



**Private
Property
Rights?**

ISSUE 1

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This pamphlet is published by the Trinity College Republican Club at No. 4 Trinity College, Dublin.

REPUBLICAN DOCUMENTS:

- No. 2 Selected Works of O'Connell, Mellowes, and Costelloe.
- No. 3. The Writings of John Mitchell.

The three works which we present in this pamphlet represent the verdict of Republicanism on the nature of private property and ownership in Ireland. Both Lalor and Pearse lay down principles, which, if we relate them to our own situation, we find are still as relevant as when first expounded.

Lalor defines what constitutes the right of private property and shows that this concept is not applicable to private ownership in land. It is Pearse who takes up his theme in "The Sovereign People", and goes on to show that the nation's sovereignty extends over all the nation's material resources and that such sovereignty is absolute.

And so we come to Seamus Costelloe, who draws heavily on both Pearse and Lalor in relation to the question of ground rents. Now it would be easy to accept their teachings, without attempting to investigate the question thoroughly. "The propagandist writings of any man cannot be accepted simply as revealed truth, requiring no further investigation, something that must be accepted as beyond question, beyond doubt, beyond the need of examination." Now it is certain that Mr. Costelloe has gone into his subject very carefully.

Not only does he take the Republican thinkers of fifty and one hundred years ago as his guides, but also the religious authority of Pope Paul in our own day. He finds the two opinions strangely in accord with one another, and related to his own experience as a civic representative, comes to the conclusion that the political philosophy of Republicanism is still highly relevant to the Ireland of 1967. Nothing has happened in the

eighteen months since he addressed the Bray Urban District Council to change his conclusions. If anything, the recently published "Stolen Waters", by Seamus O Tuathail, the Editor of the United Irishman, enforces the conviction that private ownership of the land and waterways is immoral and indefensible.

This selection of writings is intended to assist both Republicans and non-Republicans to come to a better understanding of the philosophy of Republicanism; perhaps having read these works, all will come to the conclusion that little has changed in Ireland, despite our sham independence.

THE FAITH OF A FELON. (THE "IRISH FELON" No.3)

by JAMES FINIAN LALOR.

When Mr. Duffy expected arrest some weeks ago he drew up his profession of principles, "The Creed of the Nation." Under influence of similar feelings and considerations, though not exactly the same nor excited by circumstances exactly alike I hasten to put my own principles on record. Until yesterday I did not expect to have done this for some weeks to come. The statement, or confession of faith that follows, I could have wished for time to make more correct and complete. It is imperfect, ill-connected and wants completeness. But even as it stands, I do firmly believe that it carries the fortunes of Ireland; and even as it stands, I now send it forth to its fate to conquer or to be conquered. It may be master of Ireland and make her a queen; it may lie in the dust and perish with her people.

Here then is the confession and faith of a felon. Years ago I perceived that the English conquest consisted of two parts combined into one whole - the conquest of our liberties, and the conquest of our lands.

Re-conquest.

I saw clearly that the re-conquest of our liberties would be incomplete and worthless without the re-conquest of our lands - would not necessarily involve or produce that of our lands and could not, on its own means, be possibly achieved; while the re-conquest of our land would involve the other, would at least

be complete in itself and adequate to its own purposes; and could possibly, if not easily be achieved.

The lands were owned by the conquering race, or by traitors to the conquered race. They were occupied by the native people or by settlers who had mingled and merged.

I selected as the mode of re-conquest, to refuse payment of rent and resist the process of ejection.

In that mode I determined to effect the re-conquest and staked on it all my hopes here and hereafter - my hopes of an effective life and eternal epitaph.

I was biding my time when the potato failure hurried a crisis. The landlords and the English government took instant advantage of the famine, and the small occupiers began to quit in thousands. I saw Ireland was to be won or lost for ever. I felt her slipping from under my feet with all her hopes, and all my own - her lights quenching, her arm withering.

It almost seemed to me as if the Young Ireland party, the quarrel, the secession, the confederation, had all been specially pre-ordained and produced in order to aid me. My faith in the men who formed the Council of that body was then unbounded. My faith in them is still as firm as ever, though somewhat measured. In the paper I published last

week, and in a private correspondence that ensued with some of our members, I proposed that they should merge the Repeal question with a mightier project - that of wresting this island from English rule altogether in the only mode in which it could possibly be achieved. I endeavoured to show them that they were only keeping up a feeble and ineffectual fire from a foolish distance upon the English government, which stands out of reach and beyond our power; and urged them to wheel their batteries around and bend them on the English Garrison of landlords who stand here within our hands scattered, isolated, and helpless, girded round by the might of a people.

"Alliance with Landlords!!"

Except two or three of them, all refused at the time, and have persisted in refusing until now. They wanted an alliance with the landlords. They chose to consider them as Irishmen, and imagine they could induce them to hoist the green flag. They wished to preserve an aristocracy. They desire not a democratic but merely a national revolution. Who imputes blame to them for this? Whoever does so will not have me to join him. I have no feeling but one of respect for the motives that caused reluctance and delay. That delay, however, I consider a matter of deep regret. Had the Confederation, in May or June of '47, thrown heart and mind into the movement I pointed out, they would have made it successful, and settled for once and forever all quarrels and questions between us and England. I repeat my expression of strong regret that they should not have adopted this course, instead of persisting in a protracted and abortive effort, at a dangerous conjunction, to form an alliance of bargain and barter

with our hereditary and inveterate enemies, between whom and the people of this island there will never be a peace except the peace of death or of desolation. Regrets, however, are now useless.

The opinions I then stated and which I yet stand firm to are these:-

1. That in order to save their lives, the occupying tenants of the soil of Ireland ought, next autumn, to refuse all rents and arrears of rent then due, beyond and except the value of the oversurplus of the harvest produce remaining on their hands after having deducted and reserved a due and full provision for their own needs during the ensuing twelve months.
2. That they ought to refuse and resist being made beggars, landless and homeless, under English laws of ejection.
3. That they ought further, on principle, to refuse ALL rent to the present usurping proprietors until the people, the true proprietors (or lords paramount in legal parlance) have in national congress decided what rents they are to pay, and to whom they are to pay them.
4. And that the people on grounds of policy and economy, ought to decide (as a general rule, admitting of reservations) that those rents shall be paid to themselves, the people, for public purposes, and for behoof and benefit of them, the entire general people.

These are the principles, as clearly and fully stated as

limit of time will allow, which I advise Ireland to adopt at once and at once to arm for. Should the people accept and adhere to them, the English government will then have to choose whether to surrender the Irish landlords, or to support them with the armed power of the empire.

Social Revolution.

If it refuse to incur the odium and expense, and peril the safety of England in a social war of extermination, then the landlords are nobody, the people are the lords of the land, a mighty social revolution is accomplished, and the foundation of a national revolution is surely laid. If it should, on the other hand, determine to come to the rescue and relief of its garrison - elect to force their rents, and enforce their rights by infantry, cavalry and cannon, and attempt to lift the whole harvest of Ireland - a somewhat heavy understanding which might become a hot one too - then I, at least, for one, am prepared to bow with humble resignation to the dispensations of Providence. Welcome the will of God.

Passive Resistance.

We must only try to keep our harvest, to offer a peaceful passive resistance to barricade the island, to break up the roads, to break down the bridges - and should need be, and occasions offer, surely we may venture to try steel. Other approved modes of force might be gradually added to these, as we become trained to the system; and all combined, I imagine, and well worked, might possibly test the strength and heart of the empire.

Into artistic details, I need not, and do not choose, to enter for the present.

It has been said to me that such a war, on the principles I propose, would be looked on with detestation by Europe. I assert the contrary: I say such a war would propagate itself throughout Europe. Mark the words of this prophecy. The principle I propound goes to the foundation of Europe, and sooner or later will cause Europe to outrise. Mankind will yet be masters of the earth. The right of the people to make the laws - this produced the first great modern earthquake, whose latest shocks even now are heaving the heart of the world. The right of the people to own the land - this will be the next. Train your hands and your son's hands, gentlemen of the earth, for you and they will yet have to use them. I want to put Ireland foremost in the van of the world, at the head of the nations, to set her aloft in the blaze of the sun, and to make her for ages the lode star of history. Will she take the path I pointed out - the path to be free and famed and feared and followed - the path that goes sunward? Or, onward to the end of time will wretched Ireland ever come limping and lagging hindmost? Events must answer that. It is a question I almost feare to look full in the face. The soul of this island seems to sink where that of another country would soar. The people sank and surrendered to the famine, instead of growing savage, as any other people would have done.

I am reminded that there are few persons who now trouble themselves about the "conquest"; and there may be many, I know there are some - who assent to the two first of the four principles I have stated, and are willing to accept them as

the grounds for an armed movement, but who object to the last two of them. I am advised to summon the land-tenants of Ireland to stand up in battle array for an armed struggle in defence of these rights of life and subsistence, without asserting any greater or more comprehensive right. I distinctly refuse to do so. I refuse to narrow the case and claim of the island into such petty dimension, or to found it on the rogues or the beggar's plea, the plea of necessity. Not as a starving bandit, or a desperate beggar who demands, to save life, what does not belong to him, do I wish Ireland to stand up, but as a recrowned Queen who claims back her crown with an armed hand. I attest and urge the plea of utter and desperate necessity to testify her claim, but not to found it. I rest it on no temporary or passing condition but on principles that are permanent and imperishable, and universal; available at all times and to all countries, as well as to our own - I pierce through the upper stratum of occasional and shifting circumstances, to bottom and base on the rock below. I put the question in its eternal form - the form in which how often soever suppressed for a season, it can never be finally subdued, but will remain and return, outliving and outlasting the corruption and cowardice of generations. I view it as ages will view it - not through the mists of a famine but by the living lights of the filament. You may possibly be induced to reject it in the form I propose, and accept in the other. If so you will accept the question and use it as a weapon against England in a shape and under conditions which deprive it of half of its strength. You will take and work it fettered and handcuffed not

otherwise. To take it in its right you must take it in its magnitude. I propose you should take Samson into your service. You assent but insist that his locks should be shorn. You moreover diminish and degrade down from a national into a mere class question. In the form offered it would carry independence, in the form accepted it would not even carry Repeal in the minimum of meaning. You fling away Repeal, when you fling away the only mode of achieving it. For by force of arms alone can it ever be achieved; and never on the Repeal question will you see men stand in array in battle against England.

I troubled myself as little as anyone does about the "conquest" as taken abstractly, as an affair that took place long ages ago. But that "conquest" is still in existence with all its laws, rights, claims, relations and results. The landlord holds his lands by right and title of conquest, and uses his powers as only a conquerer may. The tenant holds under the law of conquest -- *vae victis*.

Public policy must be founded on public principle; and the question of ethics must be settled before the question of economy can be taken up or touched. If the Irish landlord's title be valid and good, no consideration of policy could make a refusal to pay rent appear anything better than robbery.

What founds and forms the rights of property in land? I have never read in the direction of that question. I have all my life been destitute of books. But from the first chapter of

Blackstone's second book, the only page I ever read on the subject, I know that jurists are unanimously agreed in considering "first occupancy" to be the only true original foundation on the right of property and possession of land.

Now I am prepared to prove "occupancy" wants every character and quality that could give it moral efficacy as a foundation of right. I am prepared to prove this when "occupancy" has first been defined. If no definition can be given, I am relieved from the necessity of showing any claim founded on occupancy to be weak and worthless.

Refusing, therefore, at once to accept or recognise this feeble and fictitious title of occupancy, which was merely invented by theorists and which, in actual fact was never pleaded, I proceed at once to put my own principles in order and array.

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 which can give a valid right of absolute private property a place to vest.

But no man can plead any such 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 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 the common consent and agreement of all men:

The sole right of property which I acknowledge to be mutually valid is the right of common consent and agreement. Every other I hold to be fabricated and fictitious, null, void and of no effect.

In the original and natural state of mankind, existing in independent families, each man must, in respect of actual fact, either take and hold (ASSUME OCCUPANCY as well as maintain possession of) his land by right and virtue of consent and a agreement as aforesaid, with all those who might be in a position to dispute and oppose his doing so; or he must take and maintain possession by force. The fictitious right of occupancy invented by jurists to cover and account for a state of settlement otherwise unaccountable and indefensible on moral principles - this right would be utterly worthless, and could seldom accrue; for except in such a case as that of a single individual thrown on a desert island, the question of right would generally arise, and require to be settled before any colourable "title by occupancy" could be established, or even actual occupation be effected. And then - what constitutes occupancy? What length of possession gives "title by occupancy?"

When independent families have united into separate tribes and tribes have swelled into nation, the same law obtains; each tribe or nation has but one or the other of two available rights to stand on - they must take and maintain territorial possession by consent and agreement with all other tribes and nations or they must take and hold by tenure of chivalry, in the right of their might.

In either of these two modes - that of conquest, or that of common consent - have the distribution and settlement of the lands of every country been made. Occupancy, indeed and foresooth! Messrs. Blackstone, Titius, Locke and Co.. Occupancy against the Goth - occupancy before the hoofs trampling of Attila - occupancy to stop HOUSTON OR TAYLOR.

In every country the condition and character of the people tell whether it was by conquest, or common consent, that the existing settlement and law of landed property were established.

When it is made by agreement there will be equality of distribution; which equality of distribution will remain permanent within certain limits. For under natural laws, landed property has a tendency to divide rather than to accumulate.

When the independent families who form the natural population of a country compose and organise into a regular community, the imperfect compact or agreement by which each man holds his land must necessarily assume the more perfect shape of a positive and precise grant from the people, just as all his other rights must be defined and

asserted - and just as all other vague rules of agreement must
organise into laws.. That grant must necessarily assume and est-
ablish the general and common right of all the people, as joint
and co-equal proprietors of all the land; for such grant will be
of itself an act of exercising and proceeding upon that right.

That grant and all other grants must also, of necessity, without
any expressed words, reserve the general of the people as first
proprietors and lords paramount, and give nothing more than a right
of use and occupancy; and it must furthermore, recognise and re-
serve, in like manner, the permanent right of the people to revise
alter, and amend the mode and condition of settlement then made -
and to modify or withdraw all grants made upon, or in pursuance of,
that mode and condition of settlement. For no generation of living
men can bind a generation that is yet unborn, or can sell or squander
the rights of man; and each generation of men has but a life inter-
est in the world. But no generation continues the same for one
hour together. Its identity is in perpetual flux. From whence it
follows practically:-

Any condition of settlement established, and all grants made
thereupon, may, at any time thenceforth, be questioned, recon-
sidered, revised, altered, or amended..

And in order, therefore, to render the settlement a permanent
one, it would be requisite to make it such as would give the
majority and the mass of the people a permanent interest in
its maintenance.

But that object could not be accomplished by granting away the whole of the land to one man, or to eight thousand men, in absolute irresponsible ownership forever, without payment, or any other condition whatever. This would be a settlement beyond the authority or right of any generation to make. Those deriving under it, could only be considered as holding forcible possession, which any succeeding generation would have the clear right of ousting. And the people would either rise against such settlement, and trample it down - or sink under it into slaves.

Putting together and proceeding on the principles now stated, it will appear that if those principles be sound no man can legitimately claim possession or occupation of any portion of land, or any right of property therein, except by grant from the people, as tenants of the people; and that every right except the right so created and vested by grant from the people, is nothing more or better than the right of the robber who holds forcible possession of what does not lawfully belong to him.

The present proprietors of Ireland do not hold or claim by grant from the people, not even - except in Ulster - by any species of imperfect assent or agreement of the people. They got and keep their land in the robber's right - the right of conquest - in despite, defiance, and contempt of the people. Eight thousand men are owners of this island - claiming the right of enslaving, starving, and exterminating eight millions.

We talk of asserting free government, and of ridding ourselves of foreign domination - while lo! eight thousand men are lords of our lives - of ~~us~~ and ours, blood and breath, happiness and misery, body and soul. Such is the state of things in every country where settlement of the land has been effected by conquest. In Ulster the state of things is somewhat different, much to the advantage of the people, but not so much as it ought to have been. Ulster was not merely conquered, but colonised - the native race being expelled, as in the United States of America - and the settlement that prevails was made by a sort of consent and agreement among the conquering race.

No length of time or possession can sanction claims acquired by robbery, or convert them into valid rights. The people are still rightful owners, though not in possession. "Nullum tempus occurrit Deo - nullum tempus occurrit populo."

In many countries besides this, the lands were acquired, and long held by right of force or conquest. But in most of them the settlement and laws of conquest have been abrogated, amended or modified, to a greater or lesser extent. In some, an outburst of people has trampled them down - in some the natural laws have triumphed over them - in some a despotic monarch or minister has abolished or altered them. In Ireland alone they remain unchanged, unmitigated, and unmodified, in all their original ferocity and cruelty, and the people of Ireland must now abolish them, or be themselves abolished, and this is now the more urgent business.

THE SOVEREIGN PEOPLE: by PADRAIG PEARSE.

National independence involves national sovereignty. National sovereignty is two fold in its nature. It is both internal and external. It implies the sovereignty of the nation over all its parts, over all men and things within the nation; and implies the sovereignty of the nation against all other nations. Nationality is a spiritual fact; but nationhood includes physical freedom and the physical power in order to the maintenance of physical freedom, as well as the spiritual fact of nationality. This physical freedom is necessary to the healthy life, and may even be necessary to the continued existence of the nation. Without it the nation droops, withers, ultimately perhaps dies; only a very steadfast nation, a nation of great spiritual and intellectual strength like Ireland, can live more than a few generations in its absence, and without it even so stubborn a nation as Ireland would doubtless ultimately Perish. Physical freedom, in brief, is necessary to sane and vigorous life; for physical freedom means precisely control of conditions that are necessary to sane and vigorous life. It is obvious that these things are partly material and that therefore national freedom involves control of the material things that are essential to the continued physical life and freedom of the nation.

Sovereignty Over All.

So that the nations sovereignty extends not only to all the 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 and 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.

But the nation is under a moral obligation so to exercise its public right as to secure strictly equal rights and liberties to every man and woman within the nation. The whole is entitled to pursue the happiness and prosperity of the whole, but this is to be pursued exactly for the end that each of the individuals comprising the nation may enjoy happiness and prosperity, the maximum amount of happiness and prosperity consistent with the happiness and prosperity of all the rest.

One may reduce all this to a few simple propositions:-

1. The end of freedom is human happiness.
2. The end of national freedom is individual freedom; therefore individual happiness.
3. National freedom implies national sovereignty.
4. National sovereignty implies control of all the moral and material resources of the nation.

I have insisted upon the spiritual fact of nationality; I have insisted upon the necessity of physical freedom in order to the continued preservation of that spiritual fact in a living people; I now insist upon the necessity of complete control of the material resources of the nation in order to the completeness of that physical freedom. And here I think I give what has been called "the material basis of freedom" its proper place and importance. A nation's material resources are not the nation, any more than a man's food is the man; but the material resources are as necessary to the nation's life as the man's food is to the man's life.

And I claim that the nation's sovereignty over the nation's material resources is absolute; but that obviously such sovereignty must be exercised for the good of the nation and without prejudice to the rights of other nations, since national sovereignty like every thing else on earth, is subject to the laws of morality.

Now, the good of the nation means ultimately the good of individual men and women who comprise the nation. Physically considered, what does a nation consist of? It consists of its men and women; of all its men and women, without any exceptions. Every man and woman within the nation has normally equal rights, but a man or woman may forfeit his or her rights by turning recreant to the nation. No class in the nation is entitled to privileges beyond any other class except with the consent of the nation. The right and privilege to make laws or to administer laws does not reside in any class within the nation; it resides in the whole nation, that is, in the whole people and can only be lawfully exercised by those to whom it is delegated by the whole people. The right to the control of the material resources of the nation does not reside in any individual or class of individuals; it resides in the whole people and can be lawfully exercised only by those to whom it is delegated by the whole people, and in the manner in which the whole people ordains. Once more, no individual right is good as against the right of the whole people; but the people, in exercising its sovereign rights, is morally bound to consider individual rights, to do equity between itself and each of the individuals that compose it as well as to see that equity is done between individual and individual.

To insist upon the sovereign control of the nation over all the property within the nation is not to disallow the right to private property..It is for the nation to determine to what extent private property may be held by its members, and in what items of the nation's material resources private property shall be allowed. A nation may, for instance, determine and enforce for many centuries, that private ownership shall not exist in land; that the whole of the 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 the 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. There is nothing divine or sacrosanct in any of these arrangements; they are matters of purely human concern, matters for discussion and adjustment between the members of the nation, matters to be decided upon finally by the nation as a whole; and matters in which the nation as a whole can revise or reverse its decision whenever it seems good in the common interest to do so. I do not disallow the right to private property; but I insist that all property is held subject to the national sanction.

And I come back again to this: that the people are the nation; the whole people, all its men and women, and that laws made or acts done by anybody purporting to represent the people but not really authorised by the people, either expressly or impliedly, to represent them and to act for them do not bind the people; are a usurpation, an impertinence, a nullity. For instance, a Government of Capitalists, or a Government of clerics, or a Government of lawyers, or a Government of tinkers, or a Government of red-headed men, or a Government of men born on a Tuesday, does not represent the people and cannot bind the people, unless it is expressly or impliedly chosen and accepted by the people to represent and act for them; and in that case it becomes the lawful government of the people, and continues such until the people withdraw their mandate.....
.....The people, if wise, will choose as the makers and administrators of their laws men and women actually and fully representative of all men and women in the nation, the men and women of no property equally with the men and women of property; they will regard such an accident as the possession of "property", "capital", "wealth", in any shape, the possession of what is called "a stake in the country," as conferring no more right to represent the people than would the accident of possessing red hair or the accident of having been born on a Tuesday. And in order that the people may be able to choose as a legislation and as a government men and women really and fully representative of themselves, they will keep the choice actually or virtually in the hands of the whole people; in other words, while, in the exercise of their sovereign rights they may, if they will, delegate the actual choice to somebody among them i.e. adopt a 'restricted franchise', they will, if wise,

adopt the widest possible franchise - give a vote to every adult man and woman of sound mind. To restrict the franchise in any respect is to prepare the way for some future usurpation of the rights of the sovereign people. The people, that is, the whole people, must remain sovereign not only in theory, but in fact.

I assert, then, the divine right of the people, "god's grant to Adam and his poor children for ever," to have and to hold this good green earth. And I assert the sovereignty and the sanctity of the nations, which are the people embodied and organised. The nation is a natural division, as natural as the family, and as inevitable. That is one reason why the nation is holy and an empire is not holy. A nation is knit together by natural ties, ties mystic and spiritual, ties human and kindly; an empire is at best held together by ties of mutual interest, and at worst by brute force. The nation is the family at large; an empire is a commercial corporation in large. The nation is of God; the empire is of man - if it is not of the devil.

"Who Owns the Ground Rents in Ireland?"

The following speech was delivered by Cllr. Seamus Costelloe of Sinn Fein to the Bray Urban District Council in 1967.

"Gentlemen, in proposing to you that ground rents be abolished, I intend to show you that what we propose is a much needed reform of land law in Ireland - a reform that would bring the law into some correspondence with the morality and justice of the matter. Indeed, so great is the gulf existing between the justice and the law of the matter that our proposition boils down to a demand for a drastic overhaul, long overdue, of an antiquated feudal system. I intend to discuss briefly first, the morality of ground rents, secondly, the law as it stands, and thirdly, I intend to give some idea of the extent of ground rent holdings and their ownership.

"On ground of morality and philosophy what we intend that this council have the honour of proposing to the other councils of Ireland cannot in any way be described as new. Ireland has always, because of the influence of England, lagged well behind the nations of the world in implementation of progressive legislation. The Divine Right of Kings died in the French Revolution of 1789. In 1789, in Ireland, a Catholic who did not subscribe to the Divine Right of Kings was excommunicated by his bishop - all the insurgents of Wexford and Wicklow suffered this fate.

Ground rent is based upon the Divine Right of Private Property - the theory of absolute right to Private Property. Many of the ground rent landlords in Ireland, as I propose to show later, own

vast tracts of urban and rural property because their ancestors came over to Ireland with a sword in the time of Henry VIII, Elizabeth or Cromwell. Conquest right became legal title and has remained so down to the present day. We query the morality of this - but we query further. We query the right of any man, be he Irish, English, or cosmopolitan, to hold an absolute bequeathable title in land - land that he did not create, land that is the natural inheritance of all men - not a few individuals.

Pope Paul VI in his recent Encyclical, 'Progressio Populorum,' has put the case against absolute right in private property very forcibly. I quote:-

God intended the earth and all that it contains for the use of every human being and people. Thus, as all men follow justice and unite in charity, created goods should abound for them on a reasonable basis. All other rights whatever, including those of private property and of free commerce, are to be subordinate to this principle. They should not hinder, but on the contrary favour its application. It is a grave and urgent social duty to redirect them to their primary finality.....To quote Saint Ambrose: 'You are not making a gift of your possessions to the poor person. You are handing over to him what is his. For what has been given in common for the use of all, you have abrogated to yourself.' The world is given to all and not only to the rich.' That is, private property does not constitute for anyone absolute and unconditional right."

In fact Pope Paul is saying in 1967 what Fintan Lalor said in the famine ravaged Ireland of 1848. I quote:-

"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 property can possibly rest.

"But no man can plead any such title to a right of property in the substance of the earth.....

"The earth, together with all it SPONTANEOUSLY produces, is the free gift and common property of all mankind, of natural right, and by 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 property in land which I acknowledge to be morally valid, is the right of common consent and agreement. Every other I hold to be fabricated and fictitious, null, void, and of no effect."

P.H. Pearse, writing two months before the Rising of 1916, re-echoed Lalor's thesis:-

".....no private right to property is good as against the public right of the nation."

Thus, gentlemen, we see that in morality and in philosophy the doctrine of the Divine Right of Private Property is a dead letter. Nevertheless, 1916 and the struggle for freedom subsequent to it

failed to kill it in this country. The only other country in the world where ground rent exists is England - the country of its origin. Americans and Europeans are amazed when they hear of it.

Many of our own laws in local planning stem from the realisation that there is no absolute right to private property. The law that makes a person seek planning permission prior to building demonstrates that the communities' right override those of the individual. All the various laws about unsightly structures, noxious weeds, noise volume, etc., all demonstrate the over-riding rights of the community over those of the individual. The Ground Rent Laws of 1931, 1948, and 1957 demonstrate the opposite and uphold the right of the individual in land against that of the community. The Ground Rent laws are built upon the theory of absolute right in private property and allow the individual and his heirs and successors to hold the community up to ransom for the ground space under their houses.

The latest word from the law-makers respecting ground rents came in January of this year (1967) - the Landlord and Tenant Act 1967. I do not propose to discuss this law at any length: the case of the South City Markets and that of tenants on the Proby estate in Sandycove clearly demonstrates the fact that an unknown number of people who live in houses built before 1931 (when the first act was passed) are not covered by it. This is bad enough, but the most insulting feature of this law is the so-called "Right of purchase"

which it gives the tenant.

A tenant, according to this law, where it applies, may buy out this ground rent by paying his landlord a lump sum of money which, if invested at $7\frac{1}{2}\%$ p.a., will yield in simple interest each year an amount equal to the amount normally payable. This lump sum is arrived at by multiplying the amount of rent by 13.2 or 14 i.e. a £10 ground rent is 'bought out' by paying £132 plus your own and the landlord's costs for the carriage of sale and investigation of title. This extra cost has been averaged at £60 - £70. I don't have to show that this so-called law is a public confidence trick of the most puerile type. What landlord in Ireland has to be persuaded to receive his ground rent in advance without the cost of bother of collection or the fear of conscious alert people? The Law of 1967 is not law - it is sophisticated robbery - but what can we expect from a Cabinet which numbers among its ranks ground rent landlords - Mr. Donagh O'Malley (Limerick), Mr. Ryan (ex-Minister for Finance), his son and the leader of Fianna Fail in the Senate, Eoin O Riain? Or from an opposition which includes ground rent landlords, Paddy Belton, Richard Beltán (Fine Gael), Paddy Norton, slum landlord and 'socialist', of the Labour Party?

Who owns the ground rents of Ireland and how much are they worth? The Conroy Commission on Ground Rents (1961-1964) asked the Irish Landowners' Convention, the association of the bigger ground rent landlords, and were told that it came to about £5,000,000. That is the amount that these gentlemen collect. Who are they? Some of their names are not unknown to the people of this country.

What is the extent of their Estates? Dublin is a good example.

In Dublin City the estate of the 16th Earl of Pembroke successor of Strongbow, includes considerable portions of Ballsbridge, Mount Merrion, Ringsend, Sandymount, Donnybrook and all of Ballinteer and Dundrum. The estate of the rack-renting Probys, successors of the Earl of Careysfort, includes most of Dalkey, parts of Sandycove, Dun Laoghaire and Blackrock, and all of Stilorgan. A portion of the Proby estate the $4\frac{1}{2}$ acre South City Markets estate was sold last May for £650,000.

The Longford and De Vesci Estates extend from Seapoint, through Monkstown to Dun Laoghaire, where they own by far the greater portion of lands, and urban built-up areas such as these are hundreds of times more valuable than rural properties.

In Dublin County, the estates of Lord Howth extend from Raheny and include the lands of Clontarf. The Vernons own Clontarf itself. The present owner is a direct successor of Anory Tristan, who affected a landing at Howth in 1177. Lord Talbot de Malahide owns Malahide. Two years ago the Raniers arrived from Monaco for a holiday at the Carton Estate, Maynooth, to discover that the estate was more than twice the size of their own Principality of Monaco.

Whole towns and the major parts of some cities outside of Dublin are owned by ground rent landlords. Abbeylax

is owned by De Vesci. The Earl of Cork and Ossory owns most of Cork. Two-thirds of Dundalk is owned by Lord Roden, who lives in the Six-Counties and is a staunch supporter of the regime there. Kells belongs to the Marquis of Headfort. Middleton now belongs to a foreign company. And in conclusion, it might be noted by many among us, to our cost, who owns most of Bray.

Some of the ground rent paid by Leinster House in Dublin alone might interest you. Ground rent in excess of £4,400 is paid every year on office accommodation located in 64 buildings scattered throughout Dublin.

On April 6th last, Leinster House, in a statement, announced that it did not intend to buy out at present. Who, we wonder, is the fortunate ground rent landlord upon whose property the Tri-colour is flown on all state occasions? Is this patriotic man a member of the Irish Landowners' Convention Ltd?

These figures give some indication of the extent of ground rents and their ownership. The only question arising from them is how long must this country suffer these aristocratic parasites?

Councillors assembled here tonight have been presented an opportunity by Sinn Fein to set a limit to the systematic robbery of ground rents. We hope you will make the most of it - Bray, Wicklow, and Ireland cannot afford this blackmail any longer, need not and should not.

JM

**civil
rights
now!**

Title: Private Property Rights?

Organisation: University Republican Clubs

Date: 1969

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