

A PIONEER IN LAND REFORM

Professor William Ogilvie (1736-1819)

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It is among the "facts not generally known" that Scotland produced, more than a hundred and fifty years ago, a thinker who approached the vexed question of land ownership and tenure, at a time when the lairds and landlords were well-nigh omnipotent, with a breadth of view and a grasp of underlying social conceptions that have scarcely been surpassed by any subsequent writer; and who set forth with much distinctness and detail theories closely akin to, and indeed anticipating, the theory of J. S. Mill as to "unearned increment," and some of the propositions from which Mr. Henry George has developed his doctrines as to land reform. In 1781-2 there was published by Mr. C. J. Walter, Charing Cross, London, a slim octavo volume entitled "An Essay on the Right to Property in Land, with respect to its foundation in the law, and in its present establishment by the municipal laws of Europe, and the regulations by which it can be rendered more beneficial to the lower ranks of mankind." The book bore no author's name on the title-page, and this circumstance was doubtless one reason why the—at that time—exceedingly revolutionary ideas it embodied failed to attract any share of public attention in this country. It did not, however, pass without notice abroad. There is reason to believe that it was read by some of those who co-operated with Stein in the great changes which were effected in the Prussian land system in the earlier years of the present century, and influenced their policy; and there is also evidence that Lord Cornwallis, in introducing the memorable modifications of the land laws of Bengal which bear his name, had this book before him, along with other papers.

The author of the essay, of which a reprint is now being issued by Mr. D. C. Macdonald, solicitor, Aberdeen—to whom we are indebted for valuable information respecting both the book and its writer—was William Ogilvie, Professor of Humanity in King's College, Aberdeen, from 1765 to 1819. This fact is recorded in a written note in the copy of the Essay at the British Museum, and there is a note to the same purport in the copy in our own Advocates' Library. Its correctness was at one time doubted, but all uncertainty on the point has been removed by the discovery among Professor Ogilvie's papers of the discharged account for the printing of the work. Only five hundred copies in all were struck off, and of these very few seem to have been circulated in this country. At all events, it is now very rare. The copy from which Mr. Macdonald's reprint is being prepared bears the date 1782 on the title-page, but neither the Advocates' Library copy nor that in the British Museum have any date, and it is probable that they were early proof copies. The author himself was a very prominent personage in the University with which he was intimately connected for more than half a century. Of his boyhood and early years very little is known. The only son of James Ogilvie of Pittenseer a small estate near Elgin, he was born in 1736—the same year in which James Watt saw the light at Greenock—and survived, like Watt, till 1819. He was educated at Aberdeen, entering King's College when about nineteen years of age. Ogilvie was third bursar of his year, had a distinguished academic career, and took his degree in 1759. From the middle of that year till 1762 he held the appointment of head-master at the Grammar School of Cullen; in the winter of 1760-61, however—as appears from a letter addressed by Dr. Thomas Reid, author of *THE HUMAN MIND*, to Professor David Skene, of Aberdeen—Ogilvie was studying science with the leading professors in Glasgow University. In the winter of 1761-62 he attended lectures at the University of Edinburgh, and about this time acted as the tutor of a Mr. Graeme. Shortly afterwards he obtained, through the influence of the Earl of

Findlater and Seafield, Chancellor of the College, with whom he had some family connections, the appointment of assistant Professor of Philosophy at King's College, Aberdeen. On the removal of Dr. Reid from Aberdeen to Glasgow University in 1764, Ogilvie was elected to the full Professorship, and a year later he effected an exchange of Chairs with the Professor of Humanity. He taught several subjects besides Latin—Natural History, Geography, Astronomy, and Belles Lettres—and retained his chair for the long period of 54 years. Ogilvie's family connections and circumstances had given him a close practical acquaintance with the conditions of land tenure. At his father's death he succeeded to the estate of Pittenseer, but sold it in 1772 to the Earl of Fife, retaining only the manor farm and mansion-house, which he kept until his death. In 1773 he bought for £1,500 the property of Oldfold and Stonegavel, at Murtle, about six miles from Aberdeen; and after expending altogether about £2,770 in improvements, he sold it again in 1801 for £4,000. Professor Ogilvie had some experience of foreign travel, for he accompanied Alexander, Fourth Duke of Gordon, on a Continental tour in the capacity of companion and interpreter. In 1764, the public-spirited Professor proposed the founding of a library for Aberdeen, by the institution of which the subscribing public were to have the benefit of the libraries of King's and Marischal Colleges; but the scheme was rejected. At a later period, in 1786, he took the leading part in an attempt to secure the fusion of the colleges. Although he was again unsuccessful in carrying his point, his attitude at this time towards the vexed question of the union is of interest, as indicating the far-seeing sagacity of the man, and his anticipation of a result triumphantly secured three-quarters of a century later. From the records of the controversy that existed at the time between the unionist and non-unionist sections of the College authorities, it also appears that Professor Ogilvie stood boldly up for the rights of the public in the University, and resisted the endeavours of his brother professors to alienate certain lands which belonged to the College. Ogilvie was an intimate friend of John Skinner, the author of *TULLOCHGORUM*. He was never married, and reached the venerable age of 83. In the unroofed transept of the Old Machar Cathedral, Aberdeen, a small stone marks his last resting-place, with the inscription:—"In front of this tablet are interred the remains of Wm. Ogilvie, Esq., of Pittenseer, in the County of Moray, Professor of Humanity in King's College, Aberdeen, who died on 14th February, 1819, aged 83."

So much for the man. The activity of his mind, the earnestness and courage with which he approached the consideration of questions of which most thinkers in his day "fought shy," and the originality and thoroughness of his views upon these questions, can best be appreciated after a study of his "Essay on the Rights to Property in Land." The essay was written in 1780, when the revolt of our American Colonies had begun to stir men's minds with the new ideas which found a terrible manifestation, ten years later, in France. But these ideas almost exclusively concerned men's rights as members of the social and political organism; scarcely one of the reformers or agitators of that time seems to have thought of inquiring as to whether, or to what extent, the systems of land-ownership prevailing in civilised countries were responsible for the evils that existed. Professor Ogilvie, as we have seen, was a land-owner as well as a thinker. A hundred years before Mr. Henry George's *PROGRESS AND POVERTY* was heard of, we find him laying down the broad general principle that every member of a community has a natural right to an equal share in the land, and maintaining that the best basis for general prosperity is the utmost possible extension of land ownership. His indisposition to accept without inquiry conventional notions is sufficiently indicated in some of his introductory sentences:—

With respect to property in movables, great uniformity takes place in the laws of almost all nations; but with respect to property in land, different principles have been adopted by different nations in different ages, and there is no reason why that system which now prevails in Europe and which is derived from an age not deserving to be extolled for legislative wisdom or regard to the equal rights of men, should be supposed to excel any system that has taken place elsewhere, or to be in itself already advanced beyond the capacity of improvement or the need of reformation.

Professor Ogilvie did not expect that his views on this subject would find much favour. He owns, in another passage of his introductions, that "he shall not be surprised if the opinions he has advanced on a topic of discussion so new shall meet with the approval of a few only." Unwilling to alarm the proprietors of land, he takes occasion to bestow warm praise on the manner in which many of them discharge their responsibilities, and avows with satisfaction his "persuasion that were great and important innovations respecting property in land as practicable and safe as they are difficult and full of danger, there is no country under the sun which stands less in need of such reformation than England." Notwithstanding this belief, which the Professor would scarcely be able to cherish if he were alive to-day, he proceeds to insist on the necessity for very trenchant reforms indeed. After urging the beneficial effects that might be expected to attend a policy of increasing the farming and land-cultivating class from the ranks of day-labourers and those employed in manufactures, he proceeds to lay down the fundamental propositions on which his theory is based:—

The earth having been given to mankind in common occupancy, each individual seems to have by nature a right to possess and cultivate an equal share.

Every state or community ought in justice to reserve for all its citizens opportunities of entering upon, or returning to and resuming, this their birth-right, whenever they are inclined to do so. Whatever inconveniences may be thought to accompany this reservation, they ought not to stand in the way of essential justice.

Wherever conquest has taken place, this right has commonly been subverted and effaced; and in the progress of commercial arts and refinements, it is suffered to fall into obscurity and neglect.

That right which the landholder has to an estate consisting of a thousand times his own original share in the soil cannot be founded in the general right of occupancy, but in the labour which he, and those to whom he has succeeded, or from whom he has purchased, have bestowed on the improvement and fertilisation of the soil. To this extent it is natural and just, but although it may bar the claim of individuals, it cannot preclude that of the Legislature, as trustee and guardian of the whole.

In every country where agriculture has made considerable progress, these two rights are blended together, and that which has its origin in labour is suffered to eclipse the other, founded in occupancy. Did the laws of any country pay equal regard to both rights, so that they might be made to produce their respective good effects without intrenching on one another, the highest degree of public prosperity would result from the combination.

To establish such a combination ought to be the object of all agrarian laws.

When any piece of land is sold, the price paid by the new purchaser may be considered as consisting of three parts—1, the original value of the soil; 2, the accessory or improved value of the soil; 3, the contingent or improveable value of the soil.

Professor Ogilvie proceeds to estimate the proportions of value in England, which he puts at 2 parts original value, 8 improved value, and 5 contingent value. In regard to uncultivated moorlands in Ireland, he estimates the original value at one part, the improved value at nothing at all, and the contingent value at 14 parts. Is not this calculation a foreshadowing of the famous contention of the Irish Land League that tenants in that country ought not to pay their

landlords more than the "prairie value" of the land? The Professor goes on to define what in his judgment are the rights of the existing landowner:—

Every landowner must be allowed to have a full and absolute right to the original, improved, and contingent value of such portion of his estate as would fall to his share on an equal partition of the territory of the State among the citizens. Over all the surplus extent of his estate, he has a full right to the whole accessory value, whether he has been the original improver himself, or has succeeded to, or purchased from the heirs or assignees of such improver. But to the original and contingent value of this surplus extent he has no full right. That must still reside in the community at large, and though seemingly neglected or extinguished, may be claimed at pleasure by the Legislature, or by the magistrate, who is the public trustee. The difficulty of ascertaining these different sorts of value and of separating them from one another, if ascertained, may be supposed in general to have prevented such claims from being made. It is particularly difficult to distinguish original from accessory value; nor is the community much injured by suffering these to remain together in the hands of the greater landholders, especially in countries where land-taxes make a principal branch of the public revenues, and no tax is imposed on property of other kinds. The original value of the soil is, in such States, treated, in fact, as a fund belonging to the public, and merely deposited in the hands of great proprietors to be, by the imposition of land-taxes, gradually applied to the public use, and which may be justly drawn from them, as the public occasions require, until the whole be exhausted. Equity, however, requires that from such land-taxes those small tenements which do not exceed the proprietor's natural share of the soil should be exempted. To separate the contingent value from the other two is less difficult, and of more importance; for the detriment which the public suffers by neglecting this separation and permitting an exclusive right of improving the soil to accumulate in the hands of a small part of the community is far greater, in respect both of the progress of agriculture and the comfortable independence of the lower ranks.

This is the substance of the doctrine set forth in the first section of Professor Ogilvie's Essay, which he entitles, "Of the right of property in land as derived from the law of nature." The extracts we have given show that he held very distinctly that what Mill calls the "unearned increment" belongs to the community, and also foreshadow Mr. George's doctrine with respect to land-taxation. Section II. treats "of the right of property in land, as founded on public utility." In this the Professor lays down the doctrine that "the increase of public happiness is the true primary object which ought to claim the attention of every State. It is to be attained by increasing the common measure or standard of happiness which every citizen may have a chance of enjoying under the protection of the State; and by increasing the number of citizens who are to enjoy this common measure of happiness. The increase of opulence or of dominion are subordinate objects." In enlarging on this topic, Professor Ogilvie argues that the cultivation of the soil is more conducive to happiness and virtue than any other occupation; and therefore, that the best plan which Governments can pursue for increasing the happiness of its subjects is to increase the number of independent cultivators. "The common measure or standard of happiness," he says, "is probably highest in that country where each individual of mature age shall be possessed of an equal share of the soil." The balance of the respective claims of manufactures, commerce, and agriculture may always be adjusted in the most unexceptional manner by leaving men wholly to their free choice and removing all obstruction and monopoly equally from the path of all. "Let it be made equally easy for the farmer to acquire full property of the soil on which to exercise his industry, as for the manufacturer to acquire full property of the rude materials he is to work up." This is precisely the doctrine which is advocated by one school

of our modern land reformers, and the acceptance of which they think would be a sufficient reform, though that was clearly not Professor Ogilvie's opinion.

In Section III. he treats of "The abuses and pernicious effects of that exorbitant property in land which the municipal laws of Europe have established." Among these evils he specifies the steady reduction that has taken place for centuries in the number of proprietors, the fact that the land is not brought to the point of fertility, which would otherwise be attainable, and that the physical strength and comeliness of the population are much below what they ought to be. All these things, Professor Ogilvie maintains are directly traceable to that exclusive right in the improveable value of the soil which a few men, never in any country exceeding a hundredth part of the community, are permitted to engross:—"A most oppressive privilege, by the operation of which the happiness of mankind has been for ages more invaded and restrained than by all the tyranny of kings, the imposture of priests, and the chicanery of lawyers taken together, though these are supposed to be the greatest evils that afflict the societies of the human kind." Whatever good reasons, the essayist contends, may be given for restraining money-holders from taking too high interest may, with still greater force, be applied to restraining proprietors of land from an abuse of their right. By exacting exorbitant rents they exercise a most pernicious usury, and deprive industry that is actually exerted of its due reward. It is of more importance to the community that regulations should be imposed on proprietors of land than on proprietors of money. Some of Professor Ogilvie's utterances on the unjust privileges enjoyed by landowners are very remarkable, and must have seemed little short of blasphemous to the lairds of his day. Thus he says:—

Landholders stand foremost in opposing the imposition of exorbitant taxes by the State forgetting the exorbitancy of that taxation which they themselves impose on the cultivators of the soil, and which the sovereign may in justice, and in the way of retaliation ought, to regulate and restrain. If considered as the rewards of duties to be performed to the public, the incomes of the clergy, after admitting all that spleen has advanced against that order of men, must appear by far better earned than the incomes of landholders. How slight, indeed, in themselves, and how negligently performed, are those duties which the State seems to expect at the hands of landholders in return for their affluence. The public good requires that every individual should be excited to employ his industry in increasing the public stock, or to exert his talents in the public service, by the certainty of a due reward. Whoever enjoys any revenue not proportional to such industry of his own or his ancestors is a freebooter, who has found means to cheat or to rob the public, and more especially the indigent of that district in which he lives. But the hereditary revenue of a great landholder is wholly independent of his industry, and secure from every danger that does not threaten the whole State. It increases, also, without any effort of his, and in proportion to the industry of those who cultivate the soil. In respect of their industry, therefore, it is a *taille* or progressive tax of the most pernicious nature, and in respect of the landholder himself it is a premium given to idleness, an inducement to refrain from any active useful employment.

This is plain speaking, and recalls vividly to mind Mr. Chamberlain's past declarations about "those who toil not, neither do they spin"—declarations which that gentleman has carefully abstained from repeating since he was taken into the councils of the "party of English gentlemen."

In the second part of his Essay, Professor Ogilvie sets forth in considerable detail various suggestions for the reformation of the system of land tenure. He propounds a scheme, which he even drafts into the shape of a Parliamentary Bill, for securing 40 acres of land to every citizen, twenty-one years of age, who shall claim it for personal

occupancy and cultivation. Pending the adoption of such a plan he ventilates some other and less extensive projects:—

If new taxes are to be levied, what subjects of taxation can be more justly liable to the imposition than large farms and short leases? The landlord, by adopting these plans in the management of his estate, means to derive advantage to himself from measures which at once obstruct the increase of population, and diminish the spirit and independence of the common people; and if his right to make these invasions on the public good cannot be directly attacked, let him at least be obliged to indemnify the public, in some degree, by some other mode more familiar to the minds of men.

Then he advocates the imposition of a tax on barren lands, so regulated as to oblige the holders either to cultivate them or to surrender them to the community for general distribution. A tax on all augmentations of rent, even to the extent of half the increase, would, he thinks, be at once the most equitable, the most productive, the most easily collected, and the least liable to evasion of all possible taxes. He advocates legislative reforms in the contracts between landowners and agricultural tenants, and asserts the right of interference by the State both with respect to the conditions of tenancy and the amount of rent to be paid; and he recommends the advancing of public money to tenants, on sufficient security, to enable them to purchase their farms. Of Professor Ogilvie's foresight and sagacity a very striking proof is furnished in a remark he incidentally makes about the policy that might with advantage have been pursued by the British Ministry towards Ireland, then (1780) as now in a very unsettled condition:—

Had the minds of men been prepared in any degree for thinking with freedom on the subject of landed property, and could the times have admitted of any hazardous delay, it might have been reckoned very liberal policy in the British Minister to have undertaken the patronage of the Irish common people against their own Parliament and landholders; and then at least, when he promoted the bills relative to freedom of trade, to have annexed to them conditions of regulation for landed property by which freedom of agriculture might have been established at the same time."

If Mr. Pitt had only had the courage and discernment to adopt these ideas, it is questionable, to say the least, whether by this time there would have been any Irish question to settle. But enough has been said to prove that Professor Ogilvie's Essay was an extremely important original, and thoughtful discussion of a question which, sufficiently grave in 1780, has now become far more pressing.

A MONSTER MAP OF LONDON

In view of the war the London County Council has considered whether the herculean task of compiling the ground plan of London shall be suspended, but has come to the conclusion that the value of the undertaking justifies the continuation of the work. The plan, which of course will never be really completed, is the largest ever conceived, the idea being to identify every building in the Metropolis and also to indicate its ownership. It is a veritable municipal Domesday Book. Some 38,000 estates are now represented on the plan, which has to deal with an area comprising 115 square miles. Originally the map was drawn on 25-inch ordnance sheets, but as over 14,000 estates consisted of one house only, the Council found this too small, and had to decide upon a monster map on huge five-foot ordnance sheets. There still are some estates to be located, and even when every bit of London is built upon the work of the ground plan will have to go on to keep pace with the changes. The cost of the map has already reached over £20,000.—(The GLASGOW HERALD, 27th July).