# THE LAND AND THE PEOPLE.

BY

ARTHUR ARNOLD,

PRESIDENT OF THE FREE LAND LEAGUE.

REPRINTED (BY PERMISSION) FROM THE CO-OPERATIVE WHOLESALE SOCIETIES' ANNUAL, 1887.

MANCHESTER:
CO-OPERATIVE PRINTING SOCIETY LIMITED, 17, BALLOON STREET.

MDCCCLXXXVII.

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18, Cockspur Street,

LONDON, S.W.

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PROGRESS FROM POVERTY.

There must be refuge! Men
Perished in winter winds till one smote fire
From flint stones coldly hiding what they held—
The red spark treasured from the kindling sun;
They gorged on flesh like wolves, till one sowed corn
Which grew a weed, yet makes the life of man;
They mewed and babbled till some tongue struck speech,
And patient fingers framed the littern sound.
What good gift have my brothers but it came
From search, and strife, and loving sacrifice?

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## WHAT IS LAND?

WE understand by "land" that portion of the earth which is not covered by water. It is the source from whence, as the result of natural forces improved and used by labour, springs the raw material of all our food, our clothing, and our shelter. Even the fish in the rivers and the sea are dependent upon outpouring from the land, and those who live upon the surface of the water derive their sustenance from the shore. Land is one of the elementary necessities of existence, and upon this fact is based the truth which pervades all law—that the absolute ownership of the soil is, and must be, vested in the sovereign authority, whether it be named king or parliament, people or nation. Man must either be a slave and his life the property of another, or his right to existence must include a right to live upon the land. When slavery endured, there were always freemen to preserve the collective ownership of land embodied in the person of the chief or in the community; when slavery was abolished, the national property in the soil was, as a principle of law, acknowledged as matter of course.

## NATIONAL PROPERTY IN LAND.

I WISH to make this point clear, because it not only establishes the right and the interest of every man in the soil, but because it is the undeniable basis of our claims for reform, because it affords the best security for rights of private property in land, and because it is our natural and necessary reply to those who ask us, either by purchase or by confiscation, to take possession of the land in the name and for the advantage of the nation. The soil of England is the inheritance of the English people. It is beyond their power to resume that which they possess, or to divest themselves of this possession. Let us glance at the solid weight of authority upon which rests the national property in land, which, as matter beyond dispute, carries with it the right and the duty of making and altering the laws relating to the

ownership the sale and the transfer of land so that they may always promote the best and most permanent interests of the greatest number of the people. English law denies to anyone absolute ownership of land, that supremacy being the fixed and inalienable property of the people.

### The only Absolute Owner.

The absolute ownership of land by individuals is, indeed, inconceivable. It would involve a right of eviction to which no nation would submit, and which there would consequently be no power to execute. But, apart altogether from the necessity for space, which is vital, there is the indubitable claim which existence confers to some share in the fruitful powers of the earth. The land meets labour with natural inherent capacities. In some parts these are very small; in others, they are largely, almost entirely, the product of labour, and therefore become the subject of individual property, but the intrinsic natural force is undoubtedly the inheritance of the nation. This condition has given rise to that principle of our law which we are now engaged in examining. This principle of primary ownership follows the facts that land is necessary to existence, and that it is limited by definite boundaries. Land is thus, in its relation to human society, a monopoly of nature, or a natural monopoly. When reformers complain of the monopoly of land, they do not employ strictly accurate language; they mean that the monopoly is restricted by obnoxious laws and practices—that its enjoyment ought to be extended. The monopoly of land is indestructible. Reformers claim to regulate ownership and occupancy because it surpasses human power to annul the monopoly of land. These are some of the conditions which have led to the admission by all competent authorities that the absolute ownership of land can only be, and therefore is, vested in the State. If the present owners, who hold the land subject always to the claims of the nation, were turned out and expropriated, and the State were to conduct, on the plan of some so-called "nationalisers" of the soil, the business of general landlord for the common profit, there would still be monopoly of land. Monopoly is consequent upon the limitation by its nature of that which is necessary, and which is therefore of necessity, by law and in fact, vested in the State, or, in another word, the nation.

### A Few Authorities.

I proceed further to explain and to strengthen this fundamental position by the words of others. The text book of all students in this country is the commentary of Mr. Joshua Williams on the Law of Real Property, in which they learn that "the first thing the student has to do is to get rid of the idea of absolute ownership. Such an idea is quite unknown to the English law. No man is in law the absolute owner of lands. He can only hold an estate in them." I have often made use of the simple form of words into which Mr. Lowe once put this great matter. In the *Fortnightly Review* he wrote: "Land is a kind of property in which the public must from its very nature have a kind of dormant joint interest with the proprietor." I produce the authority of Mr. Froude, because in general policy he is strongly Conservative. He says, in the commencement of his "History of England," that "Land was never private property in that personal sense which we speak of a thing

as our own." And again, in "The English in Ireland," he deals with the same matter in this way:—"Seeing that men are born into the world without their own wills, and being in the world they must live upon the earth's surface, or they cannot live at all, no individual or set of individuals can hold over land that personal and irresponsible right which is allowed them in things of less universal necessity." Mr. Mill says:—"The greatest stickler for the rights of property will hardly deny that if land, the gift of nature to us all, is allowed to be the private property of some of us, it is in order that it may be cultivated;" and Mr. Gladstone has given his views in these words:—"Those persons who possess large portions of the space of the earth are not altogether in the same position as the possessors of mere personalty, for personalty does not impose the same limitations on the action and industry and well-being of the community in the same ratio as does the possession of land, and therefore I hold that compulsory appropriation, if for an adequate public object, is a thing in itself admissible, and even sound in principle." I will venture to add the following from my own work on "Free Land:"—"All landed property must be held subject to the claim of the State, whether that is specified or not. The State confiscates by Act of Parliament any land, with or without houses, required for waterworks, or railway, or canal, or some other public object. The Act is complete in itself; it is an exercise of supreme ownership which none can dispute. The compensation is not needed to give legality to such an Act; it is legal by virtue of the authority inherent in Parliament. The compensation obtained may not be such as the owner approves, but for that reason Parliament will not permit him to retain his land. The land belongs to the State, and that prime right of property may be exercised anywhere and to any extent. Equity and the interests of the community demand that fair compensation should be given. But that compensation is given, not as the price of a bargain made with the State in order that the confiscation of the land might be permitted, but it is awarded by way of satisfaction for the antecedent issue of an irresistible decree."

## Private Property in Land.

Because land is a natural monopoly and people cannot exist without land, the absolute ownership must belong to the people. They are, consequently, free to consider whether they will manage it for themselves, dealing as they please with those who are now possessors of private property in land, or whether they approve and will encourage, secure, and reform this principle of private property. If they take the latter course, they must do it with the prospect of general advantage such as to render it expedient. Mr. Froude says "private ownership of land is permitted because Government cannot be omnipresent, and personal interest is found, on the whole, an adequate security that land so held shall be administered to the general advantage." Private property in land is, however, indefensible when it ceases to be expedient. There is abundant foundation for the very severe questioning to which private property is now subject in England. Such property in land cannot be justified upon economic principles, as it exists over the greater part of England in the form of life tenancy. This is the most serious matter in our social system. I uphold private property in land because I believe it necessary for obtaining the

utmost improvement of the soil and the largest agricultural production. But the land laws of this country exaggerate private property, and neglect the regulation of such property. The object of private property must be to stimulate improvement and production. If the natural and inherent qualities of the soil were always and everywhere the same, then of course private property in land would be less useful. If labour, such as national or collective energy cannot furnish in every direction, were not called for, then the problem would be different. I can conceive nationalisation of the supply of water, and even of gas or the electric light, because there is a best quality which might be obtained and distributed universally. But upon the land there can be no such universal quality. No two parcels of land exist under precisely similar conditions. We have to deal with the national freehold; how are we to secure the presence of power in every place for the common welfare? The qualities of land are mainly due to labour, including the essential quality of access to suitable markets. Lands of the greatest natural fertility, needing the least labour, are generally secured by laborious and economic regulation of rivers and other water courses. To obtain work we must offer reward, and the obvious recompense is that those at whose cost the improvement of the soil is carried out shall enjoy the produce of their labour and expenditure. This is the justification of private property in land. The opponents of that policy do not argue against the principle, but proceed to display, or to imagine monstrous developments of it, and then to assume that these developments must be accepted and supported. It is argued that those who accept the policy of private rights in land as the best disposition of the national property regard with satisfaction the immense estates of this country, and the widening area in the United States upon which ownership and occupation are severed. I regard the accumulation of land by families in this country as a great social evil, and one which tends to deprive private property in land of its economic justification. The danger of our system lies in the fact that so few are interested—in the only way in which people can be most strongly interested—in the cultivation of the soil. It is ridiculous to argue that this evil cannot be removed from private property in land. The broad features of our most singular and most unhappy case are widely known. The monopoly of land in a third of England and Wales is in the hands of about 750 persons; in Scotland, if the land were equally divided according to the possessions of the Duke of Sutherland, there would be only fourteen landowners upon nearly 19,000,000 acres; while in Ireland, about 250 persons are the reputed owners of one-third of the island. This marks a vicious system; it is the direct and natural consequence of a tendency encouraged by law; and we may add that if the land laws of the United States remain what they are, there may, in time, be the same accumulation.

### Density of Population means Death.

So far we have established the right of people to live upon the soil—for that is sheer necessity—and, therefore, we have established the duty of the community so to frame and regulate the laws governing the ownership and occupation of land that the greatest advantage to the people at large may be attained. We know, from universal experience and observation, that two general laws govern health and the food supply:—

(1) That the rate of mortality increases with the density of population, and (2) that the production of the soil owes its increase to labour. There are other countries of which the population, divided by the number of square miles, shows a greater density than England, but there is no land in which the people are so unequally distributed between town and country. Great Britain and Ireland contain 55 towns of which the population is 40,000 and upwards; France has but 28 of such towns; Italy only 24; Russia no more than 14; and Austria has 6. This comparison illustrates the peculiar feature of England, and it is not wholly due to the activity of manufactures. One aspect of the land question is this: that when people live close together life tends to be short and troubled with sickness. This matter has been put in a very instructive way by taking seven groups of districts in England, where, at a given date, the mortality per 1,000 was respectively 17, 19, 22, 25, 28, 32, and 39. In the same districts, the number of persons to a square mile was 166, 186, 379, 1,718, 4,499, 12,351, and 63,823. It has been found that in a group of rural districts where the average distance of one person from another may be said to be 147 yards, the duration of life is 51 years; in 345 districts the proximity is 39 yards, and the life is 45 years; in 137 districts the proximity is 97 yards, and the life 40 years; in 47 districts proximity is 47 yards, and life is 35 years; in 9 districts proximity is 28 yards, and life 32 years; in a Lancashire district proximity is 17 yards, and life 29 years; in another, and that the worst, proximity is 7 yards, and life is 26 years. In 1881 the population of England and Wales was 25,974,439, and 15,445,296 dwelt upon 3,171,565 acres at the rate of 5 to an acre, while 10,529,143 dwelt upon 34,067,786 acres at the rate of 3 acres for each person. The average proximity throughout the country was 90 yards, and there were 446 persons to the square mile.

## The Town Side of the Question.

In 1881, there were only 1,278,624 persons engaged in every form of agricultural occupation; that is less than one in twenty, less than 5 per cent of the population. In France, the agricultural population is 51 per cent, and in Prussia 45 per cent. Where the rural population is large, there must be greater intercourse and intermarriage between them and the townsfolk. In France, the travels of the townspeople are to the villages; in England the movements are from town to town. This interchange of visits not only improves the vital energy of the people, but imparts to many of the townsfolk a rudimentary acquaintance with the processes of agriculture, which often leads to a change of occupation with great advantage to individuals and to the general welfare of the country. In 1881, the agricultural labourers, including in-door farm servants, shepherds, and persons returned in the Census as "cottagers," numbered only 870,798, and it is likely that now with an increased population the total does not exceed 800,000. The area of laboured or arable land has been falling at the rate of 100,000 acres a year for many years past, but this withdrawal of 1,500,000 acres from cultivation in fifteen years does not represent the total diminution of labour and of food which has taken place. The condition of that land which remains arable has deteriorated. I have seen

a calculation that a sum of nearly £15,000,000 would be required to free such land from weeds and to restore its agricultural condition. I have noticed this summer the miserable culture of much of south Sussex and of the Isle of Wight. Looking on such land I have felt sure no competent person could question the possibility of obtaining a produce double the value of that which is now harvested. It may be said that food is cheap—that never, indeed, was it so cheap—and what more do you require? This argument might be carried further, and the English people might altogether abandon their rural counties. But why should they sacrifice so much of possible wealth—why pay foreign countries for food which could be produced at home? How can we as a nation expect to be successful when the national property in the soil is thus neglected? With regard to trade, a prime interest with every working man in Lancashire is that the home demand for manufactures should be active. How can this be when the south of England is becoming more silent and deserted? I have lately been through all the southern counties, and am astonished at the extent of waste land, at the increase of pasture, of shooting coverts, and the absence of agricultural industry. There can be no country in Europe more like to our own than the French province of Normandy. Once upon a time we were conquered by the Normans; but now we pay them a tribute of millions a year for butter, eggs, cheese, fruit, vegetables, in value perhaps more than that of the whole produce of England when William of Normandy landed at Hastings. I compare the poverty and the industries of the south of England with the wealth of Normandy, and know that the difference is mainly the result of our land laws. Mr. Jenkins, one of the Duke of Richmond's assistant commissioners, is a gentleman so bound in prejudice and interest to the feudal land system of England that he cannot write a report on French agriculture without referring to the "peasant proprietor" as "that spoilt child of the doctrinaires." But Mr. Jenkins, though prejudiced, is a competent witness. He describes Normandy by saying: "Imagine yourself in the West of England." Yes, but it is the West of England free from the English land system. It is the home of peasant proprietors. No province of France is so wealthy; none is more subdivided. Mr. Jenkins says "every kind of agricultural produce from Normandy is in the front rank of excellence." There is a sentence in his report which expresses a main difference in the agriculture, and I contend that it is due entirely to the tenure of land. He says:—"One of the principal lessons that in my judgment English farmers have to learn from their continental brethren is the breeding and rearing of stock, and the making of butter and cheese, upon arable land. . . . The great bulk of French butter which successfully competes with our English makes is the produce of cows fed on lucerne and artificial grasses, both green and made into hay." The greater part of this butter is made while these grasses are green, and in Normandy, among other economies we may notice that except in wet weather the cows are tethered upon the grass by a spike driven in the ground, attached to a rope about twelve feet long fastened round their horns, so as to prevent waste and over-eating. The Normandy farmer extracts some of the sugar from his root crops for human food before giving the roots to his cattle. He regards no land as uncultivable because it is his own. I have seen a crop of potatoes gathered with the fingers of a little girl from white

sand. The French plan, full of economies and forethought, and of anxiety to enlarge the small domain, makes food and labour; the English plan makes ill-health, waste, and solitude.

## Large and Small Properties.

I will not bring forward technicalities of law. The land laws of our country are, as they were when Oliver Cromwell looked into them, "a tortuous and ungodly jumble." In this country there are about 50,000,000 acres, or nearly four-fifths of the land, in the hands of about 7,000 persons. There are people foolish enough to believe that this is the consequence of economic laws, and that it represents an inevitable destiny. It is the direct consequence of our laws and practices of settlement and of primogeniture, which are closely bound together. Landed estates are settled to pass on death from one person to another, and upon the heir or expectant possessor coming of age he is induced by family pride, and by the promise of an income until he obtains the inheritance, to divert the line of settlement, and to continue it upon the eldest son of any marriage he may contract. This system holds the monopoly of land in very few hands, leaving only a small portion to be dealt with by those who do not indulge in such practices. It has given to a narrow class great power and patronage. They have for centuries held the government in their hands, and have dealt out no inconsiderable part of the revenue in salaries to members of their families. It has not been found unfavourable to the agriculture of large farms, where the tenant's income has been the wages of superintendence. It has been bolstered with false statistics, until the English people, naturally ignorant of because divorced from agriculture, have come to regard two fallacies as axiomatic truths—one that the produce of large farms must be greater than that of small farms, and the other that what are known as dairy products have a necessary connection with pasture, which perhaps is partly due to the fact that no artist would have the courage to depict a cow upon arable land. The English system, which is dependent upon large farms, is beloved by the great proprietors because of its advantages in regard to the collection of rent, to the dignity of seignioral life, to the landscape, to sport, to the strongest command of the influences attaching to property. There is no pleasure in an estate of small properties. Land agents abhor the subdivision of rents. In addition to the fact that cottier tenants rarely succeed because they have not the stimulus and security of ownership, the charm of the English system is destroyed where the income of the great has to be wrung out from the ends of stockings, and from the thrifty savings which may have found their way into an old teapot on the cottage mantelpiece. Small proprietorships have naturally fallen to this system. Lord Salisbury, who is a literary statesman of greatest eminence, and only, it seems, a country gentleman by accident of birth, referred lately, at St. Albans', to this tendency as though it were inevitable: "In England we know that small freeholders tend to disappear." And then, with rare imprudence, the Prime Minister proceeded to give his reason for this tendency: "Land, as we all know to our cost, does not pay. It is the least remunerative and the most precarious of all investments, and therefore people who depend entirely upon that investment will seek to put their money into something that is more profitable." What utter non-

sense is that! Here are the wealthiest people, and the best market in the world; and upon land the forces of nature co-operate with the labour of man in bringing about the harvest. Ours is the only country in which small freeholds tend to disappear. The cause cannot be natural, because hither come over the sea the products of hundreds of thousands of small freeholds. Mr. Jenkins places as second among "the vices of the French land system" (2) "the demon of property, which is the curse of the French peasant, which causes him to beg, borrow, and almost to steal, to starve himself and his family, and, in fact, to do anything to obtain possession of a piece of land." And they do obtain it, as the millions of landowners in France can testify. This demon of property is seen not by the peasants, but by the wealthier classes who would like to be landlords, and find it impossible because of the competition of the peasants in the auction-room. The man who has put penny to penny, and added a bit of silver when he could, is a fool if Lord Salisbury be right. But which is likely to be the better judge of a remunerative and safe security? I would rather trust the outcome of toil and thrift. The peasant throws down his savings and says, "I will not be baulked of the only security for the cultivator;" and Lord Salisbury and his friends straightway tell the poor man that he is possessed with "the demon of property." Then it is said that the average product of France is less than ours. This is true, but it is also true that the average of French produce would be higher if peasant proprietorship were more common. It is the tenant farms in France which produce wheat, and in such miserable crops. Even in Seine Inférieure, a department of Normandy, Mr. Jenkins reports that "not more than 10 per cent of the farms are occupied by their owners, simple tenancy is the rule;" and tenant farming is in France under very unfavourable conditions. "It is not the custom in France to take into account any improvements that may have been made by the tenant as regards manuring and other matters which contribute to the augmentation of the products of the soil."

### The Divorce from the Soil.

Here, and here only, land is the property of the wealthy. That is not the case with any other country in Europe. Lord Salisbury regards this as natural destiny; we know it must be a creation of law, because it is not otherwise possible that our country should form such a solitary exception. It has become almost an article of faith in England that land is a luxury pertaining to the rich, together with fine clothes and large houses. Where land is free and laws are good, it must pass to the comparatively poor and industrious, because they can make the best use of it. There is no law in France against a man purchasing a million acres, and, indeed, he can do so more easily than here, because the method of conveyance, though very imperfect, is more simple and expeditious. But the millionaires of France do not so invest their money; and why not? Because separation of ownership from occupation is not successful; because if they outbid the peasants, the possession would be practically useless and ruinous; and because the position of a landlord of small holdings is not enviable. No community is in a sound position where the masses of the people have no part in occupying ownership of the land. Let us mark well this unhappy feature of England. Our plans for reform would be stupid and senseless if they

stopped short of the diffusion of property in land. The French system is very faulty, but that it is infinitely better than ours may be learned by comparing the value of the produce of Normandy and of our own island of Jersey, with that of the south of England. The cultivation of the Isle of Wight is almost barbaric in its wastefulness compared with that of the neighbouring island of Jersey, where the average size of farms is about eleven acres. Supporters of the British system are easily beguiled with nonsense about France. An English lady allowed herself to write in the *Nineteenth Century*, that "Three millions of the small proprietors are on the pauper list of France." Rubbish of this sort is current in our Parliament. Mr. Jenkins reports—"Thus out of eight landowners in France, three are too poor to pay taxes!" There are some people who will do anything with figures, or let figures do anything with them, so long as the conclusion supports the land laws of England. Thus, of France, they speak of a pauper list where there is no such thing, and every owner of a wretched hovel, of less than 2s. 6d. annual value, is to be called a landowner. So, too, in this country, when we expose the truth as to the number of agricultural landowners, they try to force into the total every owner of a suburban villa, and every workman who owns his house in every town. These three million "indigents" in France are poor people who are excused from contributing to public taxes. Many of them are labourers who have inherited a little piece of land, it may be no bigger than their dwelling-room, on which they grow a few potatoes, but the greater part are townsfolk, of whom in England a large proportion would be really paupers. It is said there are five-and-a-half millions in France whose property is of less annual value than 4s. A great deduction must be made for the inherent falsity of statistics. Just as the Duke of Buccleuch is returned in our official statistics as fourteen owners because he has land in as many counties, so does error pervade in much larger degree the French figures. The communes, which form the basis of statistics in France, are small, and there may possibly be 250,000 proprietors in this total, who are multiplied into a million-and-a-half. A great part of the cultivated land of France is owned by the occupiers; these are the people who have gathered from the soil the great wealth which paid the enormous ransom of 1870–71, and which provides the immense revenue. It is deplorable that so large a part of this income should be expended in armaments, and in withholding for military training the manhood of the country from productive industry.

### The Debts of Landed Proprietors.

One of the standing charges against peasant proprietorship is that small farmers are always engrossed with debts. Mr. Richardson, in his "Corn and Cattle Producing Districts of France," says, "The mortgage debt is put at £480,000,000, which is one-sixth of the estimated value of the land," and by some this is regarded as a fatal objection to the system. I feel no doubt that the charge upon British land is proportionately heavier. We have the evidence of solicitors and land agents, given before select committees, to show the indebtedness of our landlords is as heavy as in Ireland, and that it amounts to six times the annual value. I estimate the encumbrances and charges upon our agricultural land at £400,000,000, and it is a debt far more injurious to public interests in agriculture, for two reasons—(1)

because only a small part of this charge was raised for purposes of cultivation; and (2) because upon settled land, which includes nearly all the land of England, the creditors of an insolvent owner cannot force an absolute sale of the property. There is, however, one respect in which the charge is lighter. French agriculture might be usefully aided by greater facilities for obtaining loans at the lowest remunerative rates of interest. Some reformers are opposed to allowing any mortgage of land. They urge that which I think it would be difficult to prove—that the power of mortgaging, by enabling the owner to hold on to a greater breadth, prevents sales of land. I admit that sales of land are presumably good, and that it is for public advantage to promote sales, because it is in all cases a fair presumption that the buyer is in a better position, or is more likely to use the land profitably than he who is forced or desires to sell. It is quite true that under our system the owner of mortgaged land has an apparent estate greater than his real means. That may produce public as well as private evils. He is probably paying 4 per cent upon the loans, which the costs increase to 5 per cent, and if he were forced to sell part of his land, the proceeds might show that he had only been obtaining 3 per cent. But if the mortgaging of land were prohibited—that is, if land could not be made security for special debts, the owner would still borrow upon his general assets and would pay a higher rate of interest. Land, as immovable property, forms the best security; and as capital can always be profitably employed in agriculture, it does not seem to me expedient to withhold the power of charging land. But the law should jealously guard the public interest by—(1) Removing all hindrances to the passing of land into the hands of cultivating proprietors; by (2) insuring, as far as practicable, a transfer upon insolvency; and (3) by adopting a system of registration such as gives the lender or mortgagee the best security, and gives full knowledge to any such lender of existing charges on the property. Our present law is contrary to public interest in each and all of these requirements. In France, as is well known, freedom of bequest extends only to a share of the property, of which every child inherits a part. It is said that this has led to an excessive subdivision, which the French call *morcellement*, or *pulverisation* of the land. Another alleged evil is the scattered condition of the small estates of so many proprietors, whereby is caused a great waste of labour. I have not found that the law of inheritance in France causes subdivision very generally. The practice of one child taking the land and paying the shares of the other children by mortgage or by sale of part of the property is common. Very common, too, it is for a daughter to marry a neighbouring proprietor, who adds her share of the paternal property to his own. Certainly, there is a most dangerous tendency to subdivision where there is cottier tenancy; and in Ireland this has been carried to such an extent, that according to evidence given before the Lords' Committee on the Land Act of 1881, some of the hovels in the West of Ireland are built askew, because the width of the strip of land attached to them is not sufficient to admit of their being placed squarely or at right angles with the roadway. Peasant proprietorship has never produced such evils, but it is charged with both inconvenient and excessive distribution. The parcels of a proprietor are often wide apart, and there is said to be waste and difficulty in providing means of approach to the smaller properties and subdivisions. Various proposals have been

made for periodical and even compulsory exchanges to consolidate estates. In Jersey there is a provision to prevent excessive subdivision. If an owner's landed property at death does not exceed one-and-a-half acres, he can make no division; the whole goes to the eldest son, and if he has no son, then to the eldest daughter. Subdivision rarely takes place upon the death of a Jersey proprietor. The eldest son, or daughter, inherits the house and garden, and if the property is larger than one-and-a-half acres, has the right of choosing—after valuation by public officers elected in each parish—a tenth before partition above his or her distributive share. Generally the eldest purchases the whole or pays an annuity to the younger. There are no other 20,000 acres in the United Kingdom which yield produce of so much value as those of Jersey. That island is more densely populated than England, yet there is no appearance of poverty. The Channel Islands have no greater advantages of soil or of climate than those which are met with in the south of England. The Jersey shipping is as well known as the agriculture for excellence and economy of management. The people learn thrift from their mother earth, and the welfare of this happiest and most prosperous of the British Isles can only be due to the laws which in Jersey make the land free from all accumulation by a few out of the reach of the people at large. The total area of Jersey is 28,717 acres, and the population 60,000. They have no manufacture except that of food. They live in greater comfort than the people of the United Kingdom, who would number 144,000,000 if the population held the same proportion to the acreage of the country.

## Some Plans of Reform.

Let us now try to look without any prejudice at some plans of reform, and in doing this we have to regard the fact that subject to the national property there are private rights of property to be met with on all lands except the public ways, some waste lands, and the lands belonging to the Crown. As to private property, I adopt the view that it is permitted because personal interest is found on the whole the best security that land so held shall be administered to the general advantage. Reasons of public policy, if such existed, would, it is admitted, justify abolition of all private property in land. If that policy were carried out with no compensation to the actual proprietors, such a proceeding would so diminish the security and stability of any subsequent personal interest in land, that it would be difficult to establish any such interest. If it were accomplished with compensation, I have no doubt there would be some disturbance of security, and for the State impending bankruptcy, together with an unmanageable possession. I will go through the programme of the Land Nationalisation Society, and mark some of its proposals. It begins by asserting that which no reformer will dispute, that "unrestricted private property in land is inherently wrong." We have seen that there is and can be no such property. The evils to which the Society point cannot be due to that which does not and cannot exist. Private property in land must be, it has ever been, restricted; the ills to which the Society refer only serve to show that the restrictions are either inadequate, or that they are misdirected in character and principle. Private property in land is restricted by the law that no one can settle or bequeath land for a period of more

than twenty-one years after the death of any living person. That I hold to be a power very greatly in excess of the limits marked out by public interest. Private property in land is also restricted by the immoral law, that except in Kent and upon other lands held in gavelkind, the land of a person dying without having made a will passes entirely to the eldest son, even though all the other infant children may be chargeable to the poor rates. We want restrictions adopted to promote freedom of the land and the welfare of the people; these restrictions to which I have referred, it is clear have for their object the maintenance of certain families as great landed proprietors. We, of course, admit the evils of the system of tenancy, so universal in the United Kingdom; involving the frequent sacrifice of agriculture to sport; the coercion or persecution of tenants on account of politics or of religion; the divided and conflicting interests which diminish production and check permanent improvement. We do not believe that Tenants' Improvement Acts can give an occupier an equal security with that of a proprietor. When the tenant obtains that security he in fact becomes proprietor. It would seem easier "to make the best of both worlds" than to make the position of landlord and tenant of equal security. Private property in land need not deprive the labourer of his rights in common lands, nor sanction enclosure for the exclusive benefit of landlords; nor should it be allowed to deprive the community of any right to the enjoyment of "wild health resorts;" in fact, private property in land must be condemned, if it will not stand the test that it exists for the public welfare. It is ridiculous in the Land Nationalisation Society to set up "unrestricted private property in land" as the alternative, for such property cannot and does not exist, for the reason pointed out by Mr. Henry George, who says:—"If one man owned all the land accessible to any community he could of course demand any price or condition for its use that he saw fit; and as long as his ownership was acknowledged, the other members of the community would have but death or emigration as the alternative to submission to his terms." Private property in land need not interfere with the liberty of obtaining a healthy dwelling in proportion to his means, which every subject of a free State should possess, beyond such interference which is beneficial to public interests. We sanction and guard private property in order to obtain improvement of the national freehold. If these private rights of property were liable to be invaded at any moment by the caprice of any individual, improvement would be stayed. That consideration marks the only limit to public interference with private rights; that is why the compulsory acquisition of land by acts of public authority is in civilised States limited to objects of public utility and sanitary improvement. The Land Nationalisation Society complain of increase of values. It is not private property which promotes increase of values, but demand for the most advantageous situations. Assert the national right of property in any form, and this increase of value in certain localities will continue. A hundred men cannot stand upon a yard of land unless you build twenty-five storeys from the ground, and then they will clamour and bid against each other for the lowest floors. You may take the increment in rent, or in taxation—how you please—what is called the "oppression," which is simply a voluntary competition, will continue.

## Minerals in Land.

Again, it is absurd and erroneous to say that it is private property in land which gives to individuals an unrestricted right to minerals. The law as it exists withholds gold and silver mines as the property of the State, and without abolition of private property the law may properly and usefully make stronger assertion of the national property in other minerals. The principle touched in regard to gold and silver is capable of much wider application. Minerals would be as land is in regard to its character of natural monopoly, were minerals admitted to be equally necessary to human existence. Minerals, like land, are of the substance of the country; like land they are material from which profit may be extracted; but, unlike land, they may be utterly exhausted and cannot be renovated. It is clearly a duty on the part of the State to control and regulate the inevitable exhaustion and disappearance of this national wealth. Private property in minerals can have no other justification than that it stimulates industry and enterprise, and promotes the use of mineral wealth which is most advantageous to the nation. It must be strictly subject to the State because the national property in minerals cannot be alienated. No landowner would be entitled to complain if the State, for good reasons, prohibited the sale of land to aliens, and the same applies to minerals. The law, for the better security of health and life, regulates the conditions under which coal and other minerals may be obtained; no proprietor of minerals would deny the power of the State to prevent export; and the operation of royalties, to be capable of economic justification, must be consistent with the interests of the public. I am quite disposed to think that the national rights and property in regard to minerals are not at present adequately protected or exercised.

## Land Nationalisation Further Examined.

Thus far we have dealt with some objections to private property in land which it is seen are not advanced with accuracy. Private property in land is ill-regulated; it has some injurious and unjustifiable developments. But these evils are obviously not inherent to the principle of private property in land, they are generally the product of class legislation by those who have possessed the land. Let us proceed to examine "the principles of Land Nationalisation" as put forward by the Society, and then to inquire into its method, and lastly into the expected results. There is nothing revolutionary in the statement that the prairie, or original and natural value of land, is the property of the State, and that private property may, and should only, absorb all that has been added by the hand of man. I do not differ in principle from the Land Nationalisation Society in their statement that land contains two distinct values—(1) that due to nature, and to the action or influence of the community; and (2) that due to the labour, or the expenditure of the landlords or tenants. Nor do I differ materially from the statement that the former is national, the latter private property. I say that the best use we can make of this national property for the commonwealth is to reform private property in land, which has been permitted by neglect of popular rights to assume abnormal and highly-injurious forms, and that one aim should be to strengthen and secure this private property in proper and useful limits, with no other end in view than that by equity and justice

we may obtain the largest national advantage from the soil. Then we come to the principles which the Society desire should be embodied in the law. I am entirely opposed to the management of land by the State, because it is, and must be, wasteful, and because any such centralisation must be hostile to enterprise and improvement. But my mind is quite open to consider how far the State should reverse its present policy, and encourage, in harmony with the principle of our ancient common law, the identity or combination of ownership and occupancy of land. I have no doubt whatever that, as a general principle, it is good for the State that the occupier should be the owner; nor can the fact be questioned that our present laws are based upon contradiction of this principle. This is a straight and clear question of policy, and the issue lies well within the domain of national property. But perhaps a reason why the Land Nationalisation Society make no progress equivalent to that of the Free Land League is because of the fantastic proposal for acquisition of land in their programme. I object to confiscation of private rights of property when such confiscation is injurious to the common interests of production. I object equally to acquiring by purchase that national property in land which I have shown is our own fixed, and firm, and inalienable possession. I regard as an innocent absurdity the supposition put forward by the Treasurer of the Society—that, by enlarging the Department of Woods and Forests, we could acquire by equitable purchase and manage from Whitehall, Westminster, with profit and advantage, the land of the country. I wish to abolish that department as wasteful of national property; and I have said in the House of Commons that by such abolition we might even now save £50,000 a year in regard to the comparatively small property the Commissioners of Woods and Forests have in charge, including only 70,000 acres of agricultural land. But the really grotesque proposal of the Land Nationalisation Society is that everyone is to be entitled "once" in his lifetime, and as to extent between one and five acres, to choose a piece of land "on paying fair compensation to the occupier, and under such conditions and regulations as would minimise the inconvenience of such free selection." It is clear that these regulations may be such as to render insecure all private property in land under the nationalised system, and so to endanger and diminish the production of the soil, or they may be so stringent as to make the right one which had better be left open and capable of being exercised ten times just as well as once only. Why, in the name of all that is of good report in justice and economy, is a man to have but one chance of a homestead? The suggestion of this single exercise of right of property implies and carries with it a central record of surveillance over the actions and movement of people fearful to contemplate. It is, however, possible that proposals of this sort, by their visionary and impracticable character, are really not unfavourable to the progress of radical and rational reforms.

### Other Methods of Reform.

The Land Nationalisation Society having started with the assertion that so much of the value of land as is due to the labour or outlay of individuals should belong to themselves, or to their successors in title, are bound to repudiate Mr. Henry George's very simple method, which is, in his own words, "to appropriate rent by taxation."

Mr. George proceeds in this way: To remedy the ills we see, "we must make land common property." "I do not propose either to purchase or to confiscate private property in land. . . . It is only necessary to confiscate rent." But it is clear that rent must in part represent the outlay of individuals, as in the case of land reclaimed from rivers or from the sea, and therefore Mr. George does propose to confiscate property in land as defined by the Land Nationalisation Society. But I agree in principle with Mr. Henry George in so far as this—that one proper mode of asserting national property in land is by taxation. It cannot, however, be for the permanent welfare of the State that this taxation should confiscate that which is admitted to be private property in land. The margin for taxation, both general and local, must never go beyond that limited share of value which is due to nature, or the action or influence of the community. There is a wide difference between the prairie value of Cheapside and £1,000,000 per acre, which is about the selling value of the frontage. Here, no doubt, is one of the largest instances of what is due to the action or influence of the community. But if the State were by taxation to confiscate all rent, we must not be misled by Mr. George into supposing that this is not "to confiscate private property in land." Except upon my method—upon that interpretation of national property in the soil which I have endeavoured to establish—nationalisation of the land appears to have no fixed policy. With Mr. Henry George it is one thing, with the Society quite another; and we are told that the Society are considering whether private rights in land should be purchased with terminable or interminable annuities. Both Mr. George and the Society seem to lack acquaintance with the fact that so very much of the value of land has been manufactured and is of an artificial character. They seem, too, not sufficiently careful whether or not they disturb and rout the agricultural bees at their work. I am glad to admit that there is some agreement and identity in our complaints, our principles, and our objects. The method of the Society seems fantastic and theoretical, and tending towards national insolvency; that of Mr. Henry George is plain, subversive, ruinous, and revolutionary; mine is, I contend, practical, and it is also beneficent. The Society, with its claim to a five-acre piece "once" in a lifetime, with its untold millions of Government annuities and quit rents, with its divisions of "rental value" and "tenant right," with its vague plan of settling crofters upon "all unenclosed lands," seems to be trifling with such vast issues as the bankruptcy of the State and the ruin of agriculture.

### Mr. Henry George's Method.

Mr. George's quite different method is founded upon unsound premisses, and could only lead to sanguinary conclusions, at the end of which private property in land would be re-established for the welfare of the community. If the State were to confiscate rent, those who owned rent—and the existence of private property in land, in the form of rent, as the result of outlay is not denied—would, by an act of ruinous injustice, feel absolved from their allegiance and would fight for their livelihood. I do not suggest that it is in the power of social revolution to destroy private property in land, because that rests upon economic principles which every community will find it advantageous to accept and to adopt. But, while the public

advantages of private property in land are undeniable and inseparable, it is not less true that in no country has there as yet been anything like complete success, such as we may hope to achieve in the definition and regulation of such property, in regard to the limitations established by law, in the recognition of the rights of the State, and in the restriction, without injury to public interests, of the rights of the individual proprietors. Upon that path—which, as no existing system is perfect, must be for us and for all a passage of careful, cautious progress, and of sound inquiry—all reformers are together travelling. I claim only for those with whom I am acting, that we approach the question free alike from all ideas of attaining theoretical perfection, and from all spirit of greed and of rapine; that as we seek permanent, public, and useful ends which must be founded upon the freest possible action of economic laws, we can proceed only in the light of experience. I have said that some of the premisses in "Progress and Poverty" are unsound. I have not space for a volume of controversy, and can only deal with instances. Mr. George writes something very like nonsense when he says, "The one who digs bait is in reality doing as much towards the catching of fish as any of those who actually take the fish," but the gross inaccuracy of this remark is not found in the sentence which follows, "The canoe-maker is in reality devoting his labour to the taking of fish as much as the actual fishermen." Take another sentence, on the subject of "Wages and Capital." "Can anything be clearer than that these wages—this oil and bone which the crew of the whaler have taken—have not been drawn from capital, but are really a part of the produce of their labour?" I should rather say, "Can anything be more clear than that this successful voyage had its basis in the capital which provided the ship, together with its stores of provisions, and which guaranteed to the crew the wages of subsistence whether they did or did not obtain a cargo of oil and bone?" Then, again, as a further exhibition of inaccuracy of argument amid very much beauty of language and of sentiment, let me take the passage referring to the gold miner who, "at the end of the day had his wages, in money, in a buckskin bag in his pocket." Mr. George says, "There can be no dispute as to whether these wages came from capital or not?" Is that so? Was it not the miner's capital that brought him to the mine, and which sustained him until his efforts to find gold were successful? I can follow Mr. George when he exclaims that "in cities, where there exists a pauper class and a criminal class, where young girls shiver as they sew for bread, and tattered and barefooted children make a home in the streets, money is regularly raised to send missionaries to the heathen!" but when he touches economic principles, as in the following sentence—"Destroy this monopoly (of land), and competition could only exist to accomplish the end which co-operation aims at—to give to each what he fairly earns. Destroy this monopoly, and industry must become the co-operation of equals"—I know not what he means. We can enlarge the monopoly of land from thousands to millions, and I hope we shall soon do it, but we can no more destroy the monopoly of land than we can destroy space or matter. That which is really attractive in Mr. George is the wild originality and truth of such a passage as this—"All the currents of the time run to concentration. To successfully resist it, we must throttle steam and discharge electricity from human service." He is not always unsound upon the land question.

He says, "There is on earth no power which can rightfully make a grant of exclusive ownership in land." I go beyond him, and I say his sentence would be true even though the qualification of "rightfully" were omitted.

## The Law of Primogeniture.

We have now seen what are the conditions upon which the land is held, and what is the national right with reference to reforms. It remains to consider some of the objects to which public attention shall be directed. The Free Land League, of which I have the honour to be president, begins its list of objects with a demand for abolition of the law of primogeniture. It is sometimes contended that there is no such law; but it will not be disputed that the general law of this country provides that in cases in which a proprietor leaves no will, his landed property passes by authority of the State to the eldest son. This law is the root of all the injurious practices which cling to the tenure of English land. There is a further question whether we should be content with the abolition of this law and distribute land among the children only in cases where no will is found, or whether, following the example of France and some other countries, the law shall in all cases enforce distribution on the ground that the diffusion of landed property is a matter of public advantage. This law of primogeniture operates but rarely because of the existence of wills and settlements, but it never operates without perpetrating injustice. The practice of primogeniture, which is quite a separate matter, prevails strictly over an immense area, probably over 50,000,000 acres of the United Kingdom. There can be no doubt that the result of this practice is very disadvantageous; it destroys the best social balance by making landowning the business of a few; it tends to establish a landed caste, possessing by virtue of their property great power and influence, who are naturally disposed to use that power for the benefit of their dispossessed relatives without regard to the merit of others; it restricts the rural population by promoting a system of tenancy, in which both landlord and tenant are interested in reducing that share of the profits of agriculture which belongs to labour. The health of the people and the interests of production are, as we have already seen, also involved. Mr. Cobden held a strong opinion on this subject, at all events so far as Ireland is concerned. He wrote in 1848:—"If I had absolute power I would instantly issue an edict applying the law of succession as it exists in France to the land of Ireland. There should be no more absentee proprietors drawing large rentals from Ireland, if I could prevent it. I would so divide the property as to render it necessary to live upon the spot to look after it." The law of France provides for equal distribution of property among the children without distinction of age or sex, and in default of children and of brothers, sisters and their children, it provides for distribution among relatives as far as the twelfth degree. It is not, however, obligatory to leave the whole fortune to the children. The proprietor can, if he so wishes, bequeath to whomsoever he will, in this proportion; one-fourth if he has three children, one-third if he has two children, or their descendants, and one-half if he has one child. Upon succession to land, the duty payable to the State varies from 1 to 11 per cent. The economic objections urged against this system are two: (1) That it leads to a

subdivision so minute and extreme as to be opposed to the best agriculture; and (2) that where this is avoided, charges for the other children are so heavy as to embarrass the proprietor in his farming operations. As an example of the first: A plan of the prize farm of Préseau, of 160 acres, in the north of France, is given in which there are 38 parcels of land, no two lying together, and scattered over a circle with a diameter of about two miles. The average size of French estates is very much smaller. But the scattered condition of properties resulting from the sale of morsels of land in every direction is unquestionably one of the economic evils of French husbandry. Pieces of land are often sold without any access except over the cultivated land of another, and this leads to occasional inconvenience such as that the owner must farm more or less in subjection to his neighbour, so as not to be compelled to traverse his land at such time and with such implements as would be injurious to his crops. It has been suggested to amend this by a compulsory periodical exchange and rectification of boundaries, due regard, of course, being had to convenience, quality, and cultivation.

### Evils of Copyhold Tenure.

We want to convert copyhold and such other tenures into that which we call freehold, or fee simple, or tenure subordinate only to that of the State, because copyhold tends to narrow and restrict the monopoly of land, to establish conflicting rights of proprietorship in lord and tenant of the manor, and because it opposes public interests by a dilatory and rapacious system of transfer. There are four essentials to a copyhold estate: (1) a manor, (2) a court, (3) the land must be part of the manor, and (4) it must have been held by virtue of a copy of the court roll from ancient times. The evil of copyholds may be sufficiently illustrated by an extract from a letter written by an Accrington solicitor of large experience. The following picture, drawn by this solicitor, refers to dealings with mortgages upon copyhold land by the jury of a manor court in Lancashire: "The jury being ready, a solicitor enters representing some client. The lawyer explains that he represents a very small estate, and the person desiring to be admitted to the property does not receive much, if any, benefit from it; the property is mortgaged heavily, and scarcely pays. The chairman: 'What do you propose to give?' The solicitor: 'It is a very poor estate; 5s.' This is refused, and the chairman or his deputy says: 'We have not had dinner yet; these gentlemen cannot meet here and spend their time to conduct your business for a paltry 5s. Say 10s. 6d.' The sum exacted by the jury varies, according to the value of the estate, from 7s. 6d. to as much as £10. After two or three cases have been taken, the jury begin to complain of hunger and fatigue, and presently they adjourn for dinner. On resuming the court, further refreshers are brought in, and two or three more cases having been gone into, the day's business is concluded. The host's bill is asked for, and paid out of the money drawn from the lawyers. There is a considerable balance, and after much consideration it is decided that the fairest way will be to divide it among the jury. The sum varies according to the business done. If there has been a good day, the balance is sufficient for a bonus to each juryman of about a sovereign."

## Settlement of Land.

We propose to prohibit the settlement of land upon unborn persons, and also the general power of creating life estates in land. There are some who contend that whatever is done in this direction must apply also to property other than land. We do not admit that; we contend that land must be regarded, because of its character as a natural monopoly, as a special subject of property. It is not desirable that the responsibility of the proprietor to the State should be fettered by subsequent rights of ownership belonging to some other, or even to some unborn person. The land may be subject to debts, but not to other individual ownership. It is desirable that the right of possession should be free. Nearly all our land is fettered and held fast by settlement, so that the creditors of a bankrupt owner cannot force an absolute sale, and so that the owner has not the encouragement to sell which a free proprietor would have, because he cannot apply the proceeds to his own uses. They are part of the settled property. When Mr. Hulton was opposing Mr. Robert Leake, someone suggested that he was selling land at Farnworth to pay election expenses. "No," said Mr. Hulton, "I could not do that, because if I sell land the money belongs not to me but to the trustees of the settlement." The interests of the public demand that this condition should be ended. For private property in land to be economically justifiable there must be abolition of the practice of settlement, so that the owner shall have the fullest power to deal with the land for his own and for the public advantage. If he does not care for possession, or is embarrassed, the sooner it passes away from him the better for the interests of the nation. Our agriculture has broken down partly because our land, bound up in this antiquated and cumbrous system, has been, by the extraordinary improvement and cheapness of transport, brought into closer competition with the soil of other countries. The nature and effect of this competition have been put very well by Sir James Caird in this way: "A barrel of flour and a barrel of pork or beef, 500lbs. in weight, a year's very full supply for a working man, can now be transported from Chicago to Liverpool at a cost of two days' wages for an artisan, or four of a labourer. The mechanic of Lancashire can thus, by the expenditure of a few days' pay, place himself and his family on an equality, in regard to his food supply, with the mechanic of Illinois or Wisconsin." Life interests in land are injurious to national property in land, because the owner for life does not, as a rule, do so well with the land as one who has a fuller power. We see proof of this in the case of the clergy, whom Lord Salisbury is now proposing to relieve from life tenancy of glebe lands. The practice of settlement is the cause of accumulation, and of an inferior interest to that private property which the State permits individuals to hold in land. The State sanctions private property in land for the advantage of the nation. It can have, it needs no other justification. But that condition which the State sanctions must be established; if another condition is set up, the State cannot derive the economic advantage to obtain which private property is sanctioned. Therefore, the practice of settlement is condemned, and must be abolished. But it produces not only accumulation and diminished interest, it is the cause of complicated titles, and the hindrance to simplicity of transfer. "Look," said Lord Chancellor Hatherley, "how the limitations of your law affect the transfer of your land." These limitations refer to

the practice of settling land in families from one generation to another, so that at no time is there an owner in the sense in which, with due regard to its own benefit, the State ought to permit private property in land. He continued: "It is only on account of these that you have difficulties as to title, because if it were not for the complexity of limitations a system of registration would long since have been established which, so far as fraud and rapidity of transfer was concerned, would have freed us from any difficulty of title whatever;" and the most eminent conveyancer of recent times, connected through all his career with the transfer of land—Mr. Joshua Williams—said, in evidence before a Committee of the House of Commons, "I do not think that the registration of titles will succeed unless you please to abolish settlement altogether."

### Conveyance by Registration of Title.

Our next requirement is that in place of conveyance by a parchment or paper deed, which it is troublesome to read and to keep in safe custody; which is, moreover, imperfect at the best as a security for landed property, because it means and can convey no more than a collection of evidence that the person therein named may have a better title to possession than anybody else, there should be substituted a system of transfer or conveyance by the act of registration, in public books, upon a well-known form of certificate, of the owner's title. He has then no longer any fear that his title deeds may contain flaw or error, that they may be lost or destroyed; the State under which he holds secures his title and establishes official machinery by which it can be transferred or mortgaged free from all that torturing delay of time and that uncertainty as to cost which have in England tended so powerfully, together with the operation of settlement, to divorce the people from the soil. Building societies sometimes provide conveyances of plots of land at a very cheap rate, and as the cost is included in the purchase-money the buyer knows of no inconvenience. But if he should want to sell or to mortgage that land, then there may be an investigation of title for forty years, and he may wish he had never purchased. Sir Robert Torrens, founder of the Australian system of registration of title, told a Select Committee of a building estate in Kent, in which he was interested. It was valued at £1,000 an acre. A speculator purchased; the examination of title occupied eighteen months and cost £300. Buyers of building lots received "a printed form of conveyance, which cost a mere nothing—10s., or something of that sort." Their true position is, as Sir Robert Torrens suggested, that the investigation of their title may at any time cost £300. A very gross case was brought to my knowledge lately by Mr. Lloyd, of Mold, who put to me a question, concerning a matter in which he was interested. It may be seen from this case how settlement of life interests and consequent cost operate to convey the possession of land out of the hands of working people, partly by making them habitually fearful of the system. "A. left three small properties to her daughters for life—then to three sons of such daughters and their issue—saddling the three properties with mortgages of £8,000, £5,000, and £5,000 respectively. The daughters are finally represented by the youngest, who joins with her son in a notice to pay off the three mortgages. The mortgagees accept; therefore there was no hostility. To pay off these mortgages,

what do you suppose was the cost?" I guessed £250. Mr. Lloyd told me it was £3,300. Another trouble of our wretched system arises in borrowing. Say that an owner has borrowed £500 at 4 per cent, on property worth £2,500, and wishes to raise another £500. If the original lender will not make the advance, he must be forced to much heavier charges for interest, because under our system, where only one party can have the deeds, and where the legal estate is more or less in the hands of the first lender, no one likes a second mortgage, and he, the owner, has to pay 1 per cent more for the second advance, together with all the costs of the proceeding. We must get rid of this, and beginning with the transfer of freehold, we should make registration of title compulsory. Then, when the freehold title to a farm or a house was upon the register it would be compulsory to register all other interests; and if a mortgage were raised, all that would be done would be to endorse the certificate with the amount and conditions of the loan. No dealing with the property could then take place until this claim, and any other mortgages so endorsed in succession, were discharged; then in subsequent transactions the business of transfer might be settled in a day, and even without the aid of legal advice. Just imagine the saving of life, time, of worry, of cost, of all that makes wealth and successful industry; the stimulus to business, to agricultural production, when all the thousands of millions worth of property in this country could be so dealt with! The greatest change of all would be in the fact that whereas the bulk of the middle class now stands aloof from dealings with land, there would at once follow removal of reasons which now actuate so many of them in that separation. Conveyance by registration of title has long existed in an imperfect form in parts of Germany—notably in the city of Hamburg, and in the State of Saxe-Coburg. It has been set up in greater perfection in Australia and other British Colonies. In France, in New York, and other parts of the United States, the interests of the nation are suffering from the very inferior system of registration of deeds—such as exists in Scotland. This means that the name of every successive leaseholder and lender must be kept in indexes, which become so voluminous that the search is very burdensome, costly, and dilatory. It is easy to comprehend the difference between a register of deeds and of titles. Deeds relate to persons. In the New York register the books are increasing so fast that in a recent report we read—"It is not now a question whether the Hall of Records will be able to hold the books, but whether the City Hall Park itself will in a short time be able to contain them." The index to a register of deeds may even contain the names of generations, and some of these may be recorded many times. But of titles there can be no more than the number of separate properties, and the particular number is readily found both in the index and upon the map. I cannot in the limits of this article enter into all details of the system. I have only space to justify our claim to have it established in this country by the opinion of the present Lord Chief Justice of England, who, after hearing a thorough description of the system as practised in Australia, said "that the man who denied the practicability of applying it might as well deny that two and two make four." In England, private property in land has lapsed into a system devised for the benefit of the rich, and such as must keep the land in large estates. To the proprietor purchasing his thousand acres or mortgaging them for £50,000 the cost

would probably not exceed 10s. for every £100, whilst the poor man purchasing ten acres or mortgaging them for £300, may consider himself lucky if the cost does not exceed 50s. for every £100. I will give two official descriptions of the operation of conveyance by registration of title; all interests in the registered property being recorded. The first is from the evidence given before a House of Commons Committee, by Sir Arthur Blyth, Agent-General for South Australia. Speaking of the colony in which he had lived for more than twenty years, he said:—"It is a curiosity if you get a person with deeds. To a person wanting to borrow money of me, I should say first, 'Real Property Act, I suppose?' Then the next thing would be, 'You do not want a lawyer, I suppose?' He would probably say 'No.' I should accordingly say, 'Come with me to the Registry Office; you have got your certificate with you.' I should draw out a mortgage on the counter at the Registry Office, where printed forms are provided, and have it witnessed and hand it in to the clerk, and say to him, 'It will be ready to-morrow afternoon, I suppose?' When the mortgage is paid off, the transactions are even simpler. There is no necessity for the intervention of a lawyer; such a thing is never heard of." My other illustration is from Coburg, from the report of the British Secretary of Legation, Mr. Scott, who writes:—"The entry of the name of a proprietor in the register constitutes an indefeasible title to the property entered against it, and no mortgage or claim has any legal validity against the property unless it be duly inserted in the register." How does it act with rich and poor? Mr. Scott says:—"I inquired of a friend of mine, who I knew had sold a property recently for £18,000, how long the bargain had taken; he replied that he had his first interview with the purchaser on the Saturday and that on the following Monday the conveyance and re-entry were completed, and that he had not had to employ either solicitor or notary. The purchaser's costs and fees would have been about £100." Now as to the poorer classes. Referring to a sale by auction of part of the Grand Ducal domains, Mr. Scott reports:—"On one of these properties, which is situated in the immediate vicinity of the town of Coburg, the purchasers were nearly all agricultural day-labourers; the cultivation of the land on it has sensibly improved since the sale; the new proprietors drive a flourishing trade in supplying the town with milk, butter, eggs, and market garden produce, and many have light carts of their own to bring it into market. The lots were from one to six acres in extent. The purchasers of the land on another farm were all working masons; other land was bought by working men who were wood-carvers, basket and toy makers, a few lots only being bought by neighbouring farmers to round off their farms. In all the villages where these sales took place, a marked improvement both moral and material may be observed. The mode of payment was at the choice of the purchaser, either ready money down, or 10 per cent of the total amount at once and the rest in annual payments with 5 per cent interest, not to extend over more than eighteen years. All the purchase money has now been paid off. The whole transaction was also conducted and completed directly between the parties without legal assistance." Whatever be the change adopted, whether it be the reforms of the Free Land League, or of any other body of reformers, there must be provision for registration of title. It should be added that in Coburg there is a Land Bank, from which any purchaser can

obtain a loan at a low rate of interest, the cost being a single payment of 1 per cent on the amount of the advance for the expenses of the bank, and ½ per cent is added to the annual interest to form a sinking fund for repayment. This bank, besides affording great aid to purchasers, makes a very profitable return to the State for its guarantee.

### Hundreds of Insolvent Proprietors.

What is to be done with encumbered settled estates? This question touches one of the peculiar evils of our system. There are in England hundreds of insolvent proprietors, held in their places as landlords by the operation of settlement. Their creditors can deal only with the life interest in the soil. Public advantage demands that the land should pass from these insolvent debtors. How is it to become entirely free in this respect? For twenty years I have been advocating the establishment of an Encumbered Estates Court, or of giving sufficient power to existing courts of law, by which creditors could force an absolute sale. That land is just as much encumbered in England as it was in Ireland has been stated in evidence by family solicitors of greatest experience. In Ireland, if the operation of the court had been supported by the existence of an effective system of registration of title, the land question would probably never have fallen into its subsequent condition. The Irish Encumbered Estates Court was very successful, and in sales involving 7,000 conveyances, there were discovered but two quite unimportant errors. With a view to the liberation of settled land, it has been suggested that the life tenant in possession should, with the consent of a court of law, have absolute power of sale where the heir is not of age, and should possess the same power, with the heir's consent after his majority, and also that at any time an absolute sale of the lands of an insolvent holder of settled property may be obtained by creditors upon petition to the same court.

### Common and Waste Lands.

The rights of the people in common and waste lands have been unjustly regarded. For that opinion we have the warrant of the late Duke of Newcastle, who, after a career of many years in the House of Commons, when enclosure was most active, said, speaking of its committees: "This I know, that in nineteen out of twenty cases the rights of the poor are neglected." Common and waste lands are generally part of a manor, and the abolition of manorial courts and rights in connection with copyhold tenure will, generally speaking, place this question of enclosure upon a new footing. No one who fairly watches the method of enclosure, and measures the enjoyment of rights of common by the people with their subsequent treatment and acquittance, can regard it as other than an encroachment upon those rights; and it may be that when this question of waste lands is more equitably considered, the rights of the community in whose parish or township the land is situate will assume a more paramount authority, and that due recognition of any private rights of property, if such exist, in the common and waste lands may be combined with their possession and distribution by the local authority for the general welfare of the population. With this interest in prospect local authorities in rural districts would, if they were properly elected and representative bodies, guard with far more jealous

eyes the encroachments of neighbouring proprietors upon popular rights over land. We hear every day of high-handed dealings with footpaths, and of enclosures which are probably illegal; of cases in which outrage is done to popular rights, because those rights have no sufficient defence. Our system of county government is not, I think, chargeable with extravagance, but certainly it has the defect of which the Duke of Newcastle accused the committees of the House of Commons. It cannot long be endured that nominated bodies shall impose taxation, or that towns shall be compelled to ransom their foreshores after the manner with which Southport was threatened.

### Enfranchisement of Leaseholds.

The enfranchisement of leaseholds forms another "plank" in the general platform of changes which are recommended. In the first place, it is to be noticed that all such reforms directed to obtaining simplicity and singleness in system, render registration and all the legal processes of obtaining land less difficult. In Manchester land is generally held upon leases for hundreds of years, at a chief rent, and the local taxation is levied exclusively upon the leaseholder or his successors in title. I will return to this subject in a few words upon taxation. The enfranchisement of leaseholds may be advocated with a view to the public interest in the improvement of land and of dwellings. "Jerry" building is encouraged by the leasehold system. The speculative builder who takes land on lease is not so likely to erect sound houses as he would be if he had to sell a larger interest in the land. A leaseholder is less likely to improve when not only his improvements must revert to the landlord, but when for the power to make improvements he must pay fees to the landlord's surveyors and solicitors. Sometimes the evil comes from the other side. The worst plague spots of London are upon leasehold properties of which the lease has but a few years to run. Such properties are taken by "men of straw," who grind and gather all that they can from the miserable tenants, make no repairs, and then evade the landlord's claim for dilapidations on the expiry of the lease. Here is a case in which it would seem that, for sanitary reasons, the landlord, with the consent of the local authority, might be invested with power of terminating the lease. Mr. Broadhurst and Lord Randolph Churchill have proposed that enfranchisement should be permitted in the case of any unexpired term of twenty years or more. Some dispute whether this period is sufficiently long. Suppose, it is said, a young man purchases a property which is let upon lease for twenty-one years, with a view of building a house for himself when the term has expired. It is argued that it would be injurious to the interests of improvement if the tenant had a power, by enfranchisement, of preventing the realisation of this wish. There would be less disagreement as to preventing the creation of long leaseholds. In Italy, leases for any period above thirty years are not permitted, and any tenant may redeem ground rent in towns by paying twenty years' purchase. The enfranchisement of leaseholds would give encouragement and stability to business enterprise and industry, and would render moral and material service to the community by enhancing the interest of large numbers of people in their own dwellings.

### Agricultural Tenants' Improvements.

Our Land Laws are now more liberal with regard to tenants' improvements than those of any country with which I am acquainted, but they are far from perfect. Partly because tenancy is the rule in England, there is a disposition among reformers to think, chiefly, of how far it is possible to make it secure in every advantage. The best reform is that which will lead the cultivators out of tenancy, and most largely and permanently to the possession of the soil as occupying proprietors. The allotment system has great utility as a means to that end, but I have never regarded the provision of allotments by local authorities or by landlords as more than a step in the progress of reform. The law of agricultural improvements needs amendment, but this is a part of the subject into which I need not now enter.

### Taxation of Land.

The nationalisation of the land is a formula. My effort has been to show that it is impossible to denationalise the land, and that the national property and interest in land is neglected and injured when the people have not control of Parliament, and private property in land is allowed to assume forms, such as now exist in the United Kingdom, which have no economic justification. I am an adherent to the principle of private property in land solely because I believe and know it is the means to obtain the best use of the national freehold. But it must be carefully regulated, and be subject, for the advantage of the State, to equitable taxation. Mr. George's simple plan is to extend taxation until it absorbs all rent. That, we have seen, would paralyse improvement, and stay the efforts of the man who with much care is reclaiming land to the advantage of the nation. Taxation should always have regard to the protection of personal rights; it should be, in part, the charge which the community make upon each individual for the guardianship of his person and property. It should always have respect to some benefit conferred, and, in regard to land, it is clear that its limits must be within those qualities of the land which are purely and solely due to natural forces and to the action or influence of the community. We have a succession tax upon land, but, owing to our system of settlement, it is levied only upon the life interest. When that system is abolished, it will be a simple matter that the tax should be imposed upon the capital value of the land, which, of course, implies that there must be a valuation upon transfer in each generation, and that a fair share of the value would pass to the Treasury. In sanctioning and conducting the transfer of land according to his will, the State renders an important service to the owner of private property in land for which it is entitled to charge, and the amount of this taxation, within the limits above mentioned, to be imposed upon succession at death and by stamps upon any other transfer, would be determined solely with regard to the interests of the State. There are some persons who object to taxation upon the transfer of land because, they say, the tax is upon capital. I do not know how to impose a tax which shall not be to some extent a charge on capital. Every tax takes something which would otherwise have been saved for reproductive employment, and the public charge upon land is a convenient and equitable way of giving to everyone some participation in that interest in land which belongs to the nation. The present payment from the land for imperial and local taxation and for tithe is considerable, but the burden is badly

fitted, and is increased by the restrictions upon transfer and by the wretched system of conveyance. There is one point upon which I wish to add a word—the taxation of ground rents or chief rents. Where these rents are created, their value is mainly included in the general assessment. If there is a ground rent or chief rent upon a house the assessment to the poor rate includes the amount, but the owner of the chief rent does not contribute to local taxation. This is an exemption which the law should not allow, because the rent is partly made and protected by the action or influence of the community, and the rentholder should, therefore, contribute to the public charges. It was well said by Mr. Goschen: "It is inexpedient, either in town or country, that the landlords should be allowed to contract with their tenants, that the local authority should impose no taxation upon them. With regard to imperial taxation, such a practice is not permitted; for if it were legal to make contracts that the whole of the income tax should be paid by the tenants, the House of Commons would be hampered in its legislation, knowing that on every increase in the income tax the payment would fall, not on the landlords, who ought to pay their fair proportion, but exclusively on the occupiers. The result of the present state of things is that improvements in Manchester and other large towns have been made exclusively at the cost of the occupiers, without the landlords contributing a shilling towards the expense."

## Conclusion.

I have exhausted my space. I claim only to have established—firmly, as I hope, in the minds of all readers—the basis and the responsibility of national property in land, together with the argument that private property in land, to be secure, must be justifiable upon economic grounds. I have attempted to show that over a great part of England such private property has not that justification; that under the influence of legislation directed to promote the narrow and oblique interests of class, laws and practices have been sanctioned which tend to deprive such property in land of its legitimate foundation. I have endeavoured to show that our object as reformers is therefore to make laws to secure a better use of the national freehold, and thus to give firmer security to private property in land, which I regard as objects of the highest value and importance to the community. I trust I have not insisted that any plans of my own for dealing with the national interest in land are the only plans, or that they are the best. I hope I have avoided the presumption of dogmatism on this great subject. I have desired to refer with due respect to the proposals of others. I have devoted much time through many years to the consideration of the land question in all its forms, and the circumstances of my life have afforded unusual opportunities for obtaining practical acquaintance with the many phases of the subject. I know the object which I desire to attain; it is so to deal with the laws relating to the ownership and occupation of land that the people at large shall derive the greatest possible and permanent benefit. That object is clear and ever present to my mind; I do not speak with the same confidence of my methods of approaching to it. But the attainment of that object cannot baffle the continued efforts of just, intelligent, and practical men, who will act with the conviction that there can be no finality in legislation until that end be accomplished. With such an aim in view may I not ask for the co-operation of all my countrymen?