

# The sale of the Leinster estate under the Wyndham Land Act, 1903.

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## **The Leinster estate.**

The 1903 Land Act, better known as the Wyndham Land Act after George Wyndham who was the Conservative chief secretary for Ireland from 1900 to 1905, was a genuine attempt to finally solve the Irish land question. The act main aims of the act were to accelerate land purchase and to address the question of congestion and uneconomic holdings in Ireland, with a particular emphasis on the congested districts of the west. Closely associated with these aims was the resolution of the evicted tenants question. Although sales under the act were voluntary, in that there was no compulsion on landlords to sell their estates, there were a number of inducements which greatly encouraged sales. The purchase money was paid in cash, unlike earlier acts where landlords had been paid in government stock, and, most importantly, all vendors received a twelve per cent cash bonus from the government based on the purchase money of the estate sold. Tenants were provided with loans from the government to purchase their holdings which they repaid with interest in the form of annual annuities over approximately sixty-eight and a half years.

One of the earliest and largest estates to be sold under the Wyndham Act was the Leinster estate centred at Carton in Maynooth, Co. Kildare-the home of the duke of Leinster, Ireland's premier peer. It was sold in late November 1903 by the trustees, on behalf of Maurice Fitzgerald the sixth duke of Leinster, who was still a minor. Under the new act trustees had been given the power to sell estates in such cases. The estate comprised approximately 45,000 acres and was mainly situated in Co. Kildare around Maynooth, Athy, Kilkea and Castledermot with a few hundred acres in Co. Meath. Financial difficulties had dogged the estate for decades. When Gerald, the fifth duke of Leinster, inherited in 1887 the finances of the estate were in a dreadful condition with encumbrances amounting to £290,000.<sup>1</sup> As a result he was forced to sell 19,200 acres of the estate for £246,400 under the 1885 Land Act, virtually all of which went towards paying off debts.<sup>2</sup> By 1895, following the death of the fifth duke and his wife, the estate had passed into the hands of the trustees. In 1902 a significant quantity of Irish silver and 140 paintings, by artists such as Gainsborough, Breughel and Van der Hagen, were sold at Christie's auction house in London.<sup>3</sup> Therefore, it was little wonder that the trustees were anxious to avail of the advantageous terms of the 1903 Land Act.

The returns of advances or loans made to tenant-purchasers under the Wyndham Act listed Lord Frederick Fitzgerald and Arthur Fitzgerald, Baron

Kinnaird, as the two trustees of the Leinster estate. Lord Frederick Fitzgerald (1857-1924) was a son of Charles William Fitzgerald, the fourth duke of Leinster. He held the rank of lieutenant-colonel in the army and served in Afghanistan, Egypt and South Africa. He was also a member of Kildare County Council and was the national commissioner for education in Ireland.

Arthur Fitzgerald (1847-1923) was the eleventh Lord Kinnaird of Inchture and third Baron Kinnaird of Rossie. His grandfather Charles Fitzgerald, eighth Lord Kinnaird of Inchture, had married Olivia Letitia Catherine Fitzgerald (1787-1858), the youngest daughter of William Robert Fitzgerald, the second duke of Leinster. Lord Frederick Fitzgerald's grandfather Augustus Frederick Fitzgerald, the third duke of Leinster, and Arthur Fitzgerald's grandmother were brother and sister. Arthur Fitzgerald was a prominent figure in the development of soccer in Britain. He was an accomplished footballer winning five Football Association (F.A.) Cup medals with Old Etonians and Wanderers in addition to representing the Scottish national team. His record of eleven F.A. Cup final appearances is still unequalled. In 1890 he became president of the F.A. Outside of football he had a successful career in banking and became a director of Barclay's Bank Ltd in 1896.<sup>4</sup>

### **The sale negotiations.**

Under the 1881 Land Act the land courts were established where landlords and tenants could go to ascertain what was a fair rent. These rents, known as judicial rents, were up for review every fifteen years. A rent fixed in the land court in the fifteen years after the passing of the 1881 act was known as a 'first term rent'. A rent fixed in the fifteen years after 1896 was known as a 'second term rent'. The price of land in the period was generally calculated in terms of the rent being paid. One years' purchase was the equivalent of one years' rent. On 15 September 1903 the trustees informed the tenants on the Leinster estate that they were willing 'to sell the different Leinster estates at 26 years' purchase subject to a reduction of 12½ per cent on first term rents with a view to adjusting them to the second term standard'.<sup>5</sup> On the same day that the tenants were notified, a meeting was held in Athy, Co. Kildare, to consider the question of purchasing under these terms. Just how many tenants could have been notified in such a short space of time is open to question, although a contemporary newspaper reported that the meeting was well attended.<sup>6</sup> Matthew J. Minch, the chairman of the meeting and a former MP for the Irish Parliamentary Party (I.P.P.), revealed that 'of course, our meeting here today does not comprise all the Leinster tenants, inasmuch as the time was short and circulars were only sent out to those whose names we could secure at very short notice'.<sup>7</sup> Minch was also head of the Athy branch of the United Irish League (U.I.L.) although he did not appear to be involved in the negotiations in that capacity.

Much of the meeting was concerned with trying to come to a decision as to the terms of purchase the tenants would accept. It was eventually decided that they would be willing to buy at a price not exceeding twenty-four years' pur-

chase based on second term rents. Certain persons at the meeting considered that they were being too generous towards the trustees and that they would be criticised by tenants throughout Ireland. J. B. Deegan, vice-chairman of Athy Urban District Council, stated that 'they would be erring on the side of generosity on offering 24 years' purchase' and believed that the meeting 'would be unfavourably criticised by the majority of the tenants in Ireland in consequence of their generosity!'<sup>8</sup> A committee was appointed in Athy which consisted of the following gentlemen: Matthew J. Minch, R. Anderson, T. Anderson, J. Gannon, R. Wright, P. Barrington, C. Greene and E. Heydon. A. Reeves and A. K. Pennycook were appointed secretaries.<sup>9</sup> Although Matthew Minch did acknowledge that it was only a preliminary meeting, it was not clear if the committee would be representing the whole estate or just the Athy/Kilkea section.

On 17 September 1903, the Athy/Kilkea committee met with the agent of the estate, Charles R. Hamilton, in Dublin. Stephen J. Browne, a solicitor and chairman of Kildare County Council, attended on behalf of the Maynooth tenantry but played no part in the discussions. The agent told the committee that the 'trustees had made up their minds, after consultation with their London solicitors, not to sell under 26 years' purchase, inasmuch as, being trustees, they had no power to reduce the income of the present duke'.<sup>10</sup>

After the meeting, Matthew Minch stated that it was unreasonable and unjust to expect all the tenants to pay the same standard price for their holdings and that their varying positions and circumstances had to be taken into account. He considered twenty-four years' purchase to be the maximum that the tenants could offer. There was a feeling that the larger farmers were dictating the pace and terms of the sale. The *Freeman's Journal*, for example, commented that the sale was being 'run by the big men and Scotchmen who have got the fat of the land' and that these were wealthy men who had 'heaps of money, made in business, and others who have splendid situations'.<sup>11</sup> The mention of Scotchmen referred to the introduction of a number of Scottish tenants to the estate by the third duke after the famine.

In the second week of negotiations, the divisions between the smaller and larger tenants became more obvious. A meeting of the Maynooth tenantry was called for 21 September in Maynooth town. It was decided to conduct the meeting in private after which the press representatives would be informed of the tenants' decisions by Thomas Shaw, who chaired the meeting, and Laurence Ball. The *Leinster Leader* estimated that approximately fifty tenants were present and reported that Stephen J. Browne had informed the gathering that the trustees had reconsidered their original offer to the tenants and had intimated their willingness to sell at twenty-five years' purchase.<sup>12</sup>

The *Nationalist and Leinster Times* described the Maynooth portion of the estate as being 'mostly made up of grazing lands, held by some of the leading graziers of Kildare and Meath. There are, however, some portions of the lands under tillage, and this, needless to say, is of the poorer quality, and is let in comparatively small farms.'<sup>13</sup> Accusations that the larger tenants were setting the

price were confirmed in Maynooth as it was reported that ‘the grazier element predominated and took charge of the meeting’.<sup>14</sup> Most of the meeting was concerned with the appointment of a deputation to attend a meeting in Athy on the following day. The Maynooth deputation consisted of Thomas Shaw, Laurence Ball, John Langan, Mark Travers, Mr. McGrath, James Patterson and Richard McKenna. Stephen Browne, chairman of Kildare County Council, would accompany the deputation in his capacity as solicitor for a number of the Maynooth tenants.<sup>15</sup>

On 22 September 1903 a general meeting of the Leinster estate tenants was held in Athy to consider the report of the Athy/Kilkea committee which had met the agent, Charles R. Hamilton, on 17 September. However, the meeting was not completely representative of the Leinster tenantry as tenants from the Castledermot section of the estate were conspicuous by their absence. Edward Heydon, county councillor, made the point that the tenants on the Castledermot manor had asked him to ‘call a meeting for next Sunday for them to consider their own position and I asked them why not come forward on today as there was a meeting in Athy. They told me that the Athy land was not at all on equal grounds.’<sup>16</sup> Heydon’s statement showed how the Castledermot tenants considered their land to be of a different quality to the land around Athy. Because the Castledermot tenants were not represented, Edward Heydon asked the meeting not to make terms for them. Thus, the question of whether or not all tenants on the estate should pay a uniform price, regardless of the quality of their land, came to the fore.

The unrepresentative nature of the meeting was called to attention as the *Leinster Leader* reported: ‘Mr. E. Heydon said it was a serious thing to come to an arrangement and only one tenth of the tenants [on the Leinster estate] present. The chairman said, this was a public meeting. If the tenants came they would only be too pleased to have them.’<sup>17</sup> The Athy/Kilkea committee which had met with Charles R. Hamilton, the agent, on 17 September came under fire. Indeed, there was considerable confusion as to who the committee had actually represented at that meeting:

Mr. J. B Deegan - By whom was the committee formed - by the tenants? Chairman - There was a committee appointed on this day week to interview the trustees. You were present yourself. Mr. Deegan asked had any committee been formed by the majority of the agricultural tenants on the Leinster estate for the purpose of making terms on their behalf? Chairman - You have all the information I have. Mr. Deegan - Then there has been no committee formed. Chairman - Well it is a matter for our own opinion. I suppose. There was a committee appointed.<sup>18</sup>

There certainly appeared to be two conflicting groups at the Athy meeting of 22 September, one side urging caution and more discussion about the terms, the other anxious to force the sale of the Leinster lands through as quickly as possible. The concerns of the smaller tenants were also articulated, particularly in relation to the number of years’ purchase that had to be paid. Edward Heydon

made the point that ‘25 years’ purchase is frightening everybody’ and that the meeting ‘ought to consider it from the farmers point of view alone, from the point of view of people with 60 and 50 and 30 acres of land’.<sup>19</sup> The conclusion of the tenants’ meeting on 22 September was to appoint a deputation to meet with the trustees with the power to make terms for the purchase of their holdings.

On 24 September Lord Frederick Fitzgerald met with ‘a joint deputation representing the tenantry of Maynooth and of the Manor of Athy [and Kilkea]’ in Dublin.<sup>20</sup> The *Irish Times* reported that the meeting was brief, lasting between thirty minutes and an hour.<sup>21</sup> The proceedings were held in private with the press being informed of the following terms: ‘1) 25 years purchase. 2) All arrears up to March 1903, to be added to the purchase money. 3) The gale [impending rent] due on September 29th and November 1st to be forgiven. 4) Payment of interest on the purchase money to commence from 29th September, 1903. 5) Sporting rights reserved to the duke.’<sup>22</sup> Although it was a joint deputation representing only Maynooth and Athy/Kilkea, which agreed to these terms, the *Leinster Leader* considered ‘the terms of sale as accepted by practically the whole of the Leinster tenantry’.<sup>23</sup> This was despite the fact that the Castledermot tenants were not represented and the doubts that hung over the appointment of the Athy/Kilkea and Maynooth deputations. Considering how rapidly these two deputations had been appointed it was clear that not all of the tenants from those areas had an opportunity to be present at the meetings to select their representatives.

### **The negotiators.**

The Castledermot tenants only met for the first time on 27 September and they had had little or no input into what terms they would purchase their holdings. The purpose of their meeting was to decide whether or not to accept the terms agreed on 24 September by the joint Maynooth and Athy/Kilkea deputation to Lord Frederick Fitzgerald. Rev. M. Walsh, PP, chaired the Castledermot meeting and was closely assisted by Edward Heydon who had been at the meeting on 24 September with Lord Frederick Fitzgerald. Although Heydon had land in Castledermot, his position at that meeting was rather ambiguous as no meeting had been held in Castledermot to appoint a deputation or him as a representative. Among the Castledermot tenantry there was a sense of apprehension about the purchase of their holdings. Edward Heydon, speaking of the late fifth duke was reported as having declared that ‘he always gave the tenants better terms than other landlords. (hear, hear.) A voice - he was a good man. Another voice - better than the government will be.’<sup>24</sup> This highlighted the doubts held by some tenants about the high purchase price they would be paying. Unlike a benevolent landlord, the government would demand that land purchase annuities be paid in full and on time, no matter how good or bad an agricultural year had been.

At the meeting with Lord Frederick Fitzgerald on 24 September, Edward Heydon and Richard Wright had unsuccessfully tried to persuade the trustees to

forgive arrears on smaller tillage farms valued under fifty pounds. Heydon declared that they had ‘explained that people on these farms were generally harder set, particularly about Castledermot, where the land was colder’.<sup>25</sup> The newspaper accounts of the meeting indicate that much of the Castledermot tenantry were anxious about agreeing to twenty-five years’ purchase because they considered their land to be inferior to the rest of the estate. One Castledermot tenant, John Keogh, commented that: ‘It’s all very well for the big bugs about Athy to give twenty-five years’ purchase, but it’s different with us.’<sup>26</sup> Eventually the Castledermot tenantry decided to accept the terms already agreed to by the Athy/Kilkea and Maynooth deputations with the motion being carried with only three dissentients.<sup>27</sup>

In analysing the sale of the Leinster estate, it is important to refer to the joint deputation from Maynooth and Athy/Kilkea who negotiated the terms with the trustees. The Maynooth section of the deputation consisted of eight men. The *Leinster Leader* initially placed a Mr. McGrath on this deputation but he it seems he was replaced by William Chamberlain.<sup>28</sup> This would appear to be James McGrath who rented 173 acres in Maynooth.<sup>29</sup> When we examine appendix I, we can see that the Maynooth deputation consisted mainly of large farmers, holding well over 100 acres, except in the case of Joseph Langan who had forty-six.<sup>30</sup> It was possible that some of these men also held land under other landlords in the region.

Thomas Shaw does not appear on the return of advances made under the 1903 act but two substantial farmers, John and Hugh Shaw, farmed over 200 acres each at Griffinrath, Maynooth. Richard McKenna, Laurence Ball and Stephen Browne were all Justices of the Peace (JPs). McKenna and Browne were also county councillors. Thus, the members of the Maynooth deputation were no ordinary tenants. In fact, they would be considered the elite of the tenantry, owing to the significant tracts of land they rented and the prominent positions held by some in local government.<sup>31</sup>

The Athy/Kilkea deputation, aside from Anthony Reeves, who rented 80 acres, held well over 150 acres each. In addition Matthew Minch, Thomas Anderson, Richard Wright and John Gannon were all JPs. Minch was a former MP and a wealthy malt and corn merchant. Edward Heydon was a county councillor while Philip Barrington farmed 201 acres at Glassely, Athy. Wright and Heydon had 39 and 59 acres respectively, in Castledermot, although the vast majority of their land was in Kilkea. Thus, like the Maynooth deputation, the Athy/Kilkea deputation also comprised large farmers, many of whom held prominent positions in local government. The combined eighteen-man deputation rented approximately 3,580 acres between them.<sup>32</sup> Even with the best intentions, it is questionable as to whether or not these large farmers actually appreciated or understood the needs and concerns of the smaller tenants. While these wealthier tenants might be expected to be prominent in any negotiations for sale, the fact that there were hardly any small tenant farmers in attendance surely influenced the outcome of the negotiations. The question also arises as to

whether or not the unrepresentative nature of the tenant meetings had a bearing on those who were chosen for the deputations.<sup>33</sup>

The nationalist MP for North Kildare, Edmund Leamy, played no role in the sale negotiations although the reason for this may have been his ill-health. He died in the south of France late in 1904. It is significant to note that Denis Kilbride, the nationalist MP for South Kildare, was more noticeable by his absence than by any involvement in the sale. He was not present at the meeting in Maynooth, the two meetings in Athy or the meeting in Castledermot. At the Athy meeting of 22 September, questions arose about his absence which the *Leinster Leader* reported as follows: ‘Mr. J.B. Deegan - has the parliamentary representative of the district been asked to attend here today? Chairman - not aware he has. Mr Deegan - wouldn’t it have been well he had been. Don’t you think he is a fit and proper person to be here? Chairman - I certainly would only be too pleased if Mr. Kilbride the representative of the district were here.’<sup>34</sup> On 11 October 1903 Denis Kilbride gave an instructive speech on the Wyndham Act at Athy, Co. Kildare. The gist of Kilbride’s speech, aside from explaining the act’s operation, was that landlords were going to benefit far more than tenants. He also made a number of valuable points concerning the sale as the *Nationalist and Leinster Times* reported:

Whatever was said in Athy or Dominick Street [duke of Leinster’s town residence] has no binding effect on anybody. As long as agreements are not effected the tenants are neither legally or honourably bound by the terms. He had heard that a circular was sent out to the Leinster tenants calling a meeting in Athy. That circular was received in most cases on Monday, and the meeting was called for Tuesday, while several tenants never got a circular at all. How could a tenant imagine that he is bound by an agreement made behind his back.<sup>35</sup>

The grievances of many tenants on the Leinster estate concerning the manner in which the sale had been negotiated were also given voice by Stephen Heydon, Kildare county councillor, which the *Nationalist and Leinster Times* reported:

In south Kildare at the present time the headline has been set but he was afraid it was the wrong headline for south Kildare. It was set generally by those north Kildare men, graziers, who are living within easy access of Dublin, and having prime grassland. Those are the men who proposed 25 years’ purchase, which he considered was not fair for this part of the country at all.<sup>36</sup>

### **Reactions to the sale of the Leinster estate.**

The sale of the Leinster estate received considerable attention both locally and nationally. The tenants came in for some severe criticism over the price that they had paid for their holdings. The *Irish Times* was taken aback at the financial scale of the sale and sounded a note of caution:

The small estates, with moderate valuation, constitute the Irish agrarian difficulty...the act will be a complete failure unless it affects the small farmers and poorer agriculturalists...Businesslike and agreeable as is such an agreement as the Leinster tenants have made, we should prefer to see the smaller landlords and poorer tenants coming in for the fruits of this piece of beneficent legislation. If the big landlords follow the example of the representatives of the Duke of Leinster, the five millions which the estates commissioners [three land commissioners who administered the act] can advance the first year will very quickly be eaten up, so that it behoves those for whom the act was especially intended -- namely, the less well-to-do, whether landlords or tenants -- to see that they are not indefinitely shut out from its benefits.<sup>37</sup>

Critics of the Leinster sale felt that other landlords would follow the precedent which it had set. A letter from a Maynooth resident, signed 'W.H.', which appeared in the *Freeman's Journal* in October 1903 remarked that 'a more grievous wrong could hardly be inflicted... on the small tillage tenants than by their inclusion in Mr. Minch's cast-iron mould of uniformity, and this is just the body of tenants least capable of understanding the injustice'.<sup>38</sup> The author saw the terms as 'most mischievous in its results if adopted, and it should be noted that its chief support comes from a swarm of newcomers who represent the wealth of the tenantry and to whom any reduction is quite a god send'.<sup>39</sup> Another tenant on the Leinster estate, writing under the pseudonym 'Nemo', expressed his disgust at the manner in which the sale had been carried out:

In the negotiations which have been carried on with the Leinster trustees I have seen the names of these shop-keepers and business men in a very prominent position, together with the names of a few descendents of those Scotchmen, who in the old days were fondled by Hamilton [agent for the dukes of Leinster] and his master, the then duke of Leinster, and who got their farms at a figure never dreamt of by Irish men. These men certainly have cogent reasons for the eulogies which they have passed upon the dukes of Leinster.<sup>40</sup>

Despite being taken aback by the scale of the sale the *Irish Times* dismissed the claims that the Leinster estate would set the price for land under the act: 'The twenty-five years' purchase on the Leinster estate cannot rule the sales for Ireland, for Kildare is a choice bit of land with exceptional advantages,' and 'that no one with any intelligent appreciation of the situation would hold up the action of the Leinster tenants as an example which must be necessarily followed'.<sup>41</sup> However, the tenants on the earl of Dartrey's estate in Co. Waterford passed a resolution which condemned the high price the Leinster tenants had agreed to pay for their holdings and expressed their fear that the Leinster example would be held up for others to imitate.<sup>42</sup> William O'Brien, the nationalist M.P. for Cork and one of the most prominent advocates of the Wyndham Act, felt very strongly about the sale of the Leinster estate. In his book, *An olive branch in Ireland* (1910), he condemned the selfishness of the tenants and asserted that the sale set the tone for the province of Leinster.<sup>43</sup>



The fact that the trustees sold virtually the entire estate while the young duke was still a minor did not go unnoticed or uncriticised. The earl of Muskerry, for example, severely censured their actions in the House of Lords: ‘One great estate, which used to support the highest dignity in the Irish peerage, has been sacrificed for ready money by the guardians of a minor, with little respect for the future of a title divorced from property and residence.’<sup>44</sup>

George Wyndham, the chief architect of the 1903 act, was related to the dukes of Leinster being the grandson of Pamela, the daughter of Lord Edward Fitzgerald who took part in the 1798 rebellion. Vernon Cochrane, a contemporary, was scathing of the trustees’ treatment of the young duke and he accused Wyndham of using his position to lubricate the sale of the Leinster estate:

The chief secretary [George Wyndham] has used his influence to secure part of the bonus to sell the Leinster estate, which, whatever is its legal aspect, is a crime to the minor. When his constituents in England learn the true bearings of the case, the results to him will probably be as disastrous as ‘Home Rule’ has been to the Liberal party.<sup>45</sup>

There certainly was a sense that the best interests of the young duke had not been well-served by the sale of the estate. The young duke did not reach his majority until he celebrated his twenty-first birthday on 1 March 1908, almost five years after the trustees had decided to sell the Leinster estate.<sup>46</sup> Little remained of the significant estate that had distinguished his predecessors.

It did not take long for the ‘Leinster terms’, as they became known, to influence other negotiations, especially those in the region of the estate. Fears that the sale would encourage other landlords to request similar terms were well-founded. During the negotiations on the Samuel Mills estate, situated in Counties Kildare and Queen’s County, the agent declared that the landlord would only sell on the same terms that the trustees of the Leinster estate had.<sup>47</sup> Likewise, on the estate of R. H. McDonnell, which was situated near Athy, an offer of twenty-three years’ purchase on second term rents was refused as the landlord insisted on the Leinster estate terms.<sup>48</sup>

According to nationalists the lack of involvement in the Leinster sale on the part of the UIL undoubtedly contributed to the high prices conceded by the Leinster tenants. The organisation was quite weak in County Kildare, with only a handful of branches. Although Matthew Minch was head of the Athy branch it appears that this was only for political purposes as he was a former MP. His involvement in the sale negotiations was not in the capacity of a UIL representative and little mention of the organisation was made during the whole process. At a league meeting held in Redwood, County Wicklow, D. J. Cogan, MP for East Wicklow, warned of the dangers of haste and the absence of tenant organisation. *The Times* reported:

He could hardly get out of the idea that the action of the tenants there [on the Leinster estate] was chiefly due, and mainly due, to the want of organisation (hear,

hear), because he was afraid that the wealthier and stronger tenants rushed the sale to the disadvantage of their poorer neighbours, and the sale was anything but a businesslike one, and he did think that it was one that would prove advantageous either to the tenants themselves or to their posterity.<sup>49</sup>

John O'Donnell, MP for South Mayo, also attacked the bargain made by the Leinster tenants and he cited the lack of a UIL organisation as one of the principal reasons for the high price that was given.<sup>50</sup> At a UIL meeting in South Cork, Eugene Crean, MP, urged tenants in his constituency 'not to repeat the rash and foolish action of the duke of Leinster's tenants'.<sup>51</sup>

The purchase money and interest received from the sale of the estate amounted to £674,516 25s. 16d. The twelve per cent cash bonus was £80,108 16s. 18d. The statement regarding the sale in the Leinster papers also contains another figure of £12,021 7s. 6d. which is derived from 'income' and added to the bonus and purchase money gives the figure of £766,647 11s. 4d.<sup>52</sup> When one considers that the British Treasury was allocating just £5,000,000 a year to land purchase, this was a huge portion to be expended on just one sale and it undoubtedly had an adverse effect on the overall operation of the 1903 Land Act. In 1908, one newspaper declared with hindsight that 'the sale of the Leinster estate under the Wyndham Land Act fairly crippled that badly financed measure'.<sup>53</sup>

Expenses of the Leinster sale added up to £22,815 and the redemption of charges on the estate amounted to £78,831 6s. 7d. The bulk of the purchase money was invested on mortgages to other members of the landed gentry mainly in Britain.<sup>54</sup> These included a series of loans to Lord Tankerville of £298,000 at 3½%, Mr. Duncombe Shafto £82,500 at 3¾%, Colonel H. Denison £39,000 at 3¾%, Lord Fitzwilliam £41,000 at 3¾% and Lord Hastings £122,500 at 3½%. These loans amounted to £603,000.<sup>55</sup> Only £61,706 18s. 7d. of the purchase money was actually invested in stocks. Stock was purchased in a number of Irish companies or institutions such as Dublin Corporation, Belfast Corporation and Bank of Ireland.<sup>56</sup> The agent for the estate, Charles R. Hamilton, also received the considerable sum of £15,000 for his services during the sale.<sup>57</sup>

According to a statement on the legal and beneficial ownership of the purchase monies of the Leinster estate made in December 1905, approximately £272,076 of the purchase money was tied up in family charges.<sup>58</sup> Frederick, Walter, Charles, George, Henry and Nesta, the surviving children of the fourth duke of Leinster, Charles William Fitzgerald (1819-87), all received a portion of the purchase money. These were the aunts and uncles of Maurice Fitzgerald, the minor, whose father Gerald Fitzgerald, the fifth duke of Leinster, had died in 1890s resulting in the title passing to Maurice.

The total number of tenant-purchasers on the Leinster estate was 506. Of that total, 77 received advances (loans) over £3,000 which amounted to £381,825.<sup>59</sup> By 1908, the Leinster sale was seen by many as a prime example of how the Wyndham Act had been exploited by those who had been in least need of assistance. The Liberal attorney-general at the time, R. R. Cherry, outlined this during the parliamentary debates on the 1909 Land Act:

The house would recollect that in the [1903] act power was given to make advances up to £7,000 to a single purchaser, and soon after the act came into operation this provision was largely taken advantage of by the rich and well-to-do, and really the poor people were shut out. He was speaking of the tenants, and those large tenants of the duke of Leinster's estate were certainly not the class of people intended to be benefited by the land purchase acts.<sup>60</sup>

By 1909 the sale of large properties such as the Leinster estate had eaten into the total purchase money available annually and had quickly exhausted it. These estates, situated in the east of the country, contained large economic holdings whose tenants were in less need of assistance than those tenants in the west of Ireland who were most in need of the 1903 act's humanitarian clauses. According to R. R. Cherry:

The duke of Leinster's estate was not an exceptional case, because there were many others of a similar kind where large holdings had been bought. The purchase of large holdings had exhausted the money available, and left the poor and distressed portions of the country in the west, and south, in north Connaught, Clare, Kerry and Donegal, in the background. Those poor tenants had not the same energy, and assistance, and enterprise as the larger tenants, and consequently they could not take advantage of the act to the same extent.<sup>61</sup>

Under the 1909 Land Act the Liberal chief secretary, Augustine Birrell, based his justification for graduating the cash bonus on cases such as the Leinster estate. Thus, the higher the purchase price the lower the cash bonus unlike the 1903 act under which the twelve per cent bonus was fixed. Not only had the Leinster estate taken a large portion out of the available purchase money for loans to tenants but it also used up a significant part of the bonus fund available to other landlords who wished to sell their estates. In Birrell's view, the notion of the bonus had not been introduced to allow well circumstanced landowners to make a financial killing but to provide the poor and encumbered landlords, especially in the west, with the opportunity to sell:

Therefore, though it is eminently desirable that the imperial exchequer should assist in the agrarian revolution in Ireland, and in bringing about a satisfactory solution yet nobody will say that for a well-managed estate like that of the duke of Leinster's the duke should get £80,000 into his breeches pocket for selling at market value an excellent estate upon which there has never been any particular amount of trouble.<sup>62</sup>

In fact, Birrell was certain that the purchase money of the Leinster sale, when invested, brought in a much greater annual income than the estate ever had.<sup>63</sup>

As a case study of a sale under the 1903 Land Act the Leinster estate deserves special recognition. As one of the first and one of the largest sales under the act it helped to establish a purchase price, in terms of years' purchase of rent, which was considerably higher than what had been given under previous lands acts.

The generous purchase prices paid by the tenants on the Leinster estate, aside from the twelve per cent cash bonus, undoubtedly convinced other landlords that profitable terms could be obtained under the act. The terms and timing of the sale kick started the 1903 act making it the most successful, in terms of promoting the transfer of land from landlord to tenant, of the land acts passed by the British government in Ireland.

#### Appendix I. Tenants' deputation to the trustees of the Leinster Estate, 1903

Name (deputation)	Approximate acreage	Location of land	Other details
Richard McKenna (Maynooth)	308	Maynooth	County Councillor, J.P.
Mark Travers (Maynooth)	119	Maynooth	
Joseph Langan (Maynooth)	46	Maynooth	
James Patterson (Maynooth)	203	Maynooth	
Laurence Ball (Maynooth)	186	Maynooth	J.P.
William Chamberlain (Maynooth)	207	Maynooth	Replaced James McGrath
Stephen Browne (Maynooth)	0	-	Chairman Kildare Co. Council J.P., solicitor.
Thomas Shaw (Maynooth)	0	-	John and Hugh Shaw, Maynooth, owned over 200 acres each, possibly related
Mathew Minch (Athy/Kilkea)	248	Athy	J.P., former M.P. for South Kildare, noted malt & corn merchant. Chairman of Athy U.I.L.
Thomas Anderson (Athy/Kilkea)	313	Kilkea	J.P.
Richard Wright (Athy/Kilkea)	347	Kilkea	J.P.
	39	Castledermot	
John Gannon (Athy/Kilkea)	257	Kilkea	J.P.
Andrew Pennycook (Athy/Kilkea)	223	Athy	Acted as secretary for the deputation

Charles Greene (Athy/Kilkea)	149	Kilkea	
Edward Heydon (Athy/Kilkea)	317	Kilkea	County Councillor
	59	Castledermot	
Robert Anderson (Athy/Kilkea)	278	Athy	
Anthony Reeves (Athy/Kilkea)	80	Athy	Acted as secretary for the deputation
Philip Barrington (Athy/Kilkea)	201	Athy	Land registered under the name of Margaret Barrington, probably his wife
<b>Total acreage</b>	<b>3,580</b>		

**Source:** *Return of advances made under the Irish Land Act, 1903 during the period from 1st November, 1903 to 31st December, 1905, vol. i, parts i, ii, and iii* [Cd.3447, Cd.3560, Cd.3547] H.C. 1907, lxx, 1.

**Appendix II. Statement as to the legal and beneficial ownership of the purchase moneys of the Leinster estate, December 1905**

No.	Amount of Charge £ s	Beneficiary	In whom vested	Description of charges
1	8,000 0 0	Lord Frederick Fitzgerald.	Lord Frederick Fitzgerald.	£4,000 is part of a charge of £21,538 9s 2d charged for the late Lord Gerald Fitzgerald.  £4,000 is part of £40,000 charged for portions.
2	8,000 0 0	Lord Walter Fitzgerald.	Lord Walter Fitzgerald.	£4,000 is part of the same charge of £21,238 9s 2d charged for the late Lord Gerald Fitzgerald.  £4,000 is part of the same £40,000 charged for portions.

No.	Amount of Charge £            s	Beneficiary	In whom vested	Description of charges
3	4,000    0    0	Lord Charles Fitzgerald.	Lord Charles Fitzgerald.	Part of the same £40,000 charged for portions.
4	8,000    0    0	Lord George Fitzgerald.	Lord George Fitzgerald.	£4,000 is part of the same £40,000 charged for portions. <hr/> £4,000 was charged for Lord George in 1889.
5	4,000    0    0	Lord and Lady Henry Fitzgerald and their children.	Charles Robert Hamilton as surviving trustee of Lord Henry Fitzgerald's marriage settlement.	Part of the same £40,000 charged for portions.
6	8,000    0    0	Lady Nesta Fitzgerald.	Lady Nesta Fitzgerald.	£4,000 is part of the same £40,000 charged for portions. <hr/> £4,000 was charged for Lady Nesta in 1887.
7	120,154   17   4	The duke upon attaining 21 as residuary legatee under the will of Gerald duke of Leinster or his next of kin in the event of his death under age.	I). £45,000: Lord Frederick Fitzgerald and Charles Robert Hamilton as executors of Gerald duke of Leinster. <hr/> II). £42,000: Lord Henry Fitzgerald as trustee for Gerald duke of Leinster. <hr/> III). £33,154 17s 4d: Lord Frederick and Lord Kinnaird as trustees of the will of Gerald duke of Leinster.	£87,000 represents charges to which Gerald duke of Leinster was entitled at his death. <hr/> <hr/> £33,154 17s 4d represents investments made out of income by the trustees of the will of Gerald duke of Leinster.

**Appendix II continued. Statement as to the legal and beneficial ownership of the purchase moneys of the Leinster estate, December 1905**

No.	Amount of Charge £ s	Beneficiary	In whom vested	Description of charges
8	8,845 2 8	The duke upon attaining 21 under the will of Gerald duke of Leinster or his next of kin in the event of his death under age except so far as the same may have arisen from real estate which would devolve upon his heir at law.	Lord Frederick Fitzgerald and Lord Kinnaird.	Represents investments made by the trustee of the will of Gerald duke of Leinster out of capital.
9	103,076 18 5.5	The duke upon attaining 21 as tenant in tail under the settlement of 1884 or his successor under the settlement in the event of his death under age.	I). £73,076 18s 54d: Lord Kinnaird and Charles Robert Hamilton as the original trustees of the settlement of 1884. <hr/> II). £30,000: Lord Kinnaird and Lord Frederick Fitzgerald as the present trustees of the settlement of 1884.	Represents investments made by the trustee of the settlement of 1884 out of capital.
<b>Total 272,076 18 5.5</b>				

**Source:** ‘Statement as to the legal and beneficial ownership of the purchase moneys of the Leinster estate’ (PRONI, Leinster papers, D3078/2/15/4).

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