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GET THERE FIRST WITH THE IRISH PEOPLE

**GROUND
RENT
IS ROBBERY**



REPSOL No. 13

P R E F A C E

"Taken in extremis, the idea of a modern community which does not entirely own the land on which it exists is faintly ridiculous. The fact that the rental is paid into the pocket of some obscure lord whose only claim to fame was that his ancestors won the land by conquest only aggravates the situation. The sooner ground rents are completely abolished, the quicker we will have a rational land structure. Anachronisms of this nature have no place in the Ireland of today." (Business and Finance, Oct. 15, 1965).

The aim of this pamphlet is to show that ground rent is not only "faintly ridiculous" but that it is immoral and that its abolition is long overdue.

As Irish people it behoves us to rid ourselves of this black rent of history and apply the principles established by the Land League victory in rural areas to the groundspace under our houses in urban areas. A campaign against ground rent is a logical corollary to the fight for peasant proprietary or the demand for the public ownership of inland waters. It is the smashing of a link with the conquest; ground rent is unknown outside Ireland and England, its home of origin.

As a modern community it behoves us to rid ourselves of an institution that is plainly immoral and only countenanced by law because of the vested interests supporting it.

Apologists for the ground rent system range from orthodox people who unthinkingly defend what is established to the Taca man who has a vested interest in the system. For example, on the question of whether new ground rent should be created, Mr. Corry Buckley,

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Ground Rent is Robbery.....20p.

of Murphy Buckley and Keogh Auctioneers, is on record stating that the only way to reduce the price of newly erected houses to the prospective purchaser is by charging a ground rent rather than the full price for the land. This is an attempt to provide a new justification for an old form of blackmail.

But the Conroy Commission gave Mr. Buckley his reply as far back as 1964:- "A theory generally advanced is that ground rents are used by the builder to cover site and development costs. However, many people contend that this is not correct; the fine charged for a house includes a site fine, often £200 a site, and the aggregate of such site fines on a reasonably sized building site frequently is double the price paid by the builder for the site. Therefore there is a substantial margin to cover the development costs, without taking into account the ground rent" (Par.155). The £200 relates to 1964. Site fines are now in the region of £1,000 to £1,200 per house with a ground rent of £18 to £20 per annum tagged on.

Again, whether the landlord is native or foreign, resident or non-resident, is of no account. The question is whether it is not time that Irish democracy is re-asserted on an issue last settled by the sword of conquest.

Refusal to pay ground rent is the obvious method. But such refusal must be well organised and widespread to be effective; that is the task of whatever body springs up among ground rent tenants to battle with the noble gentlemen of the Irish Landowners Convention.

Fintan Lalor had words for it: "*WHO STRIKES THE FIRST BLOW FOR IRELAND? WHO WEARS THE WREATH THAT IS FOREVER GREEN?*"

CHAPTER I

CONQUEST AND GROUND RENT

The beginning of the ground rent system in Ireland can be traced to the period of the Conquest and cannot be explained without reference to the conflict between the Brehon Code of the Irish people and the Feudal Code of the English invader.

The first significant events of the Conquest were the plantations of Munster and Ulster and reveal the deepest crisis of the clash between the two codes. Until the time of the Tudor Kings, Ulster was independent, guarded by mountain fastnesses, with the Ui Neill, elected heads of their people, holding the invader at bay.

The Statutes of Henry VIII show how tenuous was the English grip in Ireland at that time, almost four hundred years since Strongbow, Earl of Pembroke, had set foot in Ireland in 1169. Until Henry's reign the Kings of England were only "Lords" of Ireland; and even their title of "Lord" was recognised only in a small part of the island. In 1522, when Henry VIII had been thirteen years on the throne, his authority extended only to four counties - Dublin, Meath, Kildare and Louth.

For Henry VII, long before Clausewitz had enunciated the principle, war was but an extension of politics. First, he prevailed upon a small and unrepresentative English Parliament to declare him King of Ireland as well as England. Then followed the "Surrender and Regrant" enactment, a spurious piece of law giving Henry the right to receive obedience from Irish chiefs conditional upon the regranting of their lands to them with the addition of an

Earldom or other "nobilitating" title. The first success of this policy is worth recording in full in that it marks the first major clash between the Brehon and Feudal Code and set the pattern which ended in the collapse of the Brehon clan system and the victory of the feudal way of life.

In 1542, Conn Bacach O'Neill, most powerful of the Northern Chiefs, acknowledged Henry VIII as Sovereign and went to England to receive the title of Earl. A document in the Carew manuscripts records the scene:

"Sunday, 1st October 1542, at the Manor of Greenwich, Con O'Neill was created Earl of Tyrone, in the manner and form following: The Queen's Closet at Greenwich was richly hanged with cloth of Arras, and well strewn with rushes, and after the sacring of the Mass, those earls in company went to the said closet, and there put on their robes of estate. And immediately after, the King's Majesty being under the cloth of estate, accompanied with all his noblemen, council, and others, came in, the Earl led between the Earl of Oxenford and the Earl of Hertford, the Viscount Lisle bearing before his sword, the hilt upwards, Garter before him bearing his Letters Patent, and took them to Mr. Wriotesley, Secretary, to read them openly. And when he came to "cinctutam gladii" the Viscount Lisle presented unto the King the sword, and the King girt the said sword about the Earl baudrickwise, the aforesaid Earl kneeling, and the other Lords standing that led him. And so, the Patent read out, the King's Highness took him his Letters Patent, and gave him this in his hand, and a priest made answer of his saying, in English, and there the King made two of the men that came there with him Knights. And so the Earls, in order aforesaid, took their leave of the King's Highness, and departed into the place appointed for their dinners, the Earl of Tyrone bearing his Letters Patent himself, the trumpets blowing before him, on to the chamber which was the Lord Great Master's, under the King's lodging. And so they sat at

dinner. At the second course, Garter proclaimed the King's style; and after the said new Earl's in manner following:-

"Du tres haut et puissant Seigneur Con, Comte de Tyrone en la Royaume d'Irlande". He gave unto Garter for the fine of his gown, 20 angels, and to the whole Office of Arms £10, and so to Trumpets 40s., and other officers were honourably rewarded, according to the old and ancient custom."

O'Neill's surrender precipitated a small landslide. Influential Southern nobles took out English Patents for their estates. The clash between the Gaelic and the English system soon came to a head. Conn's title, under the English dispensation, left his Earldom and lands to his eldest son, the illegitimate Matthew. This struck at the Brehon law of tanistry, by which the people had the right to select the worthiest of the O'Neills as successor to Con.

As Ulster knew no code but that of the Brehon, the frame of the Royal Patent outraged the feelings of the O'Neill clan by favouring the bastard son before all other contenders.

Worst of all, the English Patent blithely assumed that the territory surrendered by Con, and regranted by Royal Patent, was the sole and absolute property of the Chief - a doctrine repugnant to the Celtic law under which Con had merely a life estate in the Ui Neill territory. The result was that Con's ablest legitimate son, Shane, the person most favoured by the Clan Ui Neill, slew Matthew, and on his father's death in 1559 was elected by the tribesmen Chief of the O'Neills, according to the Brehon Code.

Queen Elizabeth's Deputy, Sidney, visited Shane and reproved him for not allowing his territory to be made shire ground. Shane O'Neill's reply to Sidney

is historic and relates closely to arguments against ground rent as a detail of the Conquest.

"In the first place Matthew was a bastard, that, anyhow, he could not derive a title from his father, Con O'Neill's surrender to Henry VIII, for that Con's surrender was void, because he had but an estate for life in his principality, nor could have more by the law of tanistry; nor could surrender, but by the consent of the Lords of his country; and that, even by English laws, the Letters Patent were void, because there was no Inquisition taken before they were passed; nor could there be any Inquisition until the County of Tyrone was made shireground. That he was elected O'Neill by the nation, according to custom; that he was the legitimate son and heir of his father; and, lastly, that his title to all his claims is by prescription". (Cox's "History of Ireland").

Con O'Neill had surrendered what was not his to surrender and Henry VIII had regranted what was not his to grant. And the same held true for all the other Patents issued all over Ireland.

Sidney's next approach to Shane O'Neill, three bottles of poisoned wine, failed to remove him from the scene and O'Neill held out in an independent Ulster until his death at the hands of the MacDonnells of the Isles in Antrim, in 1567. Posthumous confiscations of Shane's lands by Dublin Castle and a generation of sporadic warfare with the Ui Neill gave way to an open war of extermination.

Elizabeth's Deputy, Mountjoy, Duke of Devonshire, switched his attention from the Plantation of Munster to the reduction of Ulster. In this task he was ably seconded by Sir Arthur Chichester. On the 14th May, 1601, Chichester wrote the following letter to Lord Mountjoy - "I have launched the great boat on Lough Neagh, and have twice visited Tyrone with her, and

after with lesser boats. We have killed, burnt, and spoiled all along the Lough to within four miles of Dungannon, from whence she returned yesterday; in which journeys we have killed above a hundred, of all sorts, besides such as we have burned, how many I know not. We spare none, of what quality or sex soever, and it hath bred much terror in the people, who heard not a drum nor saw not a fire of long time. The last service was upon Patrick O'Quinn, whose house and town were burnt, wife, son, children, and people slain, and himself (it was reported to me) of a hurt received in flying from his house". (State Papers of Ireland).

Such was the operation of English statecraft in Ireland and the basis of the law of property in ground rent and gaming rights to the present day.

On October 8th, 1601, Chichester writes again to the Duke of Devonshire: "*I have found, said and written that it is famine must consume the Irish, as our swords and other endeavours work not that speedy effect which is expected. Hunger would be a better, because a speedier, weapon to employ against them than the sword*"

Chichester was eventually given the title of Admiral of Lough Neagh, with a salary, and used his title to support a spurious claim to ownership of the Lough, a claim which the fishermen of Lough Neagh dispute to this day.

The history of the O'Neill territory explains in microcosm the pattern of the Conquest in Ireland. Following Kinsale and by the end of 1608 every Irish chieftain had been swept out of Ulster. "*Their extinction,*" writes Froude, "*was contemplated with as much indifference as the destruction of the Red Indians of North America by the politicians of Washington, and their titles to their lands are not more deserving of respect...to the English they were vermin, to be cleared from the earth by any means that offered*".

GROUND RENT IN LAW AND HISTORY

It is worth giving one example of the cavalier fashion the conquered lands were disposed of. A Royal Grant dated November 8th, 1603 ran: "in regard, as well of some services done to the King, as of a sum of money to be paid, by the King's orders, to an ancient and well deserving servant in Scotland, a grant be made to Mr. John Wakeman, his heirs and assigns, in fee-simple, of so much lands in the King's hands as shall amount to the clear yearly value of £100 English, reserving only a rose, or such like acknowledgement, without any other rent".

(State Papers of Ireland).

Letters Patent issued in execution of this Royal hand-out gave Wakeman lands grossly in excess of the value allowed by the King's letter. In the language of the day, it reads: "St. Mary's Abbey, near Dublin, with all its hereditaments, lying in the towns suburbs and field of Dublin, Clondalkin, Dalkey, Howth, Correston, Kilmannagh, Huntstown, Clonsilla, Donany, Slarduff, Ellestonread, Ballilug, Grenocke, Bullestowne, Diserlinlagh, Gallawaie, and Coldreni, at 10s. rent within the Kingdom of Ireland. The churches, rectories and chapels of Clonsilla, Ballicurris, Protshangan, Diserlinlagh, Fertullagh, Fasaghrebane, Catherlagh, Kilcarne, Portlomen, Rughagh, Mascreame and Knockragh. The tithes of Ballybough and Grange of Clonliffe in Co Dublin with all houses, tithes, etc., belonging to the said Abbey, churches, chapels, within the said places; all woods, etc., with the ground and soil thereof, etc. To hold forever, by fealty only".

Such was the progress of the Conquest in Ireland. Statecraft first, followed by poison wine and war, and the result compounded with corruption.

In narrowing the focus from the general view of the Conquest to the particular aspect of it that is ground rent, a brief outline of the nature and history of ground rent in this country is of help.

By the end of the 17th Century, the feudal system of land tenure, with all its incidents, had been imposed on Ireland in substitution for the indigenous system of land tenures which was recognised by the Brehon Laws. A feature of the feudal system was the practice of holding land for a term of years under a lease. This was the system practised in England. But Ireland was a conquered land and every element of protection of the tenant contained in the feudal lease was removed.

By a series of statutes starting in the early 18th century and culminating with the Landlord and Tenant Law Amendment Act, Ireland, 1860 (23 and 24 Vict.c.154) every formality by which the Common Law of England obstructed and delayed the landlord from repossessing the tenant's land was abolished, and the power of the landlord to recover his land was unlimited.

Twenty years before the 1860 Act, Jemmy Hope, who had taken part in 1798 and in Emmet's 1803 Rising, could report: "*The relation in which the tenant now stands to the landlord is the relation in which the unprotected traveller stands to the highwayman who holds a blunderbuss to his breast while he demands his purse.*"

English Common Law as practised in Ireland did not recognise a person holding land for a term of years as having or acquiring an interest in the land. The person renting or leasing the land (lessee) was regarded as holding the land as a bailiff for the freeholder. Because of the doctrine "quid quid plantatur solo, solo cedit", buildings erected by a lessee ceased to be the property of the lessee when his lease expired and passed back to the owner of the land. This placed the landlord in a position that could only be claimed by the creator of the soil; hence the origin of the term - "Divine Right of Private Property".

An outgoing tenant was not entitled to any compensation for any improvements made by him to the land, or for any buildings erected by him thereon. This was the heyday of British Imperialism in Ireland and the system prevailed throughout most of the country up to the days of the demand for the three "F"s (Fair rent, Fixity of Tenure and Free Sale) i.e. an extension of the Ulster Custom of the Northern Planters to the rest of agricultural Ireland, and Davitt's Land League, 1879 - 1881.

In urban areas, as in rural areas, the same principle of leasehold prevailed. The owner of the soil leased a parcel of land to a lessee (tenant) for a number of years at a rent usually arrived at by reference to the undeveloped value of the land. The lease so given usually contained covenants (agreements) to erect a specified number of buildings on the land, to maintain and keep these buildings in repair, to surrender them in a state of repair at the conclusion of the term, and also restricting the user of the building and the making of alterations or additions there- without the consent of the lessor (landlord). The length of lease could vary from 999 years to as short as one year. Generally, in the cities and large towns the length of lease varied from 75 to 99 years.

In some towns where the land was owned by the Established Church the normal lease was for 21 years. This became known as a "Bishop's lease" and was renewed on payment of a fine. When the Irish Church was dis- established, the Church authorities were precluded from holding land in excess of 30 acres in each parish; the church and other parish buildings are built on these lands. All church property in excess of this amount was disposed of at that time and the "Bishop's lease" vanished from the scene - or so it seemed until the Proby Estate dispute erupted in 1966, in Sandycove, Dublin. During the 19th Century the normal length of a building lease became standardised at 99 years, al- though in some estates the normal length was 150 years.

In some cases the lessee of the land from the landlord built houses and sold each to a sub-lessee or undertenant for a price which usually included the cost of the house built and a profit thereon as well as a ground rent which included an element of profit for the landlord. All the other agreements and re- strictions existing between the landlord and lessee were common as between the lessee (tenant) and sub- lessee (sub-tenant).

This practice has led to the development of the "pyramid of interests" which is so common in Dublin and other cities and towns. There may be two, three, or four estates intervening between the under-tenant, who paid the price of the house built on the land, and the fee-simple owner of the land (landlord).

AGITATION AND REFORM

In Ireland the first movement to reform the land- lord and tenant laws was directed at helping the ten- ants of agricultural holdings. Agriculture was the sole industry upon which eight million Irish people depended for a livelihood in the early nineteenth cen- tury. A combination of a free-trade policy, which

led to the repeal of the Corn Laws, and a potato blight which wiped out both crop and seed for three consecutive years, caused the Great Famine. The British landlords took their rent in the shape of corn and cattle and left millions to perish for lack of food and the principles of free-trade.

The uncrowned King of Ireland, Daniel O'Connell, counselled the famine-stricken Irish to *"most dutiful and ever-inviolable loyalty to our most gracious and ever beloved sovereign, Queen Victoria"*.

From Laois was heard the clear and urgent voice of James Fintan Lalor: *"Ireland her own - Ireland her own, and all therein, from the sod to the sky. The soil of Ireland for the people of Ireland, to have and to hold from God alone who gave it - to have and to hold to them and their heirs forever, without suit or service, faith or fealty, rent or render, to any power under Heaven."*

But the Rising of 1848 never really got off the ground, while death from hunger and enforced emigration removed millions from the land.

The 1850s and '60s saw the new landlord class that had bought out the Famine bankrupts ruthlessly clearing the land of peasants. The unprotected tenants were driven off the land to make way for cattle and sent to drown in coffin-ships on the high seas. Tillage gave way to grassland, people to bullocks. The tenants struck back the only way they could. Agrarian "outrages" became commonplace. This agitation led to the Landlord and Tenant (Ireland) Act, 1870, three years after the Fenian Rising of 1867.

The Act gave agricultural tenants the right to compensation for disturbance and compensation for improvements. It was the first step in a Land Code, which, under the impetus of the Land League, introduced

peasant proprietorship, first by voluntary purchase schemes and later by compulsory purchase schemes.

In the 1870s, Michael Davitt, the released Fenian convict from Mayo, canvassed a new idea among the Movement on both sides of the Atlantic. This was for an organised agitation among the tenantry in Ireland aimed at ultimately wresting the land from the British landlords and giving it to the Irish people. This concept added a new dimension to the national struggle but caused bitter divisions between those who espoused it and those, like O'Donabhain Rossa and John O'Leary, who saw in it a digression from the main task of national independence. Rossa, whom Pearse described as "the most splendid of the Fenians", denounced it. John Devoy, whom Pearse described as "the greatest of the Fenians", supported it, and Davitt's New Departure, as it was called, led to the founding of the Land League, the rise of Parnell, and, eventually, the fall of feudalism in agricultural Ireland.

The Annuities War in the 1930s was to prove the last major engagement between Irish agricultural tenants and exploiting landlords. In every urban area in Ireland, feudalism slept on undisturbed by the battle raging in rural parts. The Irish Parliamentary representatives were too preoccupied with the more important problem of agricultural tenants to devote much time to the less vocal and less well-organised tenants in urban areas.

The slumbering towns and villages were unaffected by the conflagration that virtually consumed the principle of feudalism in rural Ireland. In the countryside only gaming and fishing rights remained to be repossessed at a future date. But the urbanite was still subject to the "Divine Right" or private property.

And so it remained up to the fight for Independence - and after.

FROM 1921 TO THE PRESENT

With regard to Ground Rent, the War of Independence changed nothing. Both Stormont and Leinster House seemed equally content to accept the status quo in relation to this relic of Feudalism.

On January 20th, 1927, a Commission was appointed with Mr. Justice J. Creed Meredith as Chairman to inquire inter alia into "the existing law governing the relationship of landlord and tenant in respect of holdings in urban districts, towns and villages."

The Commission's report laid the basis for the 1931 Landlord and Tenant Act which was the first of three Acts to be passed in the 26 Cos. since 1921. The other two Acts came in 1958 and 1967 respectively.

The 1931 Act accepted completely the prevailing status quo. Its significance was that it established the payment of ground rent as an integral part of the new Irish land code. And so while the Land Annuity battle raged during the '30s against the principle of the Divine Right of private property, that very same principle was being absorbed into the Irish legal system.

The 1953 Landlord and Tenant (Reversionary Leases) Act changed nothing either.

In November, 1961, Deputy Sean Dunne moved for leave to introduce a Bill dealing with ground rent in Leinster House. The Bill provided that:

1. After the date of the passing of the Bill it would be illegal to create a new ground rent;

2. After the passing of the Bill a tenant would have the right to purchase his ground rent from his ground landlord at a sum not greater than fifteen times the normal ground rent which the tenant was liable to pay;

3. Any amount paid by the tenant as ground rent prior to the passing of the Bill should be taken into account in the purchase price of the ground rent.

Leave to introduce this Bill was refused.

On December 2nd, 1961, the Fianna Fail Government of the day appointed a Commission headed by Judge Conroy to inquire into and report on ground rent. The Commission was furnished with no statutory powers of inquiry such as the right to demand exact figures of ground rent collected by landlords. Property and legal interests were represented but not the ground rent tenants.

Well-known Fianna Fail hacks such as John S. O' Connor, Charles McCarthy and Daniel F. Stephenson sat at the Commission table. Paragraphs 63 and 64 of the Commission's report shows the cavalier manner in which the toothless Commission was treated by the powerful vested interests whose income it tried to investigate:

"Par. 63. We tried to get from the Valuation Office and from the Revenue Commissioners reliable figures as to the number of ground rents in the State. We were told that no such figures could be provided except at the expenditure of such time and money as, in their opinion, would not be justified by the results."

"Par. 64. The only estimate which we received was one advanced by the representatives of the Irish Landowners Convention. This estimate placed the

Par.64 cont.

annual figure paid by way of ground rents i.e. by persons holding under leases, as being somewhere between £2 million and £5 million per annum."

The Commission recommended that the tenant have the right to purchase freehold - but only if he paid a capital sum to the landlord that, when invested, would yield in simple interest each year a sum equivalent to the ground rent normally paid. i.e. The Commission established the principle that a tenant could buy freehold by paying his ground rent in advance forever! The exact wording of the Commission's recommendation on this crucial question reads: "The purchase price should be such sum as will avoid any element of confiscation. It should give the landlord a reasonable income having regard to the income he has forfeited through having to sell the ground rent and also the nature of the security."

The Commission had failed to examine the morality of ground rent.

The Landlord and Tenant Act (Ground Rents) 1967 was based on the report of the Conroy Commission and, with the addition of proposed minor amendments, stands as the latest word from the Leinster House lawmakers on the ground rent question. Needless to note, the principle of the law presupposes the absolute right to private property of the individual by legislating for compensation which equals in value the amount of the ground rent assuming that the current lease ran forever.

The Act gives the tenant the right to compulsorily buy out his ground rent subject to his paying an amount which, in the words of the explanatory memorandum to the Act, "...if invested in the most recent Government long term loan would give a gross annual return calculated at the date of issue, equivalent to

the ground rent which is being compulsorily acquired!" At the time of publication of the Act, the interest rate for the current National Loan stood at $7\frac{1}{2}\%$. This meant that a person buying out a £10 ground rent would pay $\text{£}10 \times 100/7\frac{1}{2}$ or £132 which would yield an annual income of approximately £9.90 to the landlord.

Mr. Lenihan, Minister for Justice at the time, lauded the Act as revolutionary on the grounds that for the first time the tenant had the right to compulsorily acquire freehold. He might as well have said that for the first time the landlord was in a position to collect ground rent in advance in perpetuity and so save himself the cost and bother of annual collection. But Mr. Lenihan's father, the late Paddy Lenihan T.D., was a Director of the Irish Life, an insurance company with a heavy investment in ground rent.

The current compensation calculation for people wishing to buy out their ground rent landlord is as follows. For example, take a £10 ground rent. The latest Government security is the National Development Loan issue at $9\frac{3}{4}\%$. As each £100 stock of this Loan was issued at £98 the yield stands at 10.36 per cent per annum. i.e. a £100 holding earns £10.36 per annum.

To arrive at the multiple legislated for under the 1967 Act divide 10.36 into 100. This equals 9.06 times. So that the capital sum required at the moment to buy out is $\text{£}9.06 \times \text{£}10$, which equals £90.6p.

In addition to this, of course, the tenant must pay the costs of both parties. These costs may vary from £20 upwards to £40 or more: there are no fixed limits.

This system ensures that the landlord who is bought out continues to receive an amount of money equal to the ground rent normally paid. So that

another description of the "revolutionary" principle of the 1967 Act is that now for the first time the landlord can receive his rent in perpetuity without the cost or bother of collecting it!

As a consequence of the compensation clause of this Act the general advice given by Solicitors to clients inquiring about ground rent purchase is that they should not buy out unless they have an urgent pressing reason to do so. Such a reason would be the desire to get rid of restrictive covenants in some leases prohibiting the building of outhouses on the property without the landlord's permission.

The simple logic of the present position is that any householder who could raise the capital sum and costs necessary to buy freehold would be much better advised to invest the amount and to use the interest accruing to pay the ground rent.

Once a ground rent is fixed upon it cannot be increased. The devaluation of money and general inflation works, in this instance, in favour of the householder. By using the interest to pay the ground rent the householder keeps his own capital and buys the time to win the political battle which can abolish ground rents.

GROUND RENT IN DUBLIN

Ground rent exists in virtually every city, town and village in Ireland though it is not possible to say what exactly the total collected in any one year amounts to. Nevertheless certain figures are available.

Ground rents, from all types of premises, were estimated to be between £2 and £5 million a year by the Irish Landowners Convention, which consisted of 58 ground landlords who made submissions to the Conroy Commission. It was found that it was impossible to get a firmer figure than that quoted, although a figure that varies by £3 million could not be regarded as reliable.

The only certain figures made available at the time to the Conroy Commission were those of ground rents payable to Corporations and Insurance companies. Dublin Corporation admitted to receiving ground rents of £106,000; Cork Corporation to £9,000; Waterford Corporation to £13,000 and Insurance Companies returns were given as £200,000.

Corporation ground rents are an inheritance from the charters of mediaeval times for the most part while the amount of ground rent payable to Insurance Companies has increased dramatically since 1964, when the Conroy Report was published.

No figures for private companies or individuals were provided.

While it is impossible, because of the research difficulties, to give exact details of ownership, "The United Irishman" investigation of the ground rent

scene in Dublin gives some idea of the composition of ground rent ownership in Ireland as a whole.

In Dublin City, the estate of the Earl of Pembroke successor of Strongbow (who landed in Ireland in 1169) includes considerable portions of Ballsbridge, Mount Merrion, Ringsend, Sandymount, Donnybrook and all of Ballinteer and Dundrum. Centre city property of the estate, Fitzwilliam and Merrion Squares, are joined to the Ringsend portion by Upper Baggot St., also of the estate. The Earl of Pembroke lives at Wilton House, Salisbury, England.

The estate of the rackrenting Probys, successors to the Earl of Carysfort, include most of Dalkey, parts of Sandycove, Dun Laoghaire, Blackrock and all of Stillorgan. Seventeen major city properties also belong to the Proby trio, Claud (*the agent, of White's Cross, Stillorgan*); Peter, (*the Bursar of Eton College, Windsor Castle, England*) and Sir Richard Proby of Elton Hall, Peterborough, England. Portion of the Proby property, the 4½ acre South City Market Estate, was sold in May, 1966, for £650,000 to a London speculator on mortgage money advanced by the Norwich Union Insurance Company.

The Longford and De Vesci estates extend from Seapoint, through Monkstown to Dun Laoghaire, where they own by far the greater portion of the lands - and urban built-up areas like these are hundreds of times more valuable than rural properties. J.R. Stewart and Sons are their land agents managing things for Christine, Lady Longford and for the 7th Earl of Longford. The present Earl of Longford is ex-Lord Privy Seal of England and an ex-member of the British Labour Government.

The 6th Viscount de Vesci, son-in-law of the Earl of Rosse, who also owns vast estates in Abbey-leix, including the town of Abbeyleix, was educated at Eton College, Windsor.

In Dublin County, the estate of the Vernon family, who got their land from Charles the Second, extend from Fairview to Raheny and include the lands of Clontarf.

The Howth estates spread northwards from Raheny to Howth and include St. Lawrence Rd. cutting through the middle of Clontarf. Captain Stephen Gaisford St. Lawrence is the present owner of the Howth estate and is a direct descendant of Amory Tristram who effected a landing at Howth in 1177.

North of Howth lies the Malahide estate of the late Lord Talbot de Malahide, British Ambassador to Laos in 1955-6. This estate dates back to Henry II.

West of Raheny-Howth spread of Capt. G. St. Lawrence lies some of the biggest housing estates built in the last twenty years, in Beaumont, Whitehall and Santry. It is in estates like these that the quickening interest of insurance companies in ground rent investment manifests itself. Greenfield and Beaumont estates in the Whitehall-Santry area now pay ground rent to the Irish Life Assurance Co., which is 90 per cent owned by the Dublin Government while Coolock-Raheny West estates pay to the New Ireland Company which numbers the Fianna Fail Ryans among its directors.

The 26 County Government pays ground rent in excess of £4,400 every year on office accommodation located in 64 buildings scattered throughout Dublin.

The following are some Ground Rents paid by the 26 County Government in Dublin area:-

PREMISES (Office space only)	OFFICE AREA (Sq.feet)	GROUND RENT per annum
Leinster House	12,200	£20.69
Merrion Sq. Offices	81,240	£705.38
G.P.O.	102,600	£224.38
Customs House	56,700	£206.71

NOTE: Area shown in column 2 represent office accommodation only; they do not include storage, etc.; areas.

A recent Sunday Independent investigation unearthed the fact that the G.P.O. - symbol of Irish nationhood - is partly owned by an Englishman living in Surrey. Each year the State pays £60.93 to Mr.G.C.C. Pentland for a use of portion of the G.P.O.

A second part of the premises is owned by the James Trust Estate which collects an annual ground rent of £25. The third portion, costing the State £138.46p annually in ground rent was bought out in 1972 from Miss M. O'Donoghue, Douglas Road, Cork and is now fee simple.

The other two G.P.O. leases expire in 2698 and 2715 respectively. It is estimated that the Government pays almost £20,000 annually on about 380 buildings owned by the State.

The latest ground rent statistics on State property are given in a Dail reply in February 1969. The ten largest payments of ground rent by the State are as follows:

Pembroke Estate - £1,149; Ballincollig Holdings £1,145; Dublin Corporation -£1,095; Robert Leycester, £821;

Bankfield Estates -£448; Trinity College, Dublin, £390; Lyster V.Burroughs Estate - £375; Lord Ardee - £320; Convent of Mercy,Lim.-£373; Walter Sweetman est.£330.

Some of the highest ground rents paid by the State are as follows:

Cork Customs House (to Robert Leycester) - £821.;
Collins Military Barracks, Cork, - £619.;
Dun Ui Mhurchadha, Cork, £1,135.;
Andrew St. Post Office, Dublin, £500.;
Pearse St. Garda Station, £390.;
Cathal Brugha Military Barracks, £892.;

Dublin Corporation ground rents trace their origin to the 12th Century Charters King Henry and King John. Today's Corporation City Estate is a residue of the Royal Charters' property. The Corporation now owns portions of College Green, parts of Grafton St., most of Wicklow St., bits of Suffolk St., the Arran Quay area around St. Paul's Church and Smithfield. From Capel St. towards Bachelor's Walk is held under the Jonathan Amory lease which expires in 1974. Lands on the perimeter of the city, in the Whitehall area, formerly owned by All Hallows College, are now mostly used for building Corporation houses.

The Iveagh Trust own the greater part of the area around Patrick St., James' St., Kevin St., and the Coombe. U.C.D. own a lot of ground on their side of Stephen's Green. The Representative Body of the Church of Ireland has ground on the Green also. Trinity College owns most of Pearse St. and Westland Row as well as the ground inside the perimeter of the University.

Parts of Dublin and most provincial areas remain uncharted. Two-thirds of Cork is owned by the Earl of Cork and Orrery. Dundalk, for the most part, is owned by Lord Roden. Captain Napier owns the little

HISTORY OF THE PROBY ESTATE

village of Oldcastle in Co. Meath. The Marquess of Headfort owns parts of Kells, in the same County. Lord Donoughmore and Commander Bagwell are dug in in Clonmel. The Verschoyle estate collect ground rents in Ballina.

To give the reader a typical example of the background and nature of ground rent in a small urban area, this chapter is well concluded with the case history of Enniscorthy, as taken from the files of the *UNITED IRISHMAN* - "The town of Enniscorthy in County Wexford went wallop in the late 16th Century and has not yet recovered! The town is not in any bankrupt, however. It is just that the citizens of the "rebel" stronghold of '98 fame keep on paying rent to Baron Wallop, the Earl of Portsmouth.

The Earls of Portsmouth have owned the town without break since 1587. In all of that time their rights to collect ground rents and confer leases has never been questioned. Now approaching their four hundredth year in continuous possession the Wallops consider themselves far more fortunate than the previous owner, Edmund Spenser, the poet. Spenser was owner of the estate in 1581 but never came to the town "through fear of the Kavanaghs" and finally sold out and quit.

The Wallops and their tenants in Enniscorthy hit it off very well. In 1856 a meeting of the Enniscorthy tenantry presented an address of congratulation to the then Earl of Portsmouth on the birth of a son and heir. In 1967 a motion by Sinn Fein Councillor, Michael Treacy, calling for the abolition of ground rents was voted down by the majority Fianna Fail-Fine Gael membership of Enniscorthy Urban District Council."

Meanwhile, back at the Estate Office, the agent and solicitors of the Portsmouth estate are getting ready to wallop Enniscorthy for another year's rent.

The Right Hon. Granville Levison, Third Earl of Carysfort, had much to bequeath to his heir-in-chief, Colonel Douglas James Proby, Royal Irish Guards, when he made his will in 1868. Besides stocks and shares worth more than £92,000 scattered throughout the then British Empire, Colonel Proby inherited two parcels of land in Cos. Wicklow and Dublin.

In the Co. Wicklow estate, his inheritance included the lands known on the Ordinance Survey in Ireland as - Ballycoog, Upper Ballinagore, Ballinavally, Ballinavally Upper, Ballykillageer Lr, Ballykillageer Upr. Ballyrush, Pollahoney, Collahullin, Knockanrahan Lr., Knockmiller, Moneyteigue Middle, Moneyteigue North, Moneyteigue South, Rahaencleagh and part of the lands of Abbeylands, Arklow, Ballinasillogue, Ballintemple, Ballinvalley Lr, Ballygriffin, Ballycoog Lr. Ballyduff North, Ballyduff South, Ballyrairie Lr. Ballyrairie Mid. Ballyrairie Upr. Ballyrooaun, Barnacheagh East, Barnacheagh North, Barnacheagh Sth. Clanwilliam, Coolgarrow, Glenart, Johnstown Hill, Johnstown Lr. Johnstown Upr. Kilcarra East, Kilcarra West, Killahurler Lr. Killahurler Upr. Lambertton, Monaghlogh, Mongan, Moorehill, Rockbig, Rostygah, Sheephouse, Slievefoore, Thomas-town, Tinahask Lr. and Yardland.

In Dublin County...part of the lands of Bullock, Glasthule and Sandycove containing 345 acres, 3 roods and 22 perches statute measure or thereabouts situate partly in the Townships of Kingstown and Dalkey and County of Dublin part of the lands of Dalkey and Parkmore containing 44 acres, 3 roods and 3 perches statute measure or thereabouts situate in the Township of Dalkey and County of Dublin together with

the sum of £279.9.9 payable by the Dalkey Urban Council in respect of part of the said last mentioned lands taken under the provisions of the Housing of the Working Classes Act 1890 part of the lands of Stillorgan and Newtown now known on the Ordinance Survey as Carysfort, Stillorgan, Stillorgan North, Stillorgan South, Stillorgan Park, Stillorgan Grove Woodlands, Galloping Green and Newtown Park containing in the whole 852 acres, 3 roods and 38 perches or thereabout and part of the lands of Carrickmines Great containing 2 roods statute measures or thereabouts situate in the Barony of Rathdown and County of Dublin...

In Dublin City...plots of ground, houses and premises situate in Jervis St. Liffey St. Capel St. Strand St. Smithfield, Queens St. Barrack St. Bridgefoot St. Thomas St. Mullinahack, New Row, High St. Nicholas St. Chancery Lane, Castle St. Great Ship St. and North Strand in the County of the City of Dublin and all other....etc.

In 1921 Colonel Douglas Proby bequeathed the aforementioned properties, among others, to his eldest son Granville Proby and his two other sons and one daughter. The estate, comprising of more than 1,197 acres of land and seventeen major city properties as listed before, was substantially that which he had himself inherited so many years before. The only loss to the estate as a result of the fight for freedom was that of Glenart Castle, burned to the ground in 1921.

Most of the Wicklow Holdings were disposed of piece-meal over the next decade, in 1931 the Irish Land Commission bought the residue of the agricultural land for £17,428.2.5. paid in 4½% Land Bonds.

Sir Richard George Proby, second son of the Colonel, is now an honourable Director of the Irish

Landowner's Convention Limited. Two other members of the family are also directors of the Convention, Peter Proby, Eton College, England, and Claud Proby, ex British Army Officer and land agent, Stillorgan, Co. Dublin.

The Dublin City and County Estate of the Proby's vested in the various members of the family, has remained more or less intact over the years and considerable tracts of it are let as leasehold property. That the legal rights and prerogatives of their conquest-established ownership remains not only unchallenged but as aggressively assertive as ever is clearly demonstrated by the affair of the five houses on Ballygihen Ave., Sandycove, Co. Dublin.

"During the closing years of the seventeenth century, all the eighteenth, and the greater part of the nineteenth, the Irish people were the lowest helots in Europe, socially and politically. The Irish peasant, reduced from the position of a free clansman owning his tribelands and controlling its administration in common with his fellows, was a mere tenant-at-will subject to eviction, dishonour and outrage at the hands of an irresponsible private proprietor. Politically he was non-existent, legally he held no rights, intellectually he sank under the weight of his social abasement, and surrendered to the downward drag of his poverty. He had been conquered, and he suffered all the terrible consequences of defeat at the hands of a ruling class and nation who have always acted upon the old Roman maxim of 'Woe to the vanquished'."

James Connolly

THE BATTLE OF THE PROBY ESTATE

The Proby Estate dispute concerned the hundreds of houses on the fifteen acres surrounding Scotsman's Bay, Sandycove, an inlet of the sea on the South Dublin coastline. On the one hand stood the Bursar of Eton College, Windsor, England, and on the other hundreds of people whose houses he had already taken possession of or was trying to possess. This exploitation was made possible by a flaw in the definition of a building lease existing in the 1931, 1958 and 1967 Ground Rent Acts. The five houses around which the battle flared in 1967 were built during the famine of 1857 by a builder who leased land from the estate to do so. The houses were bought and sold frequently right up to the present century with only a ground rent being paid to the Earl of Carysfort or the Proby family.

In the past thirty years the estate began to perpetrate a fiction upon a tenant whose lease expired claiming that the rent was not a ground rent but an "occupational lease". Tenants were taken one by one and defrauded of their rights to lease renewal on certain terms. The expiry of an £8 ground rent would be met by a demand for £240 a year for a 21 year lease after which the house would again revert to the Proby Estate. Many such leases now exist on this 15 acres.

Tenants who resisted this extortion were brought to court and the faulty Section 10 C of the 1958 Act used to force them into buying out freehold at a price near the full value of the house or settling for an extortionate lease. As leases expired at different times, the Estate could count on the difficulty

of one tenant at a particular time not arousing any great sympathy from his neighbours. The tenants stood alone against the Landlord and all the legal coercion he could exert and fell alone one by one through the years.

Then Mr. Proby tangled with Mr. P.E. Boland of 5, Ballygihen Ave. Mr. Boland had bought his house at an auction in 1956 after it had been withdrawn without reaching the reserve price. In 1964 the lease expired. Mr. Proby demanded the full value of the house for freehold or £240 per year for a 21 year lease.

Mr. Boland went to court against the landlord on six occasions and on each occasion the Ground Rent laws (which now included the 1967 Act) failed him. As Judge McGivern poised his pen to sign an ejection order, Mr. Boland was forced to capitulate and settle for £3,000 with the Bursar of Eton College. William Robert McFerran of Molesworth St., Dublin, Mr. Proby's solicitor, when told by Mr. Boland that the estate's policy towards tenants was like shooting fish in a barrel, replied, "*each little fish must hang by its own tail*".

But the little fish began to congregate. A press conference sponsored by *THE UNITED IRISHMAN* in August 1967, attended by Mr. Boland, started the campaign against the exploitation of the Proby Estate. The Sandycove (Proby Estate) Ground Rent Tenants Association soon came into being (August 17th) and held meetings of the tenants and organised pickets both in Dublin and Eton itself to protest at the activity of the Probys.

The Association proved very active and activities included two delegations to the Conroy Commission which was requested by the then Minister for Justice, Mr. Lenihan, to urgently investigate the flaw in the 1967 Act. This request followed the second public meeting in Dun Laoghaire of the Association. Statistical

information concerning ground rents in Sandycove was compiled and presented to the Commission.

On November 15th, the second descent on Eton took place. This time the Building Correspondent to the United Irishman was accompanied by three other officials of the Proby Estate Association, the Treasurer, Mr. Boland; Secretary, Miss Breen; and Chairman, Mr. Charles J. Johnston. Mr. Proby would not be budged. Throughout, the United Irishman publicised the campaign and its progress. Articles of major research into ground rents were carried in the May, August and September issues of 1967.

The "7-Days" programme on RTE featured the agitation and its causes and a rather slow spoken embarrassed Claud Proby failed to impress watchers with his weak arguments.

The Conroy Commission, which was to have reported by Christmas, 1967, dragged out its investigations and only reported in June, 1968. The report conceded almost all the tenants' demands but deprived many tenants of the estate, including the chairman of the Proby Estate Association, Mr. Boland, the man more than anybody else responsible for the victory over Proby, of the benefit of their findings. Anybody who had entered into settlement with the estate (*even those forced to settle while the Commission was sitting*) were excluded from benefitting from the Commission's Report.

Nor had the then Minister for Justice, Mr. O'Morain, any help to offer. The tenants left out had his sympathy, he said, but they had "missed the bus": he would not query the operation of the laws of contract in these cases despite the fact that all the "agreements" entered into had been forced on the tenant under duress. Mr. De Valera's doctrine of contracts entered into under duress being invalid no longer prevailed, it would seem.

And so the battle goes on against Proby in order to recover Mr. Boland's £3,000 and to secure a revision of terms for the many other tenants on the estate forced to settle at exorbitant rents for lease renewal.

In Mr. Pentony's case the happy ending came early in 1973 when Claude Proby offered to settle for about £400 for freehold and eight years arrears of ground rent. It was a big comedown from a demand for £1,800 and costs. In 1967, Mr. Pentony had been forced to sign an agreement to pay £1,800 on the steps of the Court House. He had refused to pay up pending the outcome of the Proby Estate Campaign.

On the credit side, the new Ground Rent Act, if passed as amended by the recommendations of the Commission, will mean that all ground rents irrespective will be covered by the compulsory purchase clause of the 1967 Act. Excepted wrongly will be Proby's victims, both those who were forced to settle and those whose ground rent were increased to a figure more than their valuation, thus excluding them from the protection of the ground rent Acts.

Therefore, while the Commission's findings were useful in almost putting an end to Proby's career in Sandycove, and in preventing similar excesses in the general context of ground rent in Ireland, very little advance has been made towards the main object - a complete abolition of an immoral rent. The reason for this is that while such an advance might be feasible against the old vested interests of the Conquest, it must also overcome the vested interests of the new rich, of the Irish insurance companies and banks. The Ryans of Fine Gael are typical examples of public representatives with vested interests in maintaining the status quo in ground rents. And so the old vested interests of the Empire and the new vested interests of Irish big-business are at one in their joint exploitation of the Irish people.

CHAPTER 7

THE LANDOWNERS CONVENTION

The Irish Landowners Convention is the body that will be most affected by any campaign to release the people of Ireland from the tyranny of ground rent. The Convention represents the interests of the larger ground landlords; the names of the Convention's directors reads like a page from Debretts Peerage:

DIRECTORS

of

IRISH LANDOWNERS CONVENTION, LTD.

Name and Description;	Address	other Directorships;
Earl of Meath, Landowner	Kilruddery, Bray, Co. Wicklow.	Dublin Artisan Dwelling Co. Ltd. Meath Estates.
Earl of Rosse,	Birr Castle, Birr, Co. Offaly.	London Prudential Investment Trust Co. New Hibernian Investment Trust Ltd B. Wood & Sons (Ire) Birr Shoes Ltd.
Viscount de Vesci,	Abbeyleix, Leix.	Abbeyleix Estate
Lord Fingall, Co. Director.	Corballis, Dunsany, Co. Meath.	
Lord Inchiquin, Landowner.	Thomond House, Dromoland, Co. Clare.	

Directors of I.L.C.Ltd. cont.

Name and Description;	Address	other Directorships;
Lord Pembroke Landowner.	7a, Wilton Tce. Dublin.	
Lord Powerscourt, Landowner.	Tona Beg, Dunsany, Co. Meath.	
Sir R.G. Proby, Landowner.	Elton Hall, Peterborough, England.	Elton Estates.
C.G. St. Lawrence (Lord Howth)	Howth Castle, Dublin.	Howth Estates Co. Ltd. Metropolitan (Baldoyle) Race Co. Ltd.
Claud Proby Land Agent,	Garden House, Carton, Maynooth.	Stillorgan Est. Co. Ltd. Foxrock. Brewery Ltd. Royal Exchange Ass.
Michael Henry Vernon, Land Agent.	71, Nutley Lane, Dublin 4.	
P. Proby, Landowner.	Willow Brook, Eton College, Windsor.	
M. Bell, Landowner.	Fota Island, Carrigtwohill, Cork.	
Richard Taylor, Farmer.	Bridge House, Straffan, Co. Kildare.	Portland Est. Co.
Sir Cecil Stafford-King-Hamm,	St. Catherine's Park, Leixlip.	
R.R. Stewart,	St. Adrian's, Sutton, Co. Dublin.	
Major J.W.R. Madden,	Hilton Park, Clones, Monaghan.	

Directors of I.L.C.Ltd. cont.

Name and Description;	Address	other Directorships;
Colonel J.E.D. Silcock,	Newtown Anner, Clonmel, Co. Tipperary.	
R.B. Walpole,	Mt. Usher, Ashford, Co. Wicklow.	
Group Capt. C.H. Tighe,	Ballina Park, Ashford, Co. Wicklow.	
Sir Richard Keane,	Cappoquin, Co. Waterford.	

Were it not for that incident in 1916, these gentlemen might as well convene in the House of Lords of a Home Rule Parliament as in a limited liability company the articles of association of which speak eloquently of its aim:

"...To carry on the business of an Investment Co. and for such purposes to realise and sell from time to time all or any of the properties and assets of the Convention and to invest from time to time reinvest and vary the investments of the proceeds of any such realisation and sales and any other monies belonging to the Convention.

To manage and develop all or any investments and property of the Convention and to collect and receive dividends, bonuses, rents and profits therefrom, and to apply all or any of such profits either by investing the same or in furtherance of any other of the objects of the Convention.

To protect and further the interests of Irish Landowners *(which description shall throughout this document be deemed to include the owners and lessors of lands, buildings, or incorporeal hereditaments in Ireland or of rents charged upon or issuing*

out of such lands) by such lawful means and in such manner as may from time to time be considered appropriate, and in particular by all or any of the following means:

1. By conferring and advising upon any matter effecting the interest of Irish landowners;
2. By examining proposed legislation and (where necessary or expedient) by suggesting or advocating amendments therein from time to time by seeking, promoting or advocating the introduction of new legislation in the interests of Irish Landowners;
3. By concerning itself generally in all matters connected with the ownership of land, buildings and property, Urban/Rural, and in the improvement and development of agriculture, stock breeding and rearing, market gardening, forestry, game breeding, and preservation, fisheries, and fishery preservation, and in the utilisation and development of mines, minerals and oil deposits."

Such is the organisation of this band of noble Lords and any agitation for the emancipation will have to defeat all the power, influence and craft of the Landowners Convention as well as the Fianna Fail Ground Rent Act before a single tenant is freed from the clutches of this mediaeval blackmail. The battle on the Proby Est. and the first signs of a general onset on the whole position of ground landlords has already been noted by the Convention. Asked to comment on the public attitude towards ground rent in an article on the Sunday Press, April 5th 1970, Mr. D. Woodworth, secretary of the Convention replied: "I would prefer not to comment on ground rents at all because of what the average Irishman may think about them."

As well keep silent while you still collect would seem to be the attitude. And why not? It has been reckoned, for example, that the annual ground rent accruing to the Pembroke Est., stretching from Dublin to Blackrock, comes to £250,000 annually. Some pocket money, indeed!

THE MORALITY OF GROUND RENT

One aspect of Ground Rent in Ireland is historical: the other is moral. The historical influences our attitude towards Ground Rent. But the moral aspect is the decisive factor influencing our attitude towards any institution whether old or newly created. Ground Rent, were it to be created for the first time tomorrow is either right or wrong. The question is whether it is right or wrong that an individual can claim perpetual rent from a piece of land without ceding any right of ownership to the persons paying this rent to him.

This principle of perpetuity it is that makes ground rent unique as a category of private property. It confers on the Landlord the right that only God or Nature could exercise as the original creator of the soil. Only the creator of the soil could claim such absolute right. In the absence of its creator, all kinds of property is subject to the community will as to the manner in which it may be held. This is the kernel of the teaching of Fintan Lalor whose immortal definition of the right of private property is as valid today as when first propounded. He said: "'To any plain understanding the right of private property is very simple. It is the right of man to possess, enjoy, and transfer the substance and use of whatever HE HAS HIMSELF CREATED. This title is good against the world; and it is the SOLE and ONLY title by which a valid right of absolute private property can possibly vest.

"But no man can plead any such title to a right of property in the substance of the soil. The earth, together with all it spontaneously produces, is the free and common property of all mankind, of natural

right, and by the grant of God - and all men being equal, no man, therefore, has a right to appropriate exclusively to himself any part or portion thereof, except with and by the COMMON CONSENT AND AGREEMENT of all other men.

"The sole original right of land which I acknowledge to be morally valid is this right of common consent and agreement. Every other I hold to be fabricated and fictitious, null, void, and of no effect."

Revolutionary indeed these sentiments might have seemed in the Ireland of the Great Famine. But Lalor's definition has received powerful endorsement in Pope Paul VI's "Progressio Populorum". "Private Property", according to the Pope, "does not constitute for anyone an absolute and unconditional right."

The Pope very clearly supports Lalor's contention that it is the will of the community should decide in what terms property should be held by individual members of the community. In the words of the same Encyclical: "according to the traditional doctrine as found in the Fathers of the Church and the great theologians, the right to property must never be exercised to the detriment of the common good."

The Encyclical is even more explicit when it states: "If there should arise a conflict between acquired private rights and primary community exigencies... it is the responsibility of public authorities... to look for a solution, with the active participation of individuals and social groups". The moral standpoint emphasised by the Pope in his Encyclical is important in that it is generally accepted that law should correspond to morality and justice.

Opinions might differ on the moral importance of ground rent but progressive Catholic and Protestant opinion abhors its existence. As Father Michael

Sweetman S.J. wrote in a letter to the United Irishman (September 1969): "I believe, and have often said that there is really no reasonable justification for them (Ground Rents). I don't think their abolition is a matter of such moral importance that I should necessarily take a public stand on the question - as a priest. But I would like to declare support for the attempt to get them abolished."

If further comment is needed, we have that of the most vibrant political manifesto left us by 1916.

"The nation's sovereignty extends not only to all men and women of the nation, but to all the material possessions of the nation, the nation's soil and all its resources, all wealth-producing processes within the nation. In other words, no private right to property is good as against the public right of the nation."

Pearse's "Sovereign People" continues on to state the principle that has never been exercised in relation to ground rents created by Conquest right. "It is for the nation to determine to what extent private property may be held by its members, and in what of the nation's material resources private property shall be allowed. A nation may, for instance, determine, as the free Irish nation determined and enforced for many centuries, that private ownership shall not exist in land; that the whole of a nation's soil is the public property of the nation. A nation may determine, as many modern nations have determined, that all means of transport within a nation, all its railways and waterways, are the public property of the nation to be administered by the nation for the general benefit. A nation may go further and determine that all sources of wealth whatsoever are the property of the nation, that each individual shall give his service for the nation's good, and shall be adequately provided for by the nation, and that all

surplus wealth shall go to the national treasury to be expended on national purposes, rather than be accumulated by private persons."

As the moral position of Ground Rent is untenable it follows that the legal status at present accorded to it is also untenable and may be overturned by an organised effort of the people opposing justice and right to injustice and wrong.

The Irish democracy has yet to be exercised on the ground rent question: the present system was imposed on an unwilling Irish democracy in feudal days by the feudal method of the sword of conquest.

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"For, remark you this and recollect it, that SOMEWHERE, and SOMEHOW and by SOMEBODY, a beginning must be made and that the FIRST act of resistance is always, and must be ever, premature, imprudent, and dangerous."

FINTAN LALOR.

## CHAPTER 9

### IRISH DEMOCRACY MOVES

In June, 1973, the Association of Combined Residents Associations (ACRA) announced a campaign aimed at the complete abolition of ground rent and the winning of compensation retrospective to the 1967 ground rent legislation.

The announcement was momentous in that it came from the most powerful residents organisation in Ireland. Concentrated mainly in Dublin with a growing presence in neighbouring counties like Louth and Meath ACRA had been instrumental in forcing the rates issue to the fore in the February General Election and took much of the credit for the Coalition victory and the last minute Fianna Fail promise to abolish rates altogether.

The announcement of the campaign, made by ACRA's P.R.O. Andy Conlon, at a public meeting organised by the Sinn Fein party in Ennis created much speculation among ground rent tenants throughout Ireland. It also created controversy within ACRA itself where bona fide delegates to ACRA's central executive expressed disquiet at what bore the complexion of a political stand and where less bona fide delegates, responding to direct political pressures, tried to use the occasion to attack prominent ACRA members whom they blamed for the defeat of the former Government.

But Andy Conlon's presence in Ennis was entirely consistent with ACRA policy as formulated during the rates campaign. "ACRA", Mr. Conlon prefaced his remarks to the Ennis meeting, "will go on any political platform offered but will not talk politics. It will only do so to advance the direct interests of its members and only in a manner sanctioned by them."

The Chairman of the meeting opened the proceedings by pointing out that Sinn Fein had organised the meeting as a non-political public meeting limited to the issue of discovering how best the people of Ennis might organise against ground rent. Indeed, in many ways it was a fitting venue for the ACRA announcement as Sinn Fein announced its own campaign for the abolition of ground rent a good year previously.

A month later the ACRA delegate meeting discussed objections from affiliates who had seen in the Ennis meeting a linking of ACRA's name with that of Sinn Fein. Following a somewhat heated meeting a motion by Mr. Brian Sheridan of Pinewood Residents Association, confirmed the ACRA policy of using any platform made available to advance the struggle against ground rent. The vote was eight to one with ten abstentions (many of the abstentions stated that they would require direction from their associations before voting).

The criticism from within which accompanied the opening moves against ground rent as a carryover of the politically inspired criticism of the ACRA rates campaign and is a criticism which would accompany any effective move against, for instance, high Building Society interest rates.

ACRA, in adding the serious interests of its members to its more traditional occupations of baby and garden competitions, was bound to run into the hostility of established political parties whose sole preserve these interests had been in the past. And it was inevitable that in their reaction political parties would use the dual membership of their personnel in ACRA to contain the progressive drift which is steadily forging ACRA into a powerful representative of all the vital interests of suburban dwellers.

At the moment, however, the ground rent campaign looks like doing for ACRA what the differential rents

campaign did for NATO (National Association of Tenants Organisation). From being a mainly Dublin based organisation ACRA will spread across Ireland as the umbrella organisation of the many residents associations throughout the land seeking to free themselves from the ground rent millstone.

Where it will go after that is anybody's guess, but an obvious follow-up target is the scandalous cost of the great social necessity - housing. Willy nilly, ACRA is almost bound to become a major political force because of its importance and power. Hence the desire of existing parties either to contain it, or, as it succeeds and expands, to take it over.

### THREE EVENTS OF SIGNIFICANCE:

Three events of significance tended to push the political quibbling into the background. One was the ground rent census being taken up by ACRA which met with an encouraging response and which showed that the desire to get rid of ground rent was stronger than the interest in the political sniping on the side. The census provided the first flow of authentic information identifying the landlords on the newer Dublin estates. The Irish Life Insurance Company and the New Ireland Insurance Company emerged as major landlords. So did such prominent people as John Sisk, the McInerney Brothers, the Gallaghers and P.V. Doyle, Chairman of Bord Failte Eireann. The census results, first published by the week in The Irish People, were later picked up by the main Sunday newspapers. A sense of momentum was achieved.

Perhaps the most significant event of the opening period was the court case involving a member of the ACRA Ground Rent Sub-Committee, John Fitzgibbon, who had refused to pay his ground rent to Johnstown Estates, Cabinteely, and who went to court to tell the Justice exactly why. He objected to ground rent in principle.

The Judge, Mac Giolla Cearra, whose family had a long Land League tradition behind it, as much as agreed with him! Pointing out that the Court was not the forum for protest and that he would have to apply the law as he found it (or get dismissed from the Bench), he urged Mr. Fitzgibbon and other defaulters to "organise a movement of social protest" and win a change in the law.

At a resumed sitting, Justice Mac Giolla Cearra applied the law on an application by Johnstown Estate for an ejection order. Mr. Fitzgibbon would forfeit his house for non-payment of an annual £15 ground rent. The result of the Court case and the publicity given to Justice Mac Giolla Cearra's sympathetic remarks aroused a great amount of indignation and interest and brought the attention of the press to the ground rent campaign. More census results flowed in.

Shortly afterwards, at the end of July, 1973, another event of major significance took place. An auction of 75 ground rents, with an income of £1,038 per annum, collapsed when ACRA's indefatigable P.R.O. Andy Conlon, stood up and offered the sound advice to any prospective purchaser that they would be buying trouble. The failure of the auction received widespread publicity and an already depressed market became totally stagnant.

The Irish democracy, in the shape of ACRA, NATO and other groups joining in, are beginning to catch up on this relic of feudal times. May they succeed.

# appendix



The following questions are being asked in the ACRA census:

1. Name and Address of the landlord,
2. Number of house sites liable for ground rent,
3. Annual amount paid on each such site,
4. The number of years over which ground rent has been paid,
5. (a) The number of ground rents (if any) bought out.  
(b) Amount paid per house on such sites.
6. Any other action taken, e.g. attempts to buy out ground rents; refusals to pay ground rents, etc.

## MEADOWBROOK ESTATE:

1. P.V. Doyle, St. Bridget's, Clonskeagh, Dublin 14.
2. & (3) 160 ground rents @ £18 = £2,880.
4. Being paid for 5 yrs. Approx. total paid = £14,400.
5. 14 purchasing at 7½ years + £17 fees.
6. Refusing payment.

## BAGGOT ESTATE (off Navan Rd):

1. New Ireland Assurance.
2. & (3) 100 ground rents @ £12 = £1,200.
4. Being paid for 21 yrs. Approx. total paid = £25,200.

## DONAGHMEADE, KILBARRACK:

1. Dublin Corporation,
2. & (3) 735 ground rents @ £17. = £12,495.
4. Being paid for 3 yrs. Approx. total paid = £37,485.
5. None.

## St. BRENDAN'S, COOLOCK:

1. Mr. Jas. Walsh. 184 Richmond Rd. Dublin 3.
2. & (3) 356 ground rents @ £12.50 = £4,450.
4. Being collected for 10 yrs. Approximate total paid = £44,500.
5. None.

## SUTTON PARK, SUTTON:

1. Sutton Estates Ltd.
2. & (3) 450 ground rents @ £19. = £8,550.
4. Being paid for 5 yrs. Approx. total paid = £42,750.
5. Not interested.

## BENEAVIN ESTATE, (Dublin 2):

1. Irish Life Assurance.
2. & (3) 102 ground rents @ £12. = £1,224.
4. Being paid for 15 yrs. Approx. total paid = £18,350
5. Not interested.

## PRIORY ESTATE, STILLORGAN:

1. John Sisk & Son (Dublin Ltd. (one third).  
Irish Life Assurance. (two thirds).
2. & (3) 148 ground rents @ £15.75 = £2,331.
4. Being paid for 25 yrs. Approx. total paid = £58,275.
5. Not interested.

## BLACKCASTLE ESTATE, NAVAN:

1. James Andrews, Austin Friar St. Mullingar.
2. & (3) 104 ground rents @ £12.50 = £1,300
4. Being paid for 5 yrs. Approx. total paid = £6,500.
5. Not interested.



WALKINSTOWN ESTATE:

1. Irish Assurance.
2. & (3) 1,600 ground rents @ £10 = £16,000.
4. Being paid for 24 yrs. Approx. total paid = £385,000.
5. No action taken.
6. Taking no action.

ELMPARK, BEAUMONT:

1. Irish Life Assurance Ltd. & Mr. A. J. Smith, Elm Park House, Beaumont.
2. & (3) 250 ground rents Approx. @ £13.15 = £3,271.25.
4. Being paid for 20 yrs. Approx. total paid = £65,425.
5. No action taken.
6. Action being taken now.

RATOATH, CABRA WEST:

1. Ratoath Estates Ltd. 22 Sutton Park, Sutton.
2. & (3) 142 ground rents @ £17.50 = £2,485.
4. Being paid for 4 yrs. Approx. total paid = £9,940.
5. No action taken.
6. Ground rent being withheld as protest against non-development of estate.

ALLEN PARK RESIDENTS, STILLORGAN:

1. Claud Proby, Garden House, Carton, Maynooth.
2. & (3) 150 ground rents @ £10/£12.50/£15 each. Bulk at £12.50. Approx. annual amount = £1,875.
4. Being paid for more than 12 yrs. Approximate total paid = £22,500.
5. Don't know.
6. None.

LISSADEL ESTATE, BALLINTEER:

1. McDonald and Gallagher Ltd.
2. & (3) 280 ground rents @ £15. each. = £4,200.
4. Being paid for 9 yrs. Approx. paid to date = £37,800.
5. None (to our knowledge).
6. No.

OAKWOOD ESTATE, DUBLIN 11.

1. Irish Life Assurance Company.
2. & (3) 170 ground rents @ £15 = £2,550.
4. Being paid for 10 yrs. Approx. total paid = £25,500.
5. None.
6. None.

HOLLYBROOK GROVE, HOUSEHOLDERS ASSOC. DUBLIN 3.

1. The Incorporated Society for the Promotion of Protestant Schools in Ireland.
2. & (3) 80 ground rents @ £12/£13/£14. each depending on site size. Approx. annual amt. collected = £1,040.
4. Being paid for 23 yrs. Approx. total paid = £23,920.
5. & 6. Offer to buy freehold at £100 each, refused by Society pending 1967 Ground Rent Act. After 1967 Act matter not pursued. Also paying £15. per annum on St. Anthony's Youth Club site.

MERVILLE RESIDENTS ASSOCIATION, STILLORGAN

1. Irish Life Assurance Company.
2. & (3) 260 ground rents @ £15. = £3,900 per annum.
4. Being paid for 21 yrs. Approx. total paid = £81,900.
5. Don't know.
6. No action yet.

FOXFIELD PART, RAHENY:

1. Mrs. D. Kinkead Estate, c/o A. S. Bennett and Co. South Frederick St. Dublin 2.
2. & (3) 115 ground rents at £12; 51 ground rents @ £14; 107 ground rents @ £15 = Approximate annual total = £3,699.
4. Being paid for a period varying from 20 to 10 years, total paid not less than £36,990.
5. (a) 2.  
(b) Information not available.
6. 2 refusals to pay.

MONASTERY PARK, CLONDALKIN:

1. John Sisk.
  2. & 3. 280 ground rents @ £14.=£3,920 per annum.
  4. Being paid for 9 yrs.Approx.total paid = £35,280.
  5. None.
  6. None.
- 

FORKIN ESTATE, RAHENY:

1. Forkin Estates in liquidation. Buckley and Delaney acting as agents (collecting ground rents).
  2. & 3. 18 ground rents @ £15; 12 @ £12. Approx. annual total = £414.
  4. Being collected between one and three years as houses built and occupied.
  5. (a) & (b) Nil.
  6. None.
- 

A large ground rent landlord in East Co. Cork is the Smith Barry Estate with an Estate Office on the 780 acre Fota island Estate, Carrigtwohill, Cork.

Directors of the Smith Barry Estates are the Honourable Dorothy Elizabeth Bell, Fota Island, Barry O'Meara, Roseville, Mayfield Rd. and John O'Meara 9, Dundamien Court, Blackrock, Cork.

Of the share capital of £6,816 the Honourable Dorothy Bell owns 1,566 £1 shares in her own right and has another 5,000 in joint ownership with Barry O'Meara. Barry O'Meara and Son are also solicitors for the estate, with offices at 18 South Mall, Cork. The late Major William Bertram Bell, a former director, held 250 shares.

Future plans for the development of Fota Island, owned by Smith Barry Estates, has provoked much speculation recently. A similar uncertainty looms over the continued enjoyment of Smith Barry Estates income from ground rent as ACRA's campaign gathers momentum.

# CORK GROUND RENT CENSUS

1. Name and address of the landlord.
2. Number of house sites liable for ground rent.
3. Annual amount paid on each such site.
4. The number of years over which ground rent has been paid.
5. a) The number of ground rent (if any) bought out.  
b) Amount paid per house on such sites.
6. Any other action taken, e.g., attempts to buy out ground rents, refusals to pay ground rents, etc.

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## SILVERCOURT, SILVERSPRINGS, CORK.

1. Cork Modern Homes, Gillabbey St., Cork.
- 2 & 3. 21 ground rents at £25 per annum. Annual total collected = £525.
4. Being paid for four years. Approx. total paid = £2,100.
5. & 6. None.

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## HALCON DRIVE, SILVERSPRINGS, CORK

1. Tadhg O'Halloran, 1 Tower Street, Cork.
  2. & 3. 16 ground rents at £25 per annum. Total annual amount collected = £400.
  4. Being paid for one year. Approx. total paid = £400.
  5. & 6. None.
- 

## WANT TO HELP

You can help by contacting the ACRA officers responsible for the census in your area.

### NORTH SIDE:

East of Malahide Rd. to the Sea.

ACRA Official in charge: Vincent Manning, 11, Sutton Park, Sutton. Tel. 323725.

Area between Malahide and Swords Rd.

ACRA Official in charge: Andy Conlon, 65 Kylemore Ave. Coolock. Tel. 311323.

Area between Swords Rd., Drumcondra Rd., & Liffey.

ACRA Officials in charge: Paddy Murphy, 28 Pinewood Ave. Tel. 376950.  
Jim Walsh, 67 Conor Clune Rd. Tel. 306610.  
Paddy Leahy, 41 Glenbeigh Rd. Tel. 304992.

### SOUTH SIDE:

Brendan Leeson, 33, Beech-lawn, Meadowbank, Dublin 14. Tel. 982267.  
John Fitzgibbon, 46, Woodlands Ave. Tel. 853387.

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