but as an act of the highest statesmanship’ and the ultimate success of the Bill is described by Gailey as the result of ‘Wyndham’s opportunistic manipulation of Irish politics’.<sup>5</sup>

<sup>3</sup> For a full discussion of the origins and impact of the Wyndham Land Act, see Fergus Campbell, ‘Land and politics in Connacht, 1898–1900’ (PhD, Bristol, 1997), chs. 3 and 4.

<sup>4</sup> F. S. L. Lyons, *Ireland since the Famine* (London, 1971), pp. 217–18.

<sup>5</sup> A. Gailey, *Ireland and the death of kindness: the experience of constructive unionism, 1890–1905* (Cork, 1987), pp. 190, 192.

This interpretation of the origins of the Wyndham Land Act has been accepted by most historians in their accounts of land reform and nationalist politics in Ireland. Both Paul Bew and Philip Bull acknowledge the existence of the UIL's campaign, but underestimate the influence of the agitation on the government.<sup>6</sup> Bew writes, for example, that 'Wyndham's hand was not forced by the UIL – the agitation was visibly losing momentum' and that 'by the summer of 1902 there were clearly many indications of war-weariness on the tenants' side'.<sup>7</sup> Barbara Solow, in her classic account of the Irish land question, also emphasizes the role of conciliatory landlords in calling for a land conference 'to settle the [land] problem once and for all'.<sup>8</sup> Similarly, the biographies of major British and Irish political figures tend to neglect the influence of the UIL agitation on the introduction of Wyndham's second Land Bill.<sup>9</sup> None of these accounts give sufficient weight to the level of agitation which the UIL organized on behalf of compulsory land purchase or sufficient consideration to the effect which the agitation had on the government, the Irish landlords, or Captain John Shawe-Taylor.<sup>10</sup> In this article, it will be argued that the UIL's agitation for compulsory land purchase fundamentally influenced both the timing and the substance of the 1903 Land Act; and that, in order to understand the origins of this legislation, it is necessary to view it in the context of both popular and elite politics.

## I

In 1900, Irish landlords, Irish tenants and the government were all dissatisfied, for different reasons, with the state of the Irish land question. From the landlord's point of view the 1881 Land Act had replaced absolute ownership of land with a system of dual ownership. Under the terms of the Act, the tenant gained a legal right to his tenancy and could claim a fair rent, security of tenure, and compensation for improvements, should he vacate the tenancy for any reason. The landlords were dissatisfied with this primarily because it resulted in a substantial reduction of their income from rent. The Act established land courts which allowed tenants to apply for judicial revision of their rents every fifteen

<sup>6</sup> Paul Bew, *Conflict and conciliation in Ireland, 1890–1910: Parnellites and radical agrarians* (Oxford, 1987), ch. 3; Philip Bull, *Land, politics and nationalism: a study of the Irish land question* (Dublin, 1996), pp. 109–15, ch. 6.

<sup>7</sup> Bew, *Conflict and conciliation*, pp. 98, 96. There is strong evidence that the UIL agitation was gaining momentum in the summer of 1902, see below pp. 14–15.

<sup>8</sup> Barbara Lewis Solow, *The land question and the Irish economy, 1870–1903* (Cambridge, MA, 1971), p. 192.

<sup>9</sup> See Frank Callanan, *T. M. Healy* (Cork, 1996); F. S. L. Lyons, *John Dillon: a biography* (London, 1968); J. V. O'Brien, *William O'Brien and the course of Irish politics* (Berkeley, 1976); Catherine B. Shannon, *Arthur J. Balfour and Ireland, 1874–1922* (Washington, 1988); and Sally Warwick-Haller, *William O'Brien and the Irish Land War* (Dublin, 1990).

<sup>10</sup> Since the dissemination of an earlier version of this article, 'Popular politics and the making of the Wyndham Land Act, 1901–1903', delivered at Hertford College, Oxford, in February 1997, historians have begun to acknowledge the influence of the UIL agitation on the 'making' of the Land Act. See Charles Townshend, *Ireland: the 20th century* (London, 1999), p. 18.

years. By 1900, most landlords had suffered two waves of rent revisions (in 1882 and 1897) which had reduced their incomes (from rent) by an average of 38 per cent. If no new land legislation was introduced before 1912, they could look forward to a further revision in that year, and an overall reduction of 50 per cent.<sup>11</sup>

By the turn of the century, the majority of Irish landlords had accepted that they would not be reinstated as the absolute owners of their estates, and recognized that their best option would be to sell their land under the Land Purchase Acts.<sup>12</sup> As things stood, however, this was also an unsatisfactory proposal. If the landlords sold their estates under the existing land purchase legislation, they would be paid in government land stock, the value of which had depreciated considerably since the outbreak of the Boer War.<sup>13</sup> The Irish landlords were thus confronted with two unattractive courses of action: they could either endure the reductions in their annual income of up to 38 per cent, or sell their estates under the Land Purchase Acts at a considerable loss. In this climate, it was only those landlords who could not afford to accept a reduced income from their land and those in a state of serious indebtedness who were inclined to sell their estates.<sup>14</sup> The 'average' Irish landlord was holding on to his land and hoping that new legislation would be introduced so that he could sell his land for a better price.

In the interim, a number of landlords had discovered a means of supplementing their diminishing incomes by keeping as much of their land as possible outside the operation of the 1881 Act. In particular, it was their untenanted land which they now attempted to let for rentals which were determined by market demand rather than by the land courts. The land courts were authorized to fix fair rents on permanent tenancies, that is, tenancies of twelve months or more; impermanent tenancies, or tenancies of less than twelve months, were outside the jurisdiction of the Act. Landlords capitalized on this legal loophole by leasing as much of their untenanted land as possible on eleven-month leases, which were not liable to the periodical revisions of the land courts. So widespread did this type of lease become, that contemporaries began to describe it as the 'eleven-month system'. In Ireland in 1901, there were 11,500,000 acres of grazing lands, most of which were let by landlords to graziers (or large tenant farmers) on eleven-month leases, for rents which were far higher than those 'fixed' in the land courts.<sup>15</sup> The eleven-month system appeared to be the salvation of the landlords, but it also contributed to the formation of a further threat to their economic and political position: the UIL.

The UIL was founded by William O'Brien in 1898 at Westport, with the object of redistributing the landlord's untenanted land among the impoverished smallholders of the west of Ireland. In 1900, over a quarter of the Irish tenants lived on 'congested' holdings, which were defined by Wyndham as 'holdings which are

<sup>11</sup> PRO Cab 37/59/147.

<sup>14</sup> *Ibid.*

<sup>12</sup> *Irish Times*, 11 Apr. 1902.

<sup>15</sup> *Ibid.*

<sup>13</sup> PRO Cab 37/59/147.

too small to support a family'.<sup>16</sup> The UIL aimed to pressurize the government into introducing compulsory land purchase, which would force landlords to sell their tenanted and their untenanted land to the Irish tenant farmers. The 1881 Land Act had improved the circumstances of the Irish tenants to a certain extent: they could no longer be evicted at the whim of the landlord, although they could be evicted for non-payment of rent, and they could apply to the land court for a judicial revision of their rent.<sup>17</sup> But security of tenure and a paltry revision of rent made little difference to a farmer whose land holding was both too small and too poor in quality to sustain a family. Moreover, the 1881 Act had resulted in the development of the eleven-month system so that untenanted grazing land was even less accessible to the small tenant farmer in 1900 than it had been in 1880. By the turn of the century, then, there were few legal opportunities for the congested tenants to enhance the economic viability of their holdings. As Wyndham observed in 1901, 'the [UIL] agitators said to the miserable people of Mayo, "nothing is being done by the C. D. Board [the Congested Districts Board] and you must act for yourselves"'.<sup>18</sup> In this climate, the UIL's agitation for compulsory land purchase gained a large amount of support.

In November 1900, then, when George Wyndham became the Irish chief secretary, he was confronted by widespread dissatisfaction with the state of the land problem. Landlords felt that they were being treated unfairly by the existing legislation, and wanted the government to introduce a new Land Purchase Act which would enable them to sell their estates at a reasonable price. The small tenant farmers, on the other hand, were living on land holdings which could not provide them with a decent standard of living and they aimed to force the government to introduce compulsory land purchase, which would enable them to increase the size of their land holdings and become owner-occupiers.

From the outset, Wyndham was committed to addressing these problems and devising a legislative solution to the land question. He was informed by the conviction that a 'peasant proprietorship ... was the indispensable condition of national peace', and that land purchase was the 'only escape from a system of dual ownership, with which all parties are increasingly dissatisfied'.<sup>19</sup> Although he was genuinely committed to improving the living standards of the Irish tenantry, his motivation was political rather than humanitarian. His view of the people of Connacht was inspired by Social Darwinism: the congested districts were 'centres of racial deterioration' and he hoped that a combination of natural selection and social reform would transform the 'obscene reptiles' of this 'backwater' into a

<sup>16</sup> Ibid.

<sup>17</sup> See Oliver MacDonagh, *States of mind: a study of Anglo-Irish conflict, 1780-1980* (London, 1983), pp. 48-9.

<sup>18</sup> Wyndham to Balfour, 13 Jan. 1901, London, British Museum (BM), Balfour papers, Add. MS 49803.

<sup>19</sup> J. W. Mackail and Guy Wyndham, *The life and letters of George Wyndham* (London, 1925), p. 83; PRO Cab 37/59/147.

‘part of the aryan race’.<sup>20</sup> Even so, Wyndham formulated a series of insightful policies which he believed would transform the Irish land question. He proposed a ‘grand scheme’ of government subsidized land purchase, where landlords would be paid a fair price for their estates in cash, tenants would pay an annuity which was at least 20 per cent less than their rent, and congested holdings would be improved and expanded at the government’s expense. However, Wyndham did not have the power to introduce these reforms himself, and he experienced considerable opposition, particularly from the Treasury, when he requested a government investment of £70 million to solve the land problem. In the event, agrarian agitation played a decisive role in persuading the government to introduce a new Land Act and it is necessary, therefore, to examine the nature and the extent of the UIL’s agitation on behalf of compulsory land purchase between 1901 and 1902.

## II

The UIL’s agitation for compulsory land purchase was launched by William O’Brien and John Redmond at a meeting at Westport on 1 September 1901. At this meeting, William O’Brien explained the objective of the new agitation:

It is my solemn conviction that unless the people take the matter [the proposed land legislation] into their own hands this winter and open the eyes of the Government by very vigorous measures; ... the Government will come down next session with a Land Purchase Bill that might as well be drafted in Lord Sligo’s rent office ... I can see only one remedy, and that is, that every branch of the League in the West should take action in their own parish and ... [boycott] every obstructing landlord ... People may say to me that would be to throw half the country into a blaze. My answer is so much the better if the whole country were in a blaze. Will anybody tell me how otherwise anything has ever been won or will ever be won for Ireland?<sup>21</sup>

O’Brien was aware that the new chief secretary was in the process of drafting a new Land Bill to resolve the myriad problems generated by the 1881 Act, and he was keen to ensure that the new legislation would favour the tenant rather than the landlord. In the absence of tenant pressure, O’Brien believed that Wyndham and the government would draft a Land Purchase Bill designed to placate the aggrieved landlords without addressing the plight of the tenants and, particularly, the small tenant farmers of Connacht.<sup>22</sup>

O’Brien’s strategy for the new agitation was based on the assumption that an increase in the amount of boycotting in Ireland would force the government to intervene in order to restore the authority of the law. As a veteran of the Land War (1879–81) and the Plan of Campaign (1886–91), O’Brien had an intimate knowledge of government responses to Irish agitations and could therefore guess

<sup>20</sup> George Wyndham, cabinet memorandum on the land question, 8 Oct. 1902, PRO Cab 37/62/139; Gailey, *Death of kindness*, p. 165.

<sup>21</sup> *Irish People*, 7 Sept. 1901.

<sup>22</sup> *Ibid.*

at the likely response of the government to a campaign which systematically encouraged boycotting. The legislative response to the Irish Land War epitomized the attitude of the British to the government of Ireland in the late nineteenth century: a Coercion Act (the Peace Preservation Act of March 1881) was introduced first, followed by a conciliatory measure, Gladstone's second Land Act of August 1881. This combination of coercion and conciliation became the staple British response to Irish 'disturbances' in the years following the Land War.<sup>23</sup> A less experienced agitator than O'Brien could have guessed that the likely government response to the new agitation would be an admixture of coercion and conciliation; but O'Brien had a particularly extensive experience of British responses to Irish agitations which enabled him to manipulate the law to the advantage of the UIL. As George Wyndham explained, O'Brien 'was extremely astute in ... [his] understanding of the law and in waging a sophisticated political campaign throughout the West in which the traditional (and illegal) pursuits of agrarian agitation were suppressed'.<sup>24</sup>

The campaign for compulsory purchase comprised two inter-linked strategies. First, the UIL branches were to increase the level of boycotting in Ireland and thereby undermine the authority of the law in an increasingly large area. Second, the Irish Parliamentary Party MPs were to articulate the political demand of the agitation in the House of Commons. John Redmond and the Irish MPs were responsible for explaining the demand of the agitation and, as Parnell had done during the Land War, of threatening the government with renewed agitation if the tenants' demands were not conceded. After the initiation of the new campaign at Westport in September 1901, Redmond told the Commons that 'this agrarian trouble which has arisen in the West ... could be stopped tomorrow if the Government simply gave a hope to those people that in the near future they would obtain the concession of their demand [compulsory land purchase]'.<sup>25</sup> O'Brien calculated that Wyndham's hand would be forced by a joint campaign of civil disturbance and parliamentary agitation. The government could not ignore what it perceived as 'lawlessness' and would be compelled to introduce new legislation if the 'disturbance', created by the UIL, expanded over a substantial portion of the country. In response to this 'disturbance', O'Brien believed that the government would introduce compulsory land purchase.

This was the theory of the new UIL agitation, but how did the campaign work in practice? After September 1901, the Irish Parliamentary Party MPs, UIL organizers and the nationalist press worked together to increase the amount of boycotting in Ireland. At public meetings throughout the country, a number of MPs, including Redmond and Dillon, openly advocated the boycotting of named individuals. Redmond, although usually committed to keeping the agitation 'well within the laws both of God and man', presided at an illegal meeting at Kilmaine,

<sup>23</sup> Gailey, *Death of kindness*, p. 181.

<sup>24</sup> *Ibid.*, p. 178.

<sup>25</sup> Hansard, 4th series, 13 Mar. 1902, vol. civ, c. 1305.

County Mayo, called to intimidate a 'grabber' in the locality; the meeting was violently dispersed by a police baton charge.<sup>26</sup> In November, Dillon indulged in violent rhetoric at Roscommon, calling on his audience to: 'band yourselves together in a ... fighting organisation. Make it hot for the graziers and grabbers.'<sup>27</sup> Seven of the Home Rule MPs became paid UIL organizers in 1901 and toured the country making speeches in favour of boycotting and intimidation.<sup>28</sup> The nationalist press was equally influential in expanding the area of disturbance in Ireland. Both the national and the provincial press reported the speeches of Irish MPs, and the pro-boycotting resolutions of UIL branches.<sup>29</sup>

The cumulative effect of the new campaign was a dramatic increase in both the number and the influence of UIL branches. The number of branches increased by 18 per cent (between July 1901 and March 1902) and the total number of boycotted persons increased by 38 per cent (between September 1901 and March 1902).<sup>30</sup> There was also a substantial rise in the number of UIL meetings being held: the average number of meetings held each month in 1901 was twenty-seven, while the average number of meetings held each month in 1902 was eighty-one.<sup>31</sup> In terms of the anti-grazier agitation, the League became demonstrably more effective in the course of the new campaign: forty-one grazing farms were unlet due to UIL influence in September 1901 and by March 1902, this had increased to seventy-four.<sup>32</sup> At an electoral level, the League won a decisive victory in the 1902 local government elections: 57 per cent of the new county councillors were members of the League, while in Connacht 83 per cent of county councillors were Leaguers.<sup>33</sup>

By the early months of 1902, Neville Chamberlain, the inspector general of the Royal Irish Constabulary, was in a state of panic regarding the UIL. In his estimation, there was a 'general interference with the liberty of the subject' in

<sup>26</sup> Inspector general (IG) monthly report, Oct. 1901, PRO CO 904/73.

<sup>27</sup> The confidential print, Nov.–Dec. 1901, PRO CO 903/8/762.

<sup>28</sup> The confidential print, Oct. 1899–Oct. 1900, PRO CO 903/8/434-5.

<sup>29</sup> Detective Inspector Winder, memorandum on the progress of the UIL, 7 Aug. 1901, Dublin, National Archives (NA) CBS, 1901, 24995/S box 19.

<sup>30</sup> 'Summary return of United Irish League branches in existence on 1st July 1901', PRO CO 904/20/432-3; 'Summary return of United Irish League branches in existence on the 31st March 1902', PRO CO 904/20/426-7; 'Return showing the results arising from the influence of the United Irish League (30th September 1901)', the confidential print, Oct. 1900–Oct. 1901, PRO CO 903/8/734; 'Return showing the results arising from the influence of the United Irish League to 31st March, 1902', the confidential print, 1902, PRO CO 903/9/378.

<sup>31</sup> Calculated from the number of UIL meetings recorded in the confidential print, Oct. 1900–Oct. 1901, PRO CO 903/8, and the confidential print, 1902, PRO CO 903/9.

<sup>32</sup> 'Return showing the results arising from the influence of the United Irish League (30th September 1901)', the confidential print, Oct. 1900–Oct. 1901, PRO CO 903/8/734; 'Return showing the results arising from the influence of the United Irish League to 31st March, 1902', the confidential print, 1902, PRO CO 903/9/378.

<sup>33</sup> 'Local government elections, 1902: I Table showing number of members of United Irish League elected', the confidential print, 1902, PRO CO 903/9/380.



eleven counties; and in January 1902, he wrote, with some trepidation:

I am informed by the senior officers of the Royal Irish Constabulary who have had experience of a somewhat similar condition of things in former years, that they consider the general peace of the country is distinctly endangered by these methods of the UIL, that they are of opinion that the ordinary law is inoperative against such methods, and that they feel the time has arrived for considering whether prompt and summary steps should not be adopted to restore order and to establish confidence in the power of the law. In these opinions I concur.<sup>34</sup>

Chamberlain was, however, an inexperienced inspector general. He had been in office for only eighteen months and prior to that had no experience of Irish affairs.<sup>35</sup> He was bewildered by the UIL and unsure how it could be policed effectively. Other officials in the Irish Office felt that he was prone to exaggeration and on one occasion he was told by the under secretary to rewrite his monthly report on the grounds that it was too pessimistic.<sup>36</sup> It is necessary, therefore, to test Chamberlain's description of the state of Ireland in early 1902, by undertaking a case study of one of the disturbed districts, the East Riding of County Galway.

The UIL was first formed in East Galway in 1899.<sup>37</sup> Two years later (in June 1901), there were thirty-two branches of the League, with 2,800 members, about 22 per cent of the total adult male population, and the Riding was recognized as a 'disturbed area'.<sup>38</sup> The UIL established itself particularly firmly in the Riding because it contained many grazing farms and a large number of congested tenants to whom the UIL's agrarian programme 'forcibly appealed'.<sup>39</sup> After the announcement of the campaign for compulsory land purchase in September 1901, the county MPs, the local UIL organizers and the regional press began a comprehensive agitation to increase the level of disturbance in the Riding. The two MPs in the Riding, John Roche and William Duffy, were both prosecuted and imprisoned in the course of 1902 for making public speeches in support of boycotting and intimidation.<sup>40</sup> The UIL organizers were even more vocal in their incitements to increased agitation. In particular, James Lynam, who had been evicted from the Clanricarde estate in 1887 and was a member of the Irish Republican Brotherhood (IRB), had a reputation for making 'violent speeches'; and as a result of a speech he made at Ballygar in December 1901, a local grazier

<sup>34</sup> IG monthly report, Feb. 1902, PRO CO 904/74.

<sup>35</sup> See Charles Townshend, *Political violence in Ireland: government and resistance since 1848* (Oxford, 1983), pp. 230–1.

<sup>36</sup> IG monthly report, Nov. 1903, NA CBS IGCI/4.

<sup>37</sup> The confidential print, 1905, PRO CO 903/12/72.

<sup>38</sup> 'Approximate numerical strength of secret societies and other nationalist associations for year ending 31st December 1898'; 'Approximate numerical strength of secret societies and other nationalist associations for year ending 31st December 1899'; 'Approximate numerical strength of secret societies and other nationalist associations for year ending 31st December 1900'; 'Approximate numerical strength of secret societies and other nationalist associations for year ending 31st December 1901', NA CBS, 1902, 26268/S box 20; memorandum on 'Disturbed areas', submitted by David Harrel to chief secretary, 22 June 1901, NA CBS, 1901, 24930/S box 19.

<sup>39</sup> The confidential print, 1905, PRO CO 903/12/72.

<sup>40</sup> Register of public UIL meetings held in Ireland, 1902–5, PRO CO 904/19.

gave up his farm.<sup>41</sup> The local press reinforced the power of the League in the Riding. The names of boycotted persons were published in the pages of the *Western News* and the *Loughrea and Athenry Guardian*, as were 'intimidatory resolutions' passed by the local League branches. As a result, William Hastings, the editor of the *Western News* was prosecuted for 'publishing a boycotting article against graziers'.<sup>42</sup>

As a result of the League's agitation, the county inspector observed in February 1902 that:

The state of the Riding is satisfactory as far as freedom from outrage and serious crime is concerned ... I cannot say, however, that men can go about their lawful business without hindrance or interference ... Men dare not take grass farms, some of which were let in 1900. The absence of boycotting and intimidation is due less to the growth of a law-abiding spirit than to the fact that such practices are unnecessary to compel submission to the UIL. As a rule people make no effort to resist its influence or ignore its dictates.<sup>43</sup>

The most significant problem, from the county inspector's point of view, was that the so-called 'law of the UIL' appeared to be superseding the 'law of the land' in the region. It was virtually impossible to gain information from the community as to who was responsible for the illegal strategies which the UIL used to 'enforce its dictates'. As early as August 1900, the county inspector observed that:

The police labour under the greatest difficulties in obtaining information in agrarian cases in this county. The people ... have a horror of appearing to assist the police and much prefer to thwart their efforts. In the few cases where information has been obtainable, no person on earth would induce the informants to give evidence.<sup>44</sup>

The problems encountered by the Royal Irish Constabulary in their endeavours to uphold the law are illustrated in the following case study of their attempt to prosecute the UIL branch at Craughwell.

The Craughwell branch of the UIL initiated a campaign against the local graziers in the spring of 1900.<sup>45</sup> In April, the branch posted threatening letters to all the graziers in the locality, demanding that they give up their grazing tenancies.<sup>46</sup> Those graziers who refused to comply with the League's demands were systematically boycotted and intimidated by the League. James Kelly and Richard Allen, for example, who refused to give in to the League's wishes, had shots fired through their windows; crowds assembled outside their doors who shouted and booed at them; and 'imitation' coffins were dug into the ground

<sup>41</sup> 'Return of paid organisers of the United Irish League', the confidential print, Oct. 1899–Oct. 1900, PRO CO 903/8/434-5; County inspector (CI) monthly report, East Galway, Dec. 1901, PRO CO 904/74.

<sup>42</sup> The confidential print, 1902, PRO CO 903/9/488.

<sup>43</sup> CI monthly report, East Galway, Feb. 1902, PRO CO 904/74.

<sup>44</sup> CI monthly report, East Galway, Aug. 1900, PRO CO 904/71.

<sup>45</sup> File on 'The Craughwell conspiracy', 1901, NA CBS, 1901, 24770/S box 19.

<sup>46</sup> Copy of letter received by Solomon Watson from the Craughwell UIL, NA CBS, 1901, 24770/S box 19.

outside their houses.<sup>47</sup> Not surprisingly, they gave up their grazing tenancies as a result of this intimidation, and succumbed to the demands of the local UIL.

The success of the UIL in Craughwell created a problem for the local Constabulary, who were unable to protect farmers who exercised their legal right to lease grazing land. In January 1901, the county inspector expressed his exasperation at the paralysis of the ordinary law in the Craughwell area: 'The sufferers ... [of] terrorism ... can't be induced to support the ordinary law, because they have absolutely no faith in its power to protect them.'<sup>48</sup> In this climate, the local police were becoming desperate and, in an attempt to secure a prosecution of the branch, Sergeant Costello entered the League room during a meeting in January 1901 and forcibly seized the books and papers which he found there.<sup>49</sup> The county inspector hoped that these items of evidence, which he told the inspector general had been collected 'by dint of patience and perseverance', would result in a successful prosecution of the League for criminal conspiracy.<sup>50</sup> However, the law officers did not share the county inspector's optimism. The bulk of the evidence against the Craughwell UIL was the minute book which Sergeant Costello had seized. It contained the names of persons who held grazing tenancies, and against the names of those persons who had been intimidated, a tick had been placed. In the estimation of the crown solicitor, a conspiracy 'to compel occupiers to give up grazing farms' undoubtedly existed but it would be difficult to bring a case against the defendants on this evidence alone.<sup>51</sup>

The greatest obstacle confronting the local police was the reluctance of the victims to give evidence against their assailants. This was most apparent at the hearing of the case at Athenry Petty Sessions on 8 March. Richard Allen, who had told the police in November 1900 that he had been 'charged' with grazing the Talleroe farm at a League meeting to which he had been summoned: 'swore he was never summoned to attend a meeting of the League, that he was never charged before the League with having taken Talleroe grass farm and that he did not remove his cattle off this farm owing to the action of the League'.<sup>52</sup> James Kelly 'swore the same' but his earlier statements to the police suggest why he did not assist the crown prosecution. On 28 November he told the local Constabulary that he had attended a meeting of the local UIL where he had 'overheard' some remarks, one of which suggested that 'if I am examined to give evidence against the League, its as well for me to throw myself into the Thurlough [sic] or brake

<sup>47</sup> Crown solicitor's report, 'R. v. Connolly, Clasby, and others', submitted to under secretary, 29 May 1901, NA CBS, 1901, 24770/S box 19.

<sup>48</sup> CI monthly report, East Galway, Jan. 1901, PRO CO 904/72.

<sup>49</sup> Crown solicitor's report, 'R. v. Connolly, Clasby, and others', submitted to under secretary, 29 May 1901, NA CBS, 1901, 24770/S box 19.

<sup>50</sup> CI monthly report, East Galway, Jan. 1901, PRO CO 904/72.

<sup>51</sup> Crown solicitor's report, 'R. v. Connolly, Clasby, and others', submitted to under secretary, 29 May 1901, NA CBS, 1901, 24770/S box 19.

<sup>52</sup> Sergeant J. O'Connor, report of the Craughwell conspiracy case at Athenry Petty Sessions, 8 Mar. 1901, submitted to the county inspector on 10 Mar. 1901, NA CBS, 1901, 24770/S box 19.

[sic] up my house'.<sup>53</sup> By the following January, his memory was fading, as he told the police: 'I attended the League several times. I could not give any date. I don't [sic] know what was said to me in the League room or who was there. My memory is sometimes not very good. I have nothing to say ... A man has a conscience to save.'<sup>54</sup>

The changes in Kelly's statements indicate that he was pressurized into concealing the identity of those who had intimidated him into giving up his grass land. This is confirmed by Sergeant O'Connor's report of the proceedings at the hearing: 'It was the general opinion in court that these witnesses were perjuring themselves, and that they were doing so through fear of the League and its agents. When they made replies favourable to the accused, the civilians present smiled and looked at each other.'<sup>55</sup> One grazier who had been intimidated by the Craughwell UIL, Anthony Ryan, was summoned as a crown witness but did not attend because 'he knew he would have to perjure himself in order to please the Craughwell Leaguers, and, being, as he is, subject to epileptic fits, he was afraid of dying after having perjured himself, before he could repent'.<sup>56</sup> The magistrates returned the defendants for trial to the Summer Assizes in July, but the law officers decided in June that the case was 'not one that could be presented at Assizes with a reasonable prospect of success' and the prosecution was dropped.<sup>57</sup>

This case illustrates the problems which the police confronted in their attempt to uphold the law in the 'disturbed' districts. By the early months of 1902, it was clear that the 'ordinary law' was inoperative in East Galway and that the UIL, in the words of the county inspector, 'controlled the whole affairs of the Riding'.<sup>58</sup> On the evidence of one of the disturbed districts, then, Chamberlain's diagnosis of the state of Ireland in February 1902 was correct. It was now the responsibility of the government, and particularly the chief secretary, to decide on a policy which would restore the authority of the law in the disturbed districts.

### III

Wyndham spent his first two years in office considering the question of land reform. He believed that extensive land purchase would satisfy both landlord and tenant. In two cabinet memorandums, he outlined a scheme whereby the landlord would be paid a sum in cash that he could reinvest, and which would provide him with an income comparable to that which he had gained from his

<sup>53</sup> First statement of James Kelly to Sergeant Costello, 28 Nov. 1900, NA CBS, 1901, 24770/S box 19.

<sup>54</sup> Second statement of James Kelly to Sergeant Costello, 28 Jan. 1901, NA CBS, 1901, 24770/S box 19.

<sup>55</sup> Sergeant J. O'Connor, report of the Craughwell conspiracy case at Athenry Petty Sessions, 8 Mar. 1901, submitted to the county inspector on 10 Mar. 1901, NA CBS, 1901, 24770/S box 19.

<sup>56</sup> *Ibid.*

<sup>57</sup> Minute on Craughwell conspiracy, submitted by under secretary to inspector general, 3 June 1901, NA CBS, 1901, 24770/S box 19.

<sup>58</sup> CI monthly report, East Galway, Apr. 1902, PRO CO 904/75.

land. The tenant, on the other hand, would pay an annuity which was at least 20 per cent less than his current rent; and the government would pay the difference between what the tenant paid and what the landlord would accept. In addition, congested holdings would be consolidated and improved at the government's expense, so that they would provide congested tenants with an adequate living. In this way, both landlords and tenants would be tempted into land purchase agreements, and the present 'deadlock', which Wyndham described as profiting 'no-one except the Nationalist agitator', would be overcome.<sup>59</sup>

If Wyndham's proposals were to become law, he required the support of the Irish Parliamentary Party, both to assist the passage of the Bill in the House, and to gain acceptance for the Bill in Ireland. He feared that if the government adopted a coercive response to the UIL, the 'moderate' wing of the Irish Nationalist movement, which supported his proposals, would lose its influence to the 'extremists', who were opposed to conciliatory land legislation.<sup>60</sup> Wyndham, therefore, played down the extent of the League's agitation in his reports to the cabinet. He told Hicks Beach, for example, that the agitation had been 'deliberately exaggerated by a press campaign'.<sup>61</sup> By the spring of 1902, this was an increasingly difficult position to maintain; and a rift began to emerge between Wyndham and the coercionists in both the Irish Office and the cabinet.

In March 1902, the viceroy, Lord Cadogan, submitted a report to the cabinet stating that: 'the ordinary law is ... powerless to supply a remedy ... The only further remedy is to be found in the clauses of the Crimes Act, and I am of opinion that the time has now arrived for putting in force ... the provisions of that Act.'<sup>62</sup> Wyndham was infuriated by Cadogan's intervention. He had worked hard to formulate a considered Irish policy, and resented the viceroy's attempt to reintroduce the Crimes Act. The other senior officials in the Irish Office were, however, more inclined to agree with Cadogan. David Harrel, the under secretary, was 'greatly perturbed at the decline in law and order'; and Neville Chamberlain, the inspector general, observed, with characteristic understatement, that the state of Ireland was 'unparalleled in any civilized country at the present time'.<sup>63</sup> The London press were also calling on the government to restore law and order in Ireland, and to proclaim the UIL.<sup>64</sup>

In the course of March, Wyndham worked tirelessly to introduce a Land Bill which might placate the UIL's agitation and render the introduction of the Crimes Act unnecessary. On 25 March, his first Land Bill was introduced, but it did not contain a number of the proposals which he had made in his cabinet memorandums. In particular, Hicks Beach, the chancellor of the Exchequer,

<sup>59</sup> PRO Cab 37/59/147 and Cab 37/62/139.

<sup>60</sup> Wyndham to Balfour, 26 Nov. 1900, BM Balfour papers, Add. MS 49803.

<sup>61</sup> Wyndham to Hicks Beach, 7 Mar. 1902, Gloucestershire Record Office (GRO), Hicks Beach papers, PCC/88.

<sup>62</sup> Lord Cadogan, cabinet memorandum on the state of Ireland, 10 Mar. 1902, PRO Cab 37/61/58.

<sup>63</sup> Gailey, *Death of Kindness*, p. 180; IG monthly report, Feb. 1902, PRO CO 904/74.

<sup>64</sup> Gailey, *Death of Kindness*, p. 180.

refused to allow the tenant's purchase annuity to be reduced, given the additional cost that this would incur for the Treasury. Overall, the Bill attempted to accelerate land purchase, but it did so by making purchase more attractive to the landlords, and less attractive to the tenants. For this reason, O'Brien described the Bill as 'not one to abolish landlordism, but to reinforce it', and the Irish Party rejected it *tout court* as an inadequate and insubstantial measure.<sup>65</sup>

The advantage now fell to the coercionists in the cabinet, and on 16 April, nine counties and two county boroughs were proclaimed under the Crimes Act.<sup>66</sup> The Act was intended to restore the primacy of the law in Ireland, primarily by making it easier to prosecute agrarian offenders. Under the provisions of the Act, serious offences could be tried by two crown-appointed resident magistrates, as opposed to a jury; and the venue of a trial could be moved from the county where the offence had taken place.<sup>67</sup> As a result of these provisions, there were a large number of successful prosecutions of agrarian offenders. Of 186 persons proceeded against under the Crimes Act from 10 August 1901 to 21 January 1903, 144 (77 per cent) were convicted.<sup>68</sup> Ostensibly, the law was now being upheld in the disturbed counties, but Wyndham believed that these measures would advertise rather than demoralize the UIL.

He was proved correct when, on 27 June, the National Directory of the UIL decided that a new agitation should be undertaken in favour of a more far-reaching Land Bill. This effectively renewed the agitation initiated in September 1901, which had been held in abeyance while the Land Bill was discussed in parliament. The leadership of the Party placed itself behind the renewed campaign. At a crucial UIL Convention in Limerick on 5 July, both Redmond and O'Brien advocated a new campaign of boycotting against landlords and graziers.<sup>69</sup> In the House of Commons, Redmond warned the government that the agitation would continue until compulsory land purchase was introduced:

[the Chief Secretary] is not prepared at the present moment, to introduce a compulsory Bill; popular agitation in Ireland is not yet a sufficiently strong power, or perhaps, I might say, not quite menacing and dangerous enough ... and we may have half a day wasted in a description of the details, and ... the right hon gentleman will go back to Ireland to get another lesson on the land question, and next year we may get compulsory purchase.<sup>70</sup>

<sup>65</sup> Sally Warwick-Haller, *William O'Brien and the Irish land war* (Dublin, 1990), p. 216.

<sup>66</sup> In April 1902, Cavan, Clare, Cork, Leitrim, Mayo, Roscommon, Sligo, Tipperary, Waterford, and the county boroughs of Cork and Waterford were proclaimed under the Crimes Act. See the confidential print, 1902, PRO CO 903/9/235.

<sup>67</sup> For a summary of the reforms in the criminal justice system which the Crimes Act introduced, see PRO CO 904/121.

<sup>68</sup> 'Criminal Law and Procedure Act: summary of prosecutions instituted since formation of the United Irish League, and up to 31st December, 1902', the confidential print, 1902, PRO CO 903/9/776-84.

<sup>69</sup> Memorandum on 'Alleged new Plan of Campaign', submitted by David Harrel to lord lieutenant, 14 July 1902, NA 999/619/4. <sup>70</sup> Hansard, 4th series, 23 Jan. 1902, vol. ci, c. 703.

As a result of the renewed agitation, between March and December 1902, the number of unlet grazing farms increased from seventy-four to seventy-six and the number of instances of ‘grabbers’ paying compensation to evicted tenants increased from twenty-nine to thirty-six.<sup>71</sup> Cumulatively, the renewed agitation created a greater level of disturbance than that which had existed in the spring of 1902. Chamberlain observed in October that there was a significant amount of boycotting in ten counties and that: ‘In many parts of Ireland widespread and unconcealed disloyalty exists, and is encouraged by many of those who are leading the people ... The agitation for a measure of compulsory purchase continues in an acute form all over Ireland.’<sup>72</sup> The government responded once again with coercive legislation and, at the end of the summer, six more counties and two county boroughs were proclaimed under the Crimes Act.<sup>73</sup>

The UIL’s agitation was also taking its toll on the Irish landlords. On 7 April, a number of prominent landlords, including the duke of Abercorn, the marquis of Waterford, Lords Ashtown and Clonbrock, and the Right Honourable Smith-Barry combined to form the Irish Land Trust. The Trust aimed to resist tenant combinations, and to assist landlords in their attempts to stock evicted and boycotted farms.<sup>74</sup> By the autumn of 1902, however, a number of ‘moderate’ landlords were beginning to recognize that an agreed settlement was their best option, and they decided to meet in conference with representatives of the tenants to negotiate a solution to the land question.

The spark for the conference came from a County Galway landlord, Captain John Shawe-Taylor, who wrote to *The Times* in September suggesting a conference of landlord and tenant representatives. Like his aunt, Lady Gregory, he held views which were atypical of the class from which he came. He supported land purchase, believing that once the land question was solved, landlords and tenants could work together in the ‘social and national uplifting of the country’.<sup>75</sup> To understand the evolution of Shawe-Taylor’s unusual views on the land question, it is necessary to consider the influence of the East Galway locale on his thinking.

As we have seen, the East Riding of County Galway was one of the most disturbed parts of Ireland in the course of the new UIL agitation. The closest branch of the UIL to the Shawe-Taylor residence at Castle Taylor was that at Craughwell. This was one of the most active branches in the county. It is unlikely that John Shawe-Taylor and his brother Frank, who was a prominent grazier in the county, could have remained unaffected by the agitation in their immediate

<sup>71</sup> ‘Return showing the results arising from the influence of the United Irish League to 31st March 1902’, the confidential print, 1902, PRO CO 903/9/378; ‘Return showing the results arising from the influence of the United Irish League to 31st December 1902’, the confidential print, 1902, PRO CO 903/9/750.

<sup>72</sup> IG monthly report, Oct. 1902, PRO CO 904/76.

<sup>73</sup> In September 1902, Galway, King’s, Limerick, Longford, Queen’s, Westmeath, and the county boroughs of Dublin and Limerick were proclaimed under the Crimes Act. See the confidential print, 1902, PRO CO 903/9/487.

<sup>74</sup> *Irish Times*, 7 Apr. 1902.

<sup>75</sup> John Shawe-Taylor to John Dillon, 8 Aug. 1904, Trinity College Dublin Archive, Dillon papers, 6773/726.

locality. The intensity of the agitation in East Galway provided a powerful stimulus for John Shawe-Taylor to write his letter to *The Times* and it is likely that the other 'moderate' landlords who attended the Land Conference were similarly influenced by the high level of agitation generated by the UIL during 1901 and 1902.

The Land Conference was held, with Wyndham's blessing, in the Mansion House in Dublin in December. On 3 January 1903, a report of the Conference was published which stated that:

It is expedient that the land question in Ireland be settled ... without delay ... The existing position of the land question is adverse to the improvement of the soil of Ireland ... and constitutes a grave danger to the State ... Such settlement can only be effected ... by the substitution of an occupying proprietary in lieu of the existing system of dual ownership.<sup>76</sup>

The Conference report went on to adopt most of the proposals which Wyndham had made in his cabinet memorandums on the Irish land question.<sup>77</sup> Landlords were to be paid an 'equitable' price for their estates based on their income; and tenants were to pay an annuity which was at least 15 per cent less than their rents. The difference was to be paid by the Treasury. Wyndham was delighted by the result of the Conference and began preparing a new Land Bill which would adopt its proposals.

In March 1903, Wyndham brought his second Land Bill before the House of Commons. It was a very different measure to the Bill which he had introduced in March 1902. The tenant's annuity was reduced so that it would be at least 20 per cent and not more than 40 per cent less than his rent. Untenanted land was also to be included in the purchase arrangements under the new Bill. To compensate the landlords for the loss which they would incur from the lower annuity, they were to be paid a bonus of 12 per cent on the total purchase price, which would be drawn from a fund of £12 million. The difference between the two Land Bills could not have been more dramatic. In the estimation of the pro-landlord *Irish Law Times and Solicitor's Journal*, the first Bill favoured the landlords while the second Bill favoured the tenant.<sup>78</sup>

The Landowner's Convention, which included Lords Londonderry and Barrymore, believed that the Conference had worked to their advantage. And in Wyndham's view, most of the landlords were prepared to accept the new Bill, if only because they dreaded a third revision of rent. The cabinet also responded well to Wyndham's second Land Bill, although it made a demand on government credit of approximately £70 million. Wyndham told the cabinet that:

It is well worth the State's while to settle the Irish land question by using its credit in this way ... It insures [sic] in the near future considerable savings in respect of annual charges

<sup>76</sup> *Report of a Land Conference held at the Mansion House, 3rd January 1903* (Dublin, 1903).

<sup>77</sup> For a discussion of the conference by one of the participants, see the earl of Dunraven, *Past times and pastimes*, II (London, 1922), pp. 2–25.

<sup>78</sup> *Irish Law Times and Solicitor's Journal*, 4 Apr. 1903.



amounting to over £1,500,000 for land courts and police. It is, indeed, imperative that the question should now be settled. Otherwise the discrepancy between the position of the 70,000 tenants who have purchased their holdings, and some 400,000 who are debarred from purchasing will precipitate an agitation throughout Ireland of unprecedented magnitude.<sup>79</sup>

If the Land Bill was not passed, Wyndham warned that the resulting agitation would create even greater administrative and financial problems than those created by the agitation of 1901–2. The chancellor of the Exchequer, Edward Hamilton, was persuaded by this argument and told Wyndham ‘don’t let us have another scheme that fails ... If there is a really reasonable hope of peace, it will be worth some payment’.<sup>80</sup> Arthur Balfour, who was now prime minister, also agreed that the expenditure was justifiable. He told the king in March:

This is a very far reaching measure; and the Irish government are sanguine that it will settle for all time the Irish Land difficulty. The objections to it arise from the fact that it makes a heavy call on British credit ... The cabinet are clearly of opinion that in the interests of a great policy minor difficulties must be ignored.<sup>81</sup>

Although the Bill fell short of compulsory purchase, it proposed a revolutionary reform of the land question and the Irish Parliamentary Party congratulated Wyndham on its introduction in the House.<sup>82</sup> The UIL also expressed its approval of the new Bill and in the month after its introduction the amount of intimidation in Ireland dropped by 25 per cent.<sup>83</sup> With the support of the prime minister, the cabinet, many of the Irish landlords, the Irish Parliamentary Party, and the UIL, the Bill became law in August and effected a revolutionary transformation of the Irish land question.<sup>84</sup> Almost 200,000 Irish tenant farmers, like Murtagh Cosgar, the central character of Padraic Colum’s play *The Land*, became owner-occupiers under the Act:

Ah, but that’s the sight to fill one’s heart. Lands ploughed and spread. And all our own; all our own ... Isn’t that a great thought? ... and isn’t it a great thing that we’re able to pass this land onto them [our children], and it redeemed for ever? Ay, and their manhood spared the shame that our manhood knew. Standing in the rain with our hats off to let a landlord – ay, or a landlord’s dog boy – pass the way!<sup>85</sup>

#### IV

After a tour of the west of Ireland in September 1901, Wyndham observed that ‘the Irish believe ... we only spend money on reproductive works under

<sup>79</sup> George Wyndham, ‘A policy for Ireland’, 14 Nov. 1902, BM Balfour papers, Add. MS 49804.

<sup>80</sup> Gailey, *Death of kindness*, p. 192.

<sup>81</sup> Balfour to the king, 10 Mar. 1903, PRO Cab 41/28/5.

<sup>82</sup> Hansard, 4th series, 25 Mar. 1903, vol. cxx, c. 216.

<sup>83</sup> IG monthly reports, Mar.–Apr. 1903, NA CBS IGCI/3.

<sup>84</sup> For a summary of the terms of the Wyndham Land Act, see C. F. Kolbert and T. O’Brien, *Land reform in Ireland: a legal history of the Irish land problem and its settlement* (Cambridge, 1975), pp. 39–43.

<sup>85</sup> Padraic Colum, *The Land* (Dublin, 1905), p. 18.

compulsion of lawlessness and agitation'. This 'error' arose, he suggested, from the fact that throughout the nineteenth century, the government had only spent money on the resolution of Irish social and economic problems after periods of serious civil disobedience. Wyndham, however, believed that these 'relief works' were the results of coherently planned government policies, and not the short-term responses to social disorder which 'the Irish' believed they were.<sup>86</sup> Yet Wyndham's own great 'reproductive work', the 1903 Land Act, seems to substantiate the Irish 'belief' that land legislation was only introduced 'under compulsion of lawlessness and agitation'. The UIL certainly believed that the 'Wyndham' Land Act was the result of their agitation, but this 'belief' did not give due credit to Wyndham whose insights fundamentally influenced the form of the Act.

Wyndham was firmly committed to introducing a substantial reform of the land question when he became chief secretary in 1900. But his colleagues in the Irish Office and the cabinet did not share his views of the land problem. Tensions in the Irish Office reached a climax in March 1902 when Wyndham felt that his carefully considered Irish policy was to be dropped in favour of a short-term expedient. On 3 March, he told Balfour that 'if it were not against my principles to resign, I should have sent in my papers a fortnight ago'.<sup>87</sup> Although Wyndham had, by the spring of 1902, devised a sophisticated Irish policy, the lord lieutenant succeeded in implementing a policy in 1902 which was little more than a 'hand-to-mouth' strategy: the proclamation of sixteen Irish counties and four county boroughs under the Crimes Act. Wyndham's failure to introduce a substantial Land Bill during the crisis of March 1902 was a direct result of cabinet opposition, and, particularly, that of the chancellor of the Exchequer. Hicks Beach refused to accept Wyndham's proposal that the tenant's purchase instalment should be reduced and, without this reform, the Bill was doomed to failure. By the autumn of 1902, all of Wyndham's plans to 'reconstruct Irish society' had come to nothing.

The UIL's agitation of 1901–2 played a fundamental role in transforming the views of the cabinet and the Irish Office to Wyndham's proposed land legislation. The renewal of the League's agitation in the summer of 1902 forcefully warned the government that unless a substantial reform of the land question was introduced, the agitation would continue indefinitely. At the end of August the League's agitation was creating serious administrative problems for the government, with the ordinary law 'paralysed' in sixteen counties by the action of the UIL. Remedial measures were immediately called for and the government's decision to implement Wyndham's 'great scheme' of Treasury funded land purchase was informed by the fear that if it did not do so 'an agitation ... of unprecedented magnitude' would ensue.<sup>88</sup> In contrast to the opposition which

<sup>86</sup> Wyndham to Balfour, 20 Sept. 1901, BM Balfour papers Add. MS 49803.

<sup>87</sup> Wyndham to Balfour, 3 Mar. 1902, BM Balfour papers Add. MS 49804.

<sup>88</sup> George Wyndham, 'A policy for Ireland', 14 Nov. 1902, BM Balfour papers, Add. MS 49804.

Wyndham had encountered in the spring of 1902, both the prime minister and the chancellor of the Exchequer told Wyndham that government expenditure of £70 million could be justified in the interest of a 'great measure', which might solve the Irish land question 'for all time'.<sup>89</sup> Without the UIL, Wyndham may have never been able to introduce his famous Land Act, and it was with some justification that Conor O'Kelly, the MP for North Mayo, christened the new legislation, the 'William O'Brien' Land Act.<sup>90</sup>

Historiographically, the origins of the Wyndham Land Act have been explained in terms of constructive unionism and 'the independent initiative' of Captain John Shawe-Taylor. This article argues, on the other hand, that the introduction of the Act needs to be explained in the context of the UIL's agitation for compulsory land purchase; and the effect which that agitation had on the government, the Irish landlords, and Captain John Shawe-Taylor. The UIL's agitation fundamentally influenced both the timing and the substance of the 1903 Land Act; and, in order to understand the origins of this legislation, it is necessary to view it in the context of both popular and 'high' politics; and to take note of T. W. Russell's timely warning to the House of Commons in 1902 that 'it was not in that House that Land Acts were created, they were created ... in the bogs of Connaught'.<sup>91</sup>

<sup>89</sup> Balfour to the King, 10 Mar. 1903, PRO Cab 41/28/5.

<sup>90</sup> Conor O'Kelly, unpublished memoir, in possession of Mr Conor O'Kelly, Dublin.

<sup>91</sup> Hansard, 4th series, 28 Feb. 1902, vol. civ, c. 95.