

tion, whereas the landed families who give benevolent consideration to the tenantry receive a complacent blessing.

Against such a benevolent aristocracy Mr. White shows the necessity of preserving to the State its full sovereignty over land if democracy is to endure.

Land cannot be owned. It can only be used.

A labor product can be owned outright in the sense that it can be consumed. Eggs can be physically eaten up.

A land title is a franchise for use. Land cannot be consumed.

In this distinction lies the fundamental difference between a grant of land and a bill of sale of goods.

The proposition that land grants and franchises are the same in legal principle is sound law.

This being so, it follows that nothing more is granted than is directly contained in the terms of the grant. A franchise grant is strictly construed in favor of the sovereignty.

A grant of land made in 1735, for example, contains no contract that conveys away values created in 1935. What is granted is contained within the four corners of the document. Nothing is contained in any deed ancient or modern that requires the community in 1935 to deliver the beneficial use of a school house, a library, a paved street or other public service upon the land without collecting the cost therefor.

Chief Justice Marshall in 1810 in a Georgia land case held that a grant by the State is a contract. In 1840, however, Justice Miller, supported by Chief Justice Chase and Justice Field, dissented in *Washington University vs. Rouse* (8 Wall. 443). He said:

"We do not believe that any legislative body, sitting under a State constitution of the usual character, has a right to sell, to give, or to bargain away forever the taxing power of the State . . . To hold . . . that any one of the annual legislatures can, by contract, deprive the State forever of the power of taxation, is to hold that they can destroy the government which they are appointed to serve, and that their action in that regard is strictly lawful."

The tendency of the courts is in the direction of the sound doctrine quoted. The power of the State to tax is paramount over private rights.

Private possession of land, necessary to preserve the fruits of labor, does not of itself impair sovereignty. It is only when we permit the profits arising from this exercise of sovereign power to flow into private pockets that such impairment occurs.

Democracy may delegate its police power to a magistrate without impairing its sovereignty but if it were held that the magistrate acquired a vested right to his office and could administer the office for his private gain it would be a derogation of sovereignty.

Franchises for the use of streets by utility companies are no longer granted in perpetuity or for years without a valuation to be paid for use.

The true legal concept of the tenure of land as a franchise for use subject to valuation is growing in consciousness and is tending to dispel the idea that the State having granted land is without power to collect the value of the use.

This book is a strong plea for the recognition of those legal principles which constitute the foundation of democratic government and without democracy, cannot endure.

It is well worth a studious reading.—WALTER FAIRCHILD.

#### A BACHELOR OF LAWS "CORRECTS" A MASTER OF ECONOMICS

The publication of "Progress and Poverty" in 1879 let loose a flood of criticisms of Henry George. By hundreds, magazine articles, books, tracts, pamphlets, newspaper reviews poured forth, demonstrating George's "errors," and pointing out "fallacies" in his reasoning. More than one hundred have come into the possession of this reviewer, and he has not yet gathered all.

Many critics were not content to expose "flaws," but aimed their poisoned darts at the figure of Henry George. These shall remain nameless.

Today they are forgotten. Only a historian delving into obscure corners, could unearth their names and writings. "Progress and Poverty" lives on, sound as ever. It has made a profound impression on modern economic thought, and no economic treatise is so widely read. It is studied in our colleges and universities. Harvard, Princeton, University of Illinois, amongst others, (as the reports of The Robert Schalkenbach Foundation show) buy "Progress and Poverty" in increasing quantities.

A new school of critics has arisen. These, starting out with the admission that whatever economic knowledge they possess was acquired from Henry George, proceed, gently but firmly, to "correct" his reasoning. He being no longer available for personal attack, they now center their fire on his philosophy.

Of this ilk are George Bernard Shaw, whose book, "The Intelligent Woman's Guide to Socialism and Capitalism" we reviewed in these columns in the July-August, 1928 issue. (p. 121).

On another page, our co-worker, Mr. Fowles, competently handles another author who believes George "erred."

Our Australian friends, confusing interest with usury, are certain that George fumbled on that subject.

Most critics of George, while puffing with a sense of their own importance, wind up by exposing their own ignorance of fundamental economic principles.

Now comes "A Tax Talk to Business Men by William J. Ogden, LL. B." (Why is it necessary for our author to reveal that he is a Bachelor of Laws? What especial qualifications in economics does that degree confer?)

Mr. Ogden writes, (pp. 154-155):

"If ever 'truth' was 'crushed to earth,' the great cardinal truth of the Single Tax has so suffered at the hands of its professed authoritative protagonists.

"It is to rescue the truth from a jumble of truth and error, that this little book is written.

"Right here I want to acknowledge my debt of gratitude to Henry George. He, more than any other man, opened the way for the Single Tax on land values. The truth that his heart revealed is not destroyed by his manifest error. He will be remembered for his greatness of soul, his self-giving love for humanity, and his powerful presentation of the vital importance of a just system of taxation."

And at page 167, Mr. Ogden humbly writes:

"I have found the solution of his error, and with head bowed in deepest reverence, confess myself his grateful debtor for the revealed truth of the Single Tax, which is herein freed from any taint of Socialism or Communism."

Henry George, writes Mr. Ogden, "simply blundered in a splendid human effort to lead men to the truth." (p. 148).

He erred "in attributing the origin of land value to such a general and indefinite thing as 'population.'" (p. 149).

Will Mr. Ogden tell us when and where George wrote this? It was our impression that Henry George clearly showed that it was the presence *and activities* of people which produced land values. If population alone made land values, China, with 400 million people, would have higher land values than the United States with 125 million people.

Mr. Ogden contends "that public services are the reason, the source, and the continuance of land values," (p. 70) and that "land values are the products of the services of government." (p. 35).

His reasoning may be judged from this non sequitur:

"Here (in Maryland) our landowners pay taxes on their lands. They therefore earn the increment to their land values." (p. 63).

He repeatedly falls into the common error of referring to the Georgist philosophy as a "tax system." (pp. 83, 86, 107, 112, 154). Rather, it is a philosophy that would abolish taxation. For the community to collect its community-created land values and use them for community needs can never be called taxation. It is but to recognize the difference between "mine and thine" on the one hand, and "curs" on the other.



In writing as I have, I would not be understood as claiming inerrancy for Henry George. He would have been the last one to make such claim. But, I submit, it will take a more astute intelligence than Messrs. Bernard Shaw, Jorgenson, our Australian friends and Mr. Ogden, collectively, possess, to find any "lapsi linguae" in the numerous writings and speeches of the great master of economic reasoning.

Forty years ago, Mr. Ogden made the same claims in the columns of *The New Earth*. The editor of LAND AND FREEDOM pointed out to him that land values might exist, and often did exist, independently of public service. Mr. Ogden persists in his fallacy.

And here it will be interesting to quote from that article by Mr. Ogden:

"When I conceive of trade without roads, I may then conceive of land value arising without government service. When distance has been obliterated; and goods can be transferred without a consideration of the elements of time, space or resistance, then rent will disappear, and the dreams of some of our friends realized; but I am inclined to think that as long as we have legs, we'll use 'em, and that roads will always remain, and with them rent."

Well, the very thing Mr. Ogden conceived as impossible, has come to pass. Airplanes can and do carry mail and merchandise, "without roads;" "distance has been obliterated" (almost) *but land rent keeps increasing*.

Why? Because every human activity, even flying in the air, requires land, and those who "own" our earth can charge the users Rent, *without rendering any service in return*.

Mr. Ogden claims that George failed to perceive that individual right to land value is as clearly defined as individual right to any property produced by an individual.

Evidently our author is unaware that there are six qualities which distinguish land from private property, and therefore stamp it as unique.

1. The earth on which we live was not produced by any human being, but is the free gift of the Creator to all his children.
2. It is limited in quantity.
3. It is essential to our existence, because we can produce nothing without it.
4. It does not owe its value to anything which landowners choose to put upon it.
5. It owes its value entirely to the presence and activities of the community.
6. It cannot be carried away or concealed.

Were he clearly to grasp the significance of these distinctions, he would not write:

"A good title to individual ownership in the land and all the value that attaches to it is therefore founded upon the same right of self-ownership that is the foundation of the right to own personal property." (p. 90).

Mr. Ogden informs us that before his death, Henry George modified his declaration that "private property in land is unjust." (p.112).

Pray, when and where did this take place? This reviewer is authorized to offer Mr. Ogden \$500.00 to substantiate that statement.

Chapter XVIII is entitled "The Error of Henry George." Our author attempts to prove that George made "a fundamental error in omitting the largest and most important factor in production, viz., Government." (pp. 144-145). Mr. Ogden contends that land value is produced by an individual "as truly as was the house and personal property therein." (p. 150).

If this were true, how will Mr. Ogden explain why land values decline when population moves away?

This chapter might more accurately have been entitled "The Errors of William J. Ogden, LL. B."

Mr. Ogden has been familiar with the Georgist philosophy at least forty years, but, as his book amply demonstrates, he has failed to grasp it, not only in its material phases, but in its vastly greater spiritual implications.

Henry George sought to introduce a spiritual condition of equality in a material condition of inequality. Only that which is spiritual is constant; that which is material must ever be inconstant. Our common Mother, the Earth, being material and inconstant, rather than spiritual and constant, does not yield to her children the same wages for the same labor.

Henry George showed how we could *approximate* a spiritual condition of equality in a material condition of inequality by expressing the inequalities in nature in land rent, and distributing the land rent equally amongst all Earth's children.

For that he will ever be remembered, long after his critics are forgotten.—B. W. BURGER.

## PAMPHLETS RECEIVED

"Labor Relations" by George A. Briggs of Los Angeles, member of the Federal Relations Board of the 15th District, sends forth a pamphlet of nineteen pages which treats of the Georgist philosophy. Incidentally it touches upon the abuse of patents. The author states that if the land value tax is insufficient it might be added to by "steeply" graded taxes on incomes and inheritances. The word seems deliberately chosen. He says: "Such taxes would compensate for failure, if we did fail, to identify and abolish lesser legalized monopolies overshadowed by patents, tariffs, franchises and land monopolies." We do not believe that there are any "lesser monopolies" not included in this category, and they are not of sufficient importance to justify "steeply" graded taxes on incomes and inheritances, nor any such taxes at all. If it be found necessary to resort to such taxes, which we do not for a moment believe, they must be defended solely on the need for additional revenue that *might* arise and not as remedial measures for the correction of economic inequalities. All the lesser monopolies will disappear with the disappearance of the basic monopoly on which they rest.

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We all know and love Peter Witt, of Cleveland. Certainly the greatest orator in the movement today, he is also an entertaining and forcible writer. Here from his pen is a neatly printed pamphlet of sixteen pages entitled "How Economic Ignorance Causes Depressions." He tells of the work of Tom L. Johnson to whose memory he is deeply attached. He relates how a few years ago the city of Cleveland was worth fifty cents an acre and how since the days of Moses Cleaveland it has risen to be worth many millions of dollars. He enforces his plea for economic change in the system by many interesting local illustrations. The pamphlet may be had for ten cents a copy with reduction for quantities.—J. D. M.

## Correspondence

### NEED OF FUNDAMENTALS

EDITOR LAND AND FREEDOM:

A multitude of words anent our untoward and unnecessary economic material condition, but nothing along the line of remedies in simplified fundamental form.

Many reputations made in giving a speech or writing an article on existing conditions, in which nothing of importance is mentioned. There must be a reason for this, which must inevitably be termed indifference or ignorance.

It seems incredible that the so-called moulders of public opinion are unaware of the source and magnitude of our material supply—THE EARTH—sufficient for all our daily needs, provided same is treated in a natural way, in accord with the laws of justice.

The general notion seems to prevail that injustice is largely prevalent, but as an actual fact there is no such law. Apply the law of Justice and the thought of injustice vanishes into its native nothingness.

The entire situation revolves around a seeming lack of necessities,