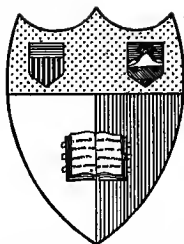


THE LAND AND

THE COMMUNITY

BY S. W. THACKERAY



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THE LAND AND THE COMMUNITY

THE
LAND AND THE COMMUNITY

IN THREE BOOKS.

BY THE REV.
Samuel Whitfield.
S. W. THACKERAY,

M.A., LL.D. TRIN. COLL., CANTAB.

NEW YORK:
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P R E F A C E.



IN its original form this book was the thesis which, according to custom, was presented by the Rev. William Thackeray, when applying, in the early part of this year, to his University of Cambridge for the degree of Doctor of Laws. Somewhat expanded, and arranged so as to facilitate reference, it is now laid before the general public in a form which I trust will give it a large circulation and enable it to do a most useful work.

The manner in which Mr. Thackeray has treated the subject, the fulness and clearness with which he has dwelt upon its historical and legal aspects, the attention he has given to the matter of compensation so much mooted in this country, and the religious feeling and conservative disposition which he has manifested throughout, seem to me to peculiarly adapt this book to English thought, and especially to the thought of that influential section of the English people with which, as a graduate of one of the great Universities and a clergyman of the Established

Church, he comes into closest touch. At the same time its directness and compactness, and an arrangement which facilitates reference and adapts it to the requirements of teaching, specially fit it to the needs of the time.

That the relations between the land and the community constitute the burning question of the immediate future, not only in Great Britain but in all English-speaking countries, is now obvious. The idea that all men are equally entitled to the use of the natural elements, and that the value which attaches to land with the growth and improvement of the community constitutes the fund from which public expenses should properly be met, have made such great progress during the last ten years that they are now "in the air." The habit of thought which attached to land itself those rights of individual ownership that properly attach only to the things which human labour produces from land, and which ignorantly assumed that private property in land always had existed and always must exist, have now been so shaken that first perceptions of the equality of right to the use of the fundamental basis of all life, the indispensable element of all production, are reasserting their sway, and ideas which a little while ago would have seemed to the great majority, even of the disinherited, as too radical for sober consideration, are diffusing themselves rapidly, steadily, and in many cases almost unconsciously.

To give force and definiteness to these ideas ; to make manifest their conformity with historical

experience and religious truth ; to put them in such relation that the recognition of common rights in land may strengthen, not weaken, the recognition of individual rights in the products of labour ; to supply ready answers to the fallacious arguments by which the defenders of vested wrongs on the one hand and the deniers of all rights of property on the other hand are endeavouring to confuse the essential distinction between what God created and what man has produced, between the natural reservoir from which human labour must draw and the things which labour may for a while withdraw from that exhaustless reservoir and put into shapes adapted to the satisfaction of human needs—there is needed some clear and simple exposition of essential principles and important facts.

This need it seems to me Mr. Thackeray has well supplied. Without going over all the ground or entering into the controversial arguments or economical reasoning which seemed to me necessary in *Progress and Poverty*, he has reached the same conclusions. First unravelling the tangled skein of our history in such way as to show how the peoples of the English speech, losing their earlier perceptions in a long course of usurpation and tyranny came to regard the land itself as subject to those rights of exclusive ownership which properly attach only to the things which labour draws in from land, Mr. Thackeray has then set forth the principles that ought to govern the relations between the community and the element which is alike necessary to all its members,

and shown how easily these principles may be applied in the conditions of the present day. And finally he has shown how such application, insuring their natural rights to all and conforming the most fundamental and important of all social adjustments to the supreme law of justice, would, without injury to any, open the way to a civilization as much higher than that which now exists as that is higher than barbarism.

I should like to commend this work, which I hope will soon pass into a popular edition, to members of school boards who are anxious to make national education a means of diffusing the most important of all knowledge among the rising generation, to superintendents and managers of Sunday schools, and especially to those who hope for the conversion of the official ministers of religion, and particularly the bishops and clergy of the Church of England, to a living and practical faith in the fatherhood of God and the brotherhood of men.

The authority and influence of a body that ought to be foremost in the endeavour to establish justice and of those who ought to be first to welcome truth, have been so often used to bolster vested wrongs and to cover up the truth that threatened them, that to many who read this book, it will be, as it is to me, a special gratification that its author is a clergyman of the Church of England and an honoured graduate of one of the great English universities. And I fancy there will be few who will dissent from Mr. Thackeray's proposition that that portion of the

public fund which has been saved from private appropriation for the support of the church and the maintenance of institutions of learning should under the salutary conditions which he suggests, be continued to such purposes. This, certainly, will be the case if the church and the universities shall be found to contain many men like Mr. Thackeray who will be led by his example to come forth on the side of equal justice and lend their influence to the restoration to the disinherited millions of their rights in the bounty of their Creator.

And it is to be hoped that the eloquent appeal with which Mr. Thackeray closes his book will not long be without some response. In the van of the American movement to secure to the whole people equal rights in land are to-day men, who are large owners of land and whose selfish interests would seem to prompt them to defend existing injustice. I have faith enough in human nature to think that some such men must ere long appear in England. As discussion goes on, as thought is aroused, as the true relation between men and the planet on which for a brief space they in their generations are called to dwell, becomes clearer and clearer in the public mind, those who would be ashamed to claim more than their rightful share in anything else will become ashamed to claim more than their rightful share in the earth. And even before that day comes it is not likely that we shall wait in vain for at least some men belonging to the class which seems to profit by the general wrong

who will deem it their highest duty and find it their greatest joy to do their utmost for the overthrow of that wrong.

But no matter who comes or who holds back the good cause will go forward. The truths that Mr. Thackeray has in this book set forth are even now so deeply planted in the public mind and public conscience that their triumph is but a matter of time. All any individual can do is to hasten that a little or a little to retard it. Nay, even those who oppose help forward as well as those who toil to advance. Truth grows clearer by opposition. All it need fear is to be ignored. And this book itself is one of the many indications that the day for that has passed.

HENRY GEORGE.

LONDON, *July* 18th, 1889.

BOOK I.

THE HISTORY OF LAND TENURE
IN ENGLAND

AS GIVEN BY "ONE OF THE COMMUNITY."

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ON COMPENSATION.

IN REFERENCE TO THE PROPOSED RESUMPTION
OF LAND BY THE COMMUNITY.

To whom should compensation be given?

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STATISTICS.

BOOK I.

THE HISTORY OF LAND
TENURE IN ENGLAND.

The subject being treated with special reference to the rights and interests of the community as distinct from the individual interests involved.

CHAPTER I.

INTRODUCTION.

1 IF we go back into the history of nations as far as we can, in order to ascertain what was the primitive form of Land Tenure, as practised by the various tribes out of which the modern nations of Europe have been evolved, we shall find that everywhere there existed a system in which the rights of the community as a whole were very distinctly recognised, and which formed, in fact, the basis out of which the rights and powers of individuals over the land were subsequently slowly differentiated. Each tribe had its own territory, which it jealously guarded from intrusion by others, but within its range all members of the community had equal and unrestricted rights of use. Just as in the present day each nation claims a special ownership in the fisheries within a certain distance of its coasts, but recognises among the inhabitants of these coasts a common right to fish in the waters thus reserved, so was the same principle recognised originally with regard to the land.

2 When the tribe was in due time subdivided into villages, and tillage was begun, it soon seemed to become necessary to appropriate to

Primitive customs of land tenure. Equal rights for all members of the Community.

Distinction between arable and pasture land.

each family a portion of the land as its exclusive property. Nevertheless there was still maintained a community of rights over the forest and pasture, which remained yet unreduced under the plough. And further, for a time, the principle of common right prevailed so far that the lots assigned for culture were changed every year. In the next stage, however, we may easily see that the community of possession would be limited to the woods and pasture lands, and the arable lands would be possessed in permanence by each family.

Origin of private property in land. Consequent diminution of community rights.

3 The necessity for some degree of security of tenure and permanency of possession would be obvious, in order to enable each cultivator to reap the reward of his labour on his particular patch of cultivated soil. Among tribes as yet little accustomed to habits of thought, and, of course, innocent of the existence of such a science as political economy, the natural inference would be that this could only, or at any rate be best obtained, by admitting to him who already had the privilege of possession the additional right of ownership. No philosopher had as yet arisen in the world to show how the right of possession by the individual, without which he could not secure the fruits of his toil, could yet be made perfectly compatible with the right of ownership remaining vested in the community. We can thus see how naturally and almost insensibly the notion of private property in land must have grown up even amongst tribes but just emerging from a semi-savage state. It becomes therefore a question not without interest and importance to us at the present day to trace out when, in what way, and to what extent, as the centuries have rolled

on, and civilization has been developed as it now exists, those rights of the community in the land, which in the primitive stage were so generally and amply recognised have been either preserved and enlarged, curtailed and diminished, ignored, and in the end, as we now see, almost entirely lost.

4 Before entering, however, upon the historical part of our subject, it may be well here to remark that in considering the rights of the community, we shall need to carry on our enquiry in some stages along two parallel, but almost independent, lines. In the primitive condition before land had been appropriated to individuals the rights of different members of the community, though but small and poor in value, were yet practically equal. The land belonged to the whole tribe or clan, and every member may be said to have had an equal share in its use and enjoyment. This condition, however rude and unsatisfactory it may seem in some respects as compared with the civilization of later times, may yet be regarded, for the sake of its substantial justice to all, as politically perfect. Even after land had been apportioned and some parts of it become private property, so long as every family was provided for in the apportionment, this condition of equality was not materially infringed upon.

5 But when in course of time there began to arise, as we shall see was the case in feudal times, a landed and also a practically landless class—the one holding some land as private property, as well as claiming a share in the use of that which remained unappropriated, the other having the latter only—all this became changed. We shall therefore have to pursue our enquiry, as we

Our enquiry must be conducted along two lines. The primitive system politically perfect.

Rise of a landed and also a landless class. Freedom of transfer of land.

have said, in two directions. We must follow out first the history of the rights of the community as it related to that large and constantly increasing class of the population whose rights in the land related only to that ever-diminishing portion of it which remained practically unappropriated. Then in the second place we must enquire how it fared with the rights of that portion of the community, small in numbers, but growing greater and greater in power and importance, who formed the class of land-owners—from the great barons who by the practice of sub-infeudation were able to distribute their estates among their dependents holding portions on similar conditions of tenure with regard to the barons as lords to those under which they themselves held their estates under the King —, from the great barons, I say, downwards to the yeomen and small copyholders who held and cultivated each his small plot of a few acres by permission of the lord of the manor. And inasmuch as the enjoyment of those rights depended largely on security of possession and transmission, without risk of forfeiture either to a superior lord or to the King or the State, it follows that an enquiry into the rights and privileges of the landowning class will very much resolve itself into an enquiry as to how far they enjoyed a freedom of transfer of their land.

Grouping of
periods around
Feudal system.

6 To proceed then. The history of England, regarded simply as a history of land tenure, groups itself naturally into three periods, the boundaries of which are determined with special reference to the feudal system; so that if we regard the *Feudal Period* beginning with the Norman Conquest, and practically closing with

the abolition of military tenures in the year 1660, when Charles II. was restored to his throne, we may then conveniently refer to the period preceding A.D. 1066 as the *Præ-feudal*, and that subsequent to 1660, extending down to our own times, as the *Post-feudal* period.

7 Thus we have in chronological order :

I. PRÆ FEUDAL *period*, embracing the Roman occupation, and the Saxon and Danish times.

II. FEUDAL *period*, extending through the reigns of the Norman, Plantagenet, Tudor, and Stuart dynasties to the close of the Commonwealth.

III. POST-FEUDAL *period*, including the reigns of the remaining Stuart sovereigns and of the present royal line.

Division into
Præ-feudal,
Feudal and
Post-feudal
periods.

CHAPTER II.

THE PRÆ-FEUDAL PERIOD.

Roman influence on land system not permanent.

8 IT is probable that when the Romans came and occupied Britain they found some such customs prevailing among the British tribes as we have already described as existing generally among rude and savage tribes in primitive times. Now the Romans had for centuries been accustomed to regard land as private property, and to such an extent had this system been carried, in giving rise to large estates, as to justify Pliny's well-known words, "latifundia perdidere Italiam." (Great estates have ruined Italy.)

In Britian, however, though the influence of the Roman occupation was very marked in many respects, yet in this particular it is probable that their influence did not long survive the departure of their legions.

Introduction of Saxon customs. Origin of Feudal system.

9 The Saxons who followed them brought with them their own customs with reference to the treatment of land, and inasmuch as those changes in Western Europe which accompanied and followed the breaking up of the Roman Empire were the result of continual war and military despotism, it is no wonder that there were gradually growing up on the Continent those ideas and customs as to land which were ultimately crystallized into what we call

the Feudal System. This process progressed, however, much more rapidly on the Continent than in England; in the one place being steadily evolved through the march of events; in the other not taking definite root until it had been introduced as an exotic by the Norman conquerors.

10 The system of land tenure in England during early Saxon times is therefore well worthy of notice, not merely as being the earliest of which we have certain knowledge in this country, but because it doubtless gave rise to much of that original law and custom which has remained ever since familiar to us as our unwritten code of COMMON LAW.

The origin of
"Common
Law."

11 There were three important rights in reference to land in which the Englishman of Saxon times possessed advantage over his countryman of early feudal times. He possessed the right of alienation or transfer by gift or sale: he could dispose of his land by will; and he could transmit it by inheritance to *all* of his children, according to the custom of Gavelkind. All of these rights were abrogated on the introduction of the Feudal System. It is easily seen, then, how greatly the freedom of the transfer of land was curtailed as the necessary result of this change when it took place. And although the rights of the community in the land may be denied or suppressed in many other ways than by restricting transfer, yet can they scarcely be said practically to exist at all, unless there be at least some moderate degree of freedom of transfer. To that extent then were those rights of the community injured, when these three rights of the landowners were lost.

Three impor-
tant rights of
landowners in
Saxon times.

Recognition
of community
rights. Folc-
land and Boc
land.

12 There was, however, in those times a much more direct recognition of community rights in the land than those which we have referred to as bound up with the rights of the individual landowners. Its existence is evidenced by the entries in the Domesday Book. There was the FOLC-LAND, or land of the people, which embodied "the principle of a direct ownership by the community," not in theory only, but to some extent in practice. The rights of private property extended only over those lands which were granted to individuals by charter. These were called by way of distinction BOC-LAND (Book-land). The right of the King to make grants of the FOLC-LAND was limited at that period, inasmuch as he could do so only with the consent of his WITAN. When William the Conqueror made his grants to his followers, he heeded not the distinction between FOLC-LAND and BOC-LAND; neither did he seek the advice or permission of any Council. His own sole will was sufficient authority and guide for him.

CHAPTER III.

THE FEUDAL PERIOD.

Section i.

13 LET us proceed now to the second period into which our history of land tenure is divided, that of the Feudal period, commencing with the Norman Conquest. The Feudal system introduced by William the Conqueror was essentially military in character. Although it was not connected with the system of land tenure which the Normans found existing, and although it did in fact virtually abrogate all previously existing laws and customs, yet it was never formally promulgated as a new system. William issued no formal new code of laws. He did, however, when he met his barons in Council, at Salisbury, in 1086, require them all to acknowledge his right to deal with the land absolutely as his own, and to dispose of to whomsoever and on whatsoever conditions he pleased.

14 Nevertheless, *in theory* the recognition of the rights of the community in the land was more clearly and definitely marked under the new system than ever before. The King was the State, and summed up the rights of the whole people in himself. As such he was the absolute owner of all the lands in the Kingdom.

No formal introduction of Feudal system by the Conqueror. Council of Salisbury in 1086.

Theory of feudal tenure.

When he made a grant of land to one of his followers, it was on condition that the grantee performed certain military services, called knight service, for the State, that is for the King as representing the State. The grantee held his land conditionally, not absolutely. At first his tenure was only temporary, at the will of the King, or from year to year. If from any cause he should fail or be unable to do his duty, his right might be considered at once lapsed, and the lands reverted to the State, or, as it was said, were "escheated." On the death of the grantee likewise the lands returned to the grantor, and the King, on behalf of the State, might select and appoint a new grantee. All those rights of the King as lord, which were afterwards regarded as so burdensome and oppressive by the landowners, and against which they carried on a continuous struggle with the power of the crown for a period of about six centuries, until they were finally abolished in the reign of Charles II., had their origin in this fundamental idea of the King representing the State, that is the whole community of the people, and they are most easily explicable by reference to it.

Explanation of reliefs, fines, wardship, marriage, escheat, forfeiture.

15 If the King determined to go to war, his vassal was bound to serve for 40 days in a year or perhaps longer. This was the return he gave for the privilege he enjoyed in holding the land granted to him by the King. In anticipation of his death the vassal naturally desired that his son should be appointed by the King to succeed him in his estates. The King consented, but demanded in return for this privilege a "*relief*" or "*fine*." Perhaps the heir was a minor (or a female), and so incompetent for the time being

to discharge the military duties due from him. In that case, until he grew up, he became the King's ward. The King administered the ward's estate and put the revenues into the State treasury. This was his right of "*Wardship*." When the heir desired to marry, the King or the State had an interest in seeing that its rights in the land were in no way prejudiced thereby. And so the King could, by his right of "*Marriage*," either dispose of his ward in marriage to whom he pleased or impose a "*fine*" if his ward married without his consent. If, as happened in later times, the vassal desired to alienate his fee, or a portion of it, the King demanded a "*fine*" for his permission in the transaction. If his vassal died without heirs, the lands "*escheated*" to the King; and should the vassal, instead of fighting in defence of his lord the King, engage in rebellion and be convicted of treason, then having broken the condition on which the State granted him his lands, they were of course deemed to be justly *forfeited* to the State.

16 Thus we see that reliefs and fines, wardship and marriage, escheat and forfeiture were by no means arbitrary and unjust, when we recognise the King acting in the capacity of the State, and representing the interests and rights of the whole community of the people. It was not so much the theory that was at fault; but rather it was the way in which the successive sovereigns made use of their claims as representing the State to enable them to carry out their own selfish purposes, often in total disregard of what might be beneficial to the community which they governed and represented.

The theory
not so much at
fault.

Gradual change of position of parties concerned.

17 And so, as time went on, the fundamental idea of the Feudal system was lost sight of; and on the part of the King the endeavour to guard the rights of the community degenerated into a mere personal struggle to maintain his authority over his unruly barons, and often had no higher object than to replenish his depleted coffers; while on the part of the landowners, as was seen conspicuously at Runnymede, they gradually assumed the position that in resisting the exactions and oppressive demands of the King, and endeavouring to rescue their lands more and more from his control, they were acting likewise so as to further the best interests of the community at large. Thus strangely did the original positions of the parties become inverted and reversed.

Section ii.

The manorial system.

18 Let us suppose ourselves then, living in the time of one of our Norman Kings, when the Feudal system has been established and the land has been parcelled out in great estates to tenants-in-capite holding their fiefs directly from the King. The first thing which such a tenant does on taking possession of his fee, is to divide or cut up his estate into portions, each one embracing a considerable area, and including, perhaps, many separate villages and townships, and these he sub-infeudates, as it was called, to his followers on similar conditions of tenure and service to those he is himself under obligation to the King. Such a portion of an estate became known as a "manor," and the owner was styled "lord of the manor."

Sub-infeudation ended by Quia Emptores in 1290.

19 We may note that this process of sub-infeudation was permitted or connived at by the

Norman Kings as far down as the year 1290, when by the Statute of Quia Emptores it was thenceforth forbidden as contrary to the interests of the King. After that year no more new manors could be created. By that time, however, the manorial system had become well defined and fixed under the Norman lawyers, and has remained ever since the legal basis of property in land.

20 What kind of system, we may ask then, did the lord of the manor find in vogue amongst the people who became his dependents, and who formed one of these village communities? It has been thus described :

The "mark" of the community. Its divisions.

The "MARK" or territory occupied by the community was divided into the following parts :

(1.) The TOWNSHIP, where were the houses held by heads of families in severalty.

(2.) The ARABLE LAND divided into several plots, but subject to regulations as to common cultivation—the most usual of which is the three-field system; the land was to lie fallow every third year, and the whole community had rights of pasturage on the fallow portion, and on the stubble of the fields under crop at certain portions of the year between harvest and the following seed-time.

(3.) The MEADOW-LAND, which in like manner was common for a period after the hay harvest, and was afterwards fenced off in separate allotments for the new crop.

(4.) The COMMON or WASTE-LAND not appropriated for cultivation, and over which every member of the community had rights of pasturage, wood-cutting, etc.

21 On some such system as thus described the lord of the manor engrafted his new ar-

Freeholders and copy-holders,

rangements. Out of the lands which had been granted to him, the lord would grant certain portions to free tenants on condition of certain rents and services, and these are called the *freeholders* of the manor. The lord's own portion would be cultivated by villeins or serfs attached to the soil, and these ultimately developed into the important class of *copyholders*. There would remain in addition the uncultivated and unappropriated land, over which the freeholders had certain rights of common, supposed to be incident to their original grant.

The "Court Baron." A change of theory as to the common land.

22 Every lord of the manor held his COURT BARON in which he sat in the assembly of his freeholders to determine questions in dispute according to the Common Law, and a new legal theory comes to be devised in accordance with the new system. The new theory supposes that the whole organization is created by grant; the lord is the owner of all the soil, and the rights of tenants are merely such as he has granted to them out of consideration for rents and services reserved to himself. Whatever has not been so granted belongs as a matter of course to the lord. Thus, what is called "the lord's waste," now represents what was once the common waste of the community not appropriated in severalty, but used by all in common for pasturage, &c. The rights of common which still survived came to be regarded in a different light; they are now of the nature of servitudes or exceptional privileges granted over land by its real owner the lord to his tenants, or perhaps only to the more favoured or more powerful ones among them.

Rights of common defined.

23 It may be well here to note what were these *rights of commons*. The most important

right of common is COMMON OF PASTURE. Some lands were subject to this common of pasture during certain portions of the year only —*e.g.*, in the case of Lammas-lands from the 1st of August for eight months, after which they are held in severalty. Such lands are said to be *commonable*. Then there is COMMON OF PISCARY or the right of fishing in a particular stream; Common of ESTOVERS is the right of cutting wood on another's estate; Common of TURBARY is the right of cutting turf. In some manors there was also a right of digging and taking coals, minerals, &c.

24 These rights of common needed for purposes of law to be further defined. They were *appendant* when inseparably annexed to the land; *appurtenant*, when they belonged to it, but not of necessity. It was common *in gross* when the right was annexed to the person of an individual and not attached to the land; and it was *common of vicinage* when it existed between the inhabitants of two adjacent townships. Subject to all these rights of common, everything belonged to the lord of the manor.

25 This unaccustomed view as to the origin and extent of their common rights, as it was officially and judicially expounded to them by the lord of the manor in his Court Baron, could scarcely have been altogether acceptable to the common people. But the *Statute of Merton* passed in 1235 gave full legal sanction to what had previously been regarded as an encroachment on the rights of the commoners. It gave relief (as it was called) to the lords whose efforts to improve their wastes had been frustrated by their opposition. The lord was held blameless if sufficient pasture with ingress and egress

Legal distinctions of "commons."

Encroachments sanctioned by Statute of Merton in 1235. Extended further by Statute of Westminster the Second in 1285. A baneful precedent.

had been provided for the commoners. And the Statute of Westminster the Second, passed in 1285, still further extended this legal right of the lords. The consequences of this legislation were, as we can now well perceive, much to be lamented ; for in later times, succeeding generations of landowners were by no means slow to accept and enlarge upon the immunities offered by so baneful and dangerous a precedent.

Section. iii.

Yeomen or peasant proprietors. Tenants-at-will.

26 From about the middle of the 14th century there were two principal classes of property existing in England, *freeholds* held in general directly from the Crown, and *copyholds*, held of a lord of the manor ; but both of them had an indefeasible title subject to trifling services ascertained by custom or by statute. It would seem that in these two forms a very large number of those whom we should now call yeomen or peasant proprietors were established throughout the country. But in addition to these, there were on the large estates a great number of those whom we should now properly call tenants-at-will, renting lands of the lord and not established for a sufficient length of time to have acquired the status of copyholders.

English wool in demand. Conversion of tillage into pasturage. Consequent evictions.

27 It was about this period that English wool was found to be peculiarly well adapted to the use of weavers in the Low Countries, and it brought a high price. This led the owners of large estates to substitute pasturage for tillage, and in consequence many of the cultivating tenants-at-will were evicted. Hence complaints arose similar to those excited in our own times by clearings in Ireland and in the Highlands of Scotland for the purpose of sub-

stituting sheep farming and deer stalking in place of husbandry by cottars and crofters.

28 During the 15th century, probably for the same reason, the extensive wastes which covered a large part of England began to be enclosed to the consequent disturbance of numbers of squatters who had settled on them. These causes, combining later with the breaking up of the monasteries, and the absorption of the Church lands into the estates of adjoining landowners, gave rise to much disorder and misery. Undoubtedly the ultimate result was a considerable increase in magnitude of the larger estates and farms, gained by a proportionate decrease in the number of those of smaller size.

From this period dates the beginning of the diminution of the class of yeomen,—the theme of lamentation with economists and historians down to our own times.

29 When we come to the 16th century, we find that the landlords, no longer requiring the military services of their free tenants, and having almost lost the customary service of their tenants in villeinage began now with a definite and settled purpose to take upon themselves to appropriate large tracts of waste, the first sanction to this policy of encroachment having been given, as we have already remarked, by the Statute of Merton. They did so, because grazing land yielded them a larger rental than arable. This policy was pursued in defiance of the rights of the commoners, and it would doubtless have been carried out relentlessly to the full extent had they been able. It was, however, productive of so much misery that many statutes were passed against these enclosures in the reigns of Henry VII. and

Enclosures begun. Absorption of Church lands by dissolution of monasteries. Increased growth of large estates. Diminution of Yeomen class.

Settled purpose of landlords to "enclose" consequent misery and distress in 16th century. Insurrection in 1549. Prosperity of great landowners.

Henry VIII. Latimer denounced the nobles before the King as "enclosers, graziers, and rent raisers." The formidable insurrection in 1549 was directed against these new fences and enclosures. The gradual divorce of the English peasant from the soil, which degraded him into the day-labourer, and was the manifest origin of pauperism, coincided with increasing prosperity and freedom enjoyed by the higher orders of the agricultural community. For at this time, it is to be noted, "Common recoveries," received legal sanction as a method of breaking through entails, and thus brought estates into the markets. So also "fines" authorised the tenant-in-tail to bar his own issue, thus increasing the power and control of each individual landlord over his estate.

Almost unre-
stricted owner-
ship of land-
lords at this
period.

30 During the period between the introduction of these methods for disentailing and the institution of family settlements in the 17th century, the ownership of landed property was more absolute, and the disposition of it less restricted than it had been for two centuries before, or than it has since become. Each tenant-in-tail by levying a fine or suffering a common recovery, converted his estate into a fee simple, and as the use of life-estates in tying up land was not yet discovered, the head of the family was usually in this favourable position for acquiring full control over his land. Hence there followed the rapid growth of the English gentry under the Tudors and Stuarts, arising from these two causes, the limitation of entails and the freedom of alienation.

The genera-
tion of pauper-
ism and poor
laws. Deteri-

31 Unfortunately the prosperity of the land-owners was not accompanied by a corresponding improvement in the condition of the peasantry.

On the contrary, it was very largely obtained at the expense of their comfort and well-being. This was the period when pauperism was generated in England to an alarming extent, and the poor laws of Elizabeth furnish the evidence that it had now become necessary to formulate the measures for the relief of the poor into a definite system. They mark the commencement of that degeneration and steady deterioration in the condition of the peasant which, as we now look back, can be seen to be the natural and inevitable result of his being divorced from his share in the possession of the soil, and which has since created so wide a contrast between the condition of the agricultural labourer and his landlord in the present day.

oration of the condition of the peasantry.

Section iv.

32 If we turn back now to examine how those rights of the whole community fared which were supposed to be bound up with the rights and privileges of the sovereign on the one hand, and with those of the landowners on the other, we cannot fail to perceive how, while recognised in theory by first one and then the other, they were, nevertheless, systematically ignored in practice by both. To some extent, perhaps, human nature being such as it is, and the exigencies of the times such as we know they were, this was to be expected. In the struggles of might against might, the question of rights has not unusually been obscured and forgotten, and more especially is this likely to happen when the rights at stake are those of third parties. The legal doctrine of Trusts upon Uses was invented for quite a different purpose than to teach the Crown and the nobles

The obligations of the crown and nobles to maintain the rights of the community systematically ignored.

that they held the lands of the country in trust for the use and enjoyment of the whole people as beneficiaries.

Explanation
of the cause of
this neglect

33 The sovereign acknowledged himself as representing the State, the whole community ; but it was rather with the selfish object of bolstering up his own personal authority, and to furnish a plausible reason which would render it somewhat less arbitrary and less nakedly absolute than it might otherwise have appeared to be. It could not, however, long continue without its despotic character becoming painfully obtrusive and manifest to all. The nobles and landowners, on the other hand, having been denied by the Conqueror all that participation in disposing of the land which, on the Continent, made each lord a petty sovereign and tyrant, were consequently gradually drawn into sympathy with the demands of the people, as Magna Charta soon nobly attested, and from that time it may be said that much of the real sting of feudalism ceased to be personally felt by the English commonalty. Nevertheless, when the nobles, in turn, came to deal with their dependents, in matters where the Crown was not directly concerned, they were, as we have already recounted, as openly regardless of the rights of the commoners, when their own personal interests tempted them to be regardless, as the Crown often shewed a desire to be, in respect of the rights of the nobles.

The struggle
of six centuries
between the
crown and
nobles,

34 We may then, presently, proceed to enumerate the incidents of this struggle, extending over the six centuries of Feudal times. During this whole period we see the landowners perpetually striving, by unremitting purpose and persevering efforts, but yet with only an ever-

varying success, to free themselves from the restraints which limited their power over their land; progressing steadily, as opportunity favoured, when the sceptre was held in weak hands, and being rudely thrust back when it had passed into more vigorous grasp; until at last, aided by length of time and change of circumstances, as the twilight of the Middle Ages passed into the dawn of Modern times, they were gradually enabled to unloose the rusty fetters, and relax the grip of that Feudal system which had held them as in a vice, ever since the yoke of the Conqueror had been fixed on their necks.

35 And when the struggle was over, and the smoke, and heat, and din of the combat had slowly subsided, so that it became possible to look around and see where each stood, it became evident that the King and the landowners of England in the days of Charles II. occupied relatively the same positions as they had done six centuries before, in the days of Edward the Confessor and their Saxon forefathers. The landowners had recovered from the Crown substantially all the rights that their predecessors had once possessed, and subsequently lost; but little or nothing more.

36 Very different however was the case with the common people. The rights in the land which had made the commoners for many generations after the Conquest recall and sigh with fond regret over, the laws and institutions which had governed the tenure of land from the days of Alfred the Great down to the time of the good King Edward, had disappeared not only from the Statute Book, but even from men's memories and had faded away utterly in the mists of the

Its result.
Both parties
reverted to
their relative
positions in
Saxon times.

The loss of
community
rights. The
transition from
equality to
great inequality
of rights in the
land.

past. The village MARK had been swallowed up in the lord's MANOR; the "common waste" had been included, or was in rapid process of inclusion, in the lord's enclosures: the areas of the "commonable lands" had been steadily encroached upon, and the "rights of common" were fast ceasing to be either recognised or respected. The transition from the primitive times, when the equal rights of all in the land were not only acknowledged, but their justice never questioned, to the times when a few land-owners owned all the land absolutely and in severalty, and the great mass of the community owned none even in commonalty, was now fairly entered upon, and needed only in the subsequent centuries the convenient opportunity and the plausible excuse to enable it to be carried out to its full development whenever the wakefulness of the public conscience could be sufficiently lulled into slumber. Enough has remained it is true, even to this day, to enable the antiquarian of later times to detect the evidences and satisfy himself of the existence of a juster and more natural system in long bygone days; but scarcely more.

A beginning made in the absorption of common rights, and security taken for the remainder.

37 The boa-constrictor glides along in the tall grass stealthily and noiselessly as it approaches the inoffensive and unsuspecting animal that is browsing unwarily in the pasture, and in the suddenness of a moment has seized it in its powerful folds. The poor creature once thus enveloped and encircled can have but little chance of escape. When by the tightening grasp of its terrible coils, the reptile has reduced its victim to an indistinguishable mass of shapeless pulp, and prepared it by besmearing it with a coating of its nauseous slime for the

horrible process of deglutition which it is then destined to undergo,—the deadly reptile, having once made a sure beginning at one end of the mass does not after that allow its tranquillity and satisfaction to be disturbed by any doubt of its capacity and ability to complete the absorption of the remainder. This was the stage of the proceeding which had, towards the end of the feudal period, been reached in the process of swallowing up the community's rights in the land. It is evident that when the process has been carried thus far, it can be continued afterwards at intervals and at leisure without any further risk of interruption arising from ineffectual struggles and helpless writhings on the part of its mangled and hapless victim.

Section v.

38 The outline of events in this legislative struggle between the King and the landowners may be thus summarized in chronological order:—

Beginning with 1066, the year of the Norman Conquest, the Feudal system was introduced by the iron will of William, and formally submitted to by the great nobles at the great convention at Salisbury in 1086. It is impossible to fix the precise year or even the reign in which Primogeniture was substituted for Gavelkind in the common law of England. Primogeniture, it should be remembered, was not a feature of the Feudal System as practised on the Continent, and we know that the Conqueror expressly sanctioned Gavelkind in his charter to the City of London. But by the end of the 12th century at the latest, the presumption was held to be in favour of primogeniture. The ancient and

Chronological outline of the Feudal period. Primogeniture substituted for Gavelkind. The ancient and original form of entail.

original form of entail conferred no indefeasible right of inheritance. When a fee was granted to a man and "the heirs male of his body," on the birth of a son (the condition being then said to be fulfilled) it was held that the grantee might then sell the land, or charge it with incumbrances, or forfeit it by treason so as in effect to bar the interest of his own issue. But if he did not do so, it would descend to his issue, as he could not devise it otherwise by will.

The 13th century legislation reflects the characters of its Kings.

39 The 13th century was marked by very much important legislation in reference to land. During the first three-quarters of it the crown was held by the feeble hands of John and his son, Henry III., and the course of legislation shewed a marked tendency in favour of the landowners gaining the upper hand. But on the accession of Edward I., in 1272, a great reaction took place. There was a very visible re-tightening of the grasp of the Feudal system over the nobles, in striking contrast to the relaxing hold of the crown as exhibited in the hands of his two predecessors.

Triumph of policy of nobles. Magna Charta in 1215. Other statutes in 1225, 1235, 1285.

40 In 1215 Magna Charta decreed that no freeman should be deprived of his life, liberty, or property, except by the law of the land and the judgment of his peers. In 1225 it was enacted that no land shall be aliened so that the lord shall thereby lose any service due him. In 1235 the Statute of Merton opened the door to the encroachments of the landowners on the common wastes, and in 1285 it was opened still wider by the Statute of Westminster the Second.

But in the last quarter of the century the new era of reactionary legislation was entered upon.

41 Besides several acts of less importance, there was in 1279 the Second Statute of Mortmain which prohibited the conveyance of land to religious houses. Then in 1285 the famous Statute "De Donis conditionalibus" (13 Edw. I. c. 1) originated estates tail, compelling the donee to carry out the will of the donor, and forbidding him to alien the estate after an heir had been born to him, and it also secured the ultimate reversion of the estate to the donor on the failure of issue to the donee. Entails made under this statute "De Donis," created a perpetual series of life estates, and initiated a policy which was afterwards seen to produce very bad effects. In 1290, five years later, in pursuance of the same general policy as in De Donis, another famous statute, "Quia Emptores," was passed to check the growing practice of subinfeudation. This was in the nature somewhat of a compromise. For whereas previously the alienation of lands without the lord's consent had been only connived at, it was now legally permitted for feudal tenants to alien their lands without their lord's consent; but it required the assignees to hold immediately from the lord and not mediately through the tenant, and so the lord's rights were saved from being prejudiced. In 1326 the same right of alienation was extended to tenants-in-capite on payment of a "fine."

42 The 14th and 15th centuries were too much disturbed by foreign wars, and by the civil wars of the Roses, to have left much opportunity for attention to legislative matters. During the four centuries, therefore, which intervened between the Conquest and the accession of Henry VII., in 1485, feudal rules

Reaction on the side of the King. Statutes of Mortmain in 1279. De Donis in 1285. Quia Emptores in 1290 and 1326.

The 14th and 15th centuries add but little to legislation. The evil effects of De Donis and Quia Emptores in strengthening the feudal fet-

ters on the
great land-
owners.

of succession governed the descent of landed property, and feudal ideas of policy fostered the system of entailing, and established the law of primogeniture; and during the latter two centuries following the enactment of *De Donis* and *Quia Emptores*, these two statutes crushed the growing effort to emancipate land from its feudal fetters, at least by open alienation; and they had the further mischievous effect of making the position of the unfortunate tenant in agriculture more uncertain than ever, as no leasing power of one tenant-in-tail was binding on his successor.

A period
favourable to
smaller land-
owners.

43 Nevertheless, had it not been for the evictions and disturbances, to which we have already alluded, and which were caused by the policy initiated by the great landowners in the 14th century, in converting arable and waste lands into grazing for the sake of the greater profit to be obtained from sheep farming, these two centuries, the 14th and 15th, would have been highly favourable to the interests of the classes who held the smaller and more limited estates in the land.

The 15th
century, the
golden age of
English yeo-
manry.

44 The 15th century has been said to have been the golden age of English Yeomanry, who were mostly tenant-farmers holding lands on lease. The miseries of the civil war of the Roses fell mainly on its authors. Whilst the nobles with their feudal retainers, wearing as emblems the Red or the White Rose, followed the fluctuating fortunes of their party, now the Yorkists, and now again the Lancastrians in the ascendant, it happened to very many in turn on both sides, that they must expiate their ill-fortune either by the sword on the battle-field or otherwise on the scaffold. Meanwhile the yeo-

man was often able to pursue the even tenor of his way undisturbed, among scenes of waving corn-fields and other signs of peaceful husbandry. In the reign of Henry VI. Fortescue boasted that in no country of Europe were small proprietors so numerous as in England. For many descendants of old villeins had become by this time copyholders, and thus entered the ranks of yeomanry, which now furnished the bone and sinew of the English commonalty. The course of legislation was favourable to both these classes in this 15th century. The general result was a degree of social equality such as has not often since been witnessed.

45 Meanwhile the interests which the nobles had in escaping from their feudal fetters were shared by the Churchmen, who sought to evade the obstacles which the Statutes of Mortmain had interposed to prevent their acquisition of land. And so it was by a device of the Churchmen that an escape was found from the tyrannical bonds by which the system of entails had strangled the endeavours to secure the right of alienation, and to promote some degree of freedom of transfer in land. "Common recovery" had been introduced in 1289 as a means of conveying land. In 1473 it was decided in Taltarum's Case that estates-tail could be barred by what was called a "common recovery." This was effected by the artifice of inducing liberal or superstitious landowners to become defendants in collusive law-suits in which the ecclesiastical plaintiffs sued for and recovered the lands as their own, no defence being made by the landowners to their claim. In this famous law-case the courts gave their sanction and validity to this proceeding. It is a

Discovery of a mode of disentailing. Taltarum's case. "Common recovery" and "fines."

significant fact that when this technical device for breaking entails was thus invented, Parliament did in no way try to counteract it. On the contrary, in 1489, the alternative method of terminating entails by "fines" was also legally sanctioned.

Originating
of Uses and
Trusts. Their
meaning and
purpose and
effect.

46 But these were not the only devices invented for evading the pressure of feudal bonds. The most remarkable, and what has proved to be the most enduring in legal practice, was the originating of Uses and Trusts. We may give the following explanation of their origin and meaning and purpose.

Previous to the time of Henry VIII., a simple gift of land to a person and his heirs, accompanied by livery of seisin, gave to that person an estate in fee simple. As early as the time of Henry III., Statutes of Mortmain were enacted, prohibiting land from being given to the religious houses. In order to avoid the effect of this statute, a feoffment was made to one person to hold the land to the USE of another. The Courts of Chancery held that the feoffee was, in such a case, bound in conscience to hold the land simply for the benefit of the third person. This estate to use was not recognised in law, but only in equity. The original feoffee was, in the eyes of the law, the real owner. There were thus two estates, a legal and an equitable, in the same property cognizable in two different courts. By this device, many of the rules of property were defeated. In law, only the legal owner could be reached. Clergy could hold land in spite of the Statutes of Mortmain. A refractory lord, holding his property only as equitable owner, could commit treason with impunity and without the

forfeiture of his estate, and persons could also dispose of their land by will. The land itself could not be devised, but the USE of it was, and the legal owner was bound in equity to observe such use. Down to the time of Henry VIII., this practice had so increased that by its means a considerable part of the kingdom had contrived to get rid of some of the worst inconveniences of feudal tenure.

47 In order to remedy this state of things, Henry VIII. caused the *Statute of Uses* to be enacted in 1535. It decreed that any person for whom a use was held should be deemed the legal owner of the estate to the extent of that use. The equitable was thus converted into a legal estate, and was made subject to all the incidents of legal ownership. Thus once again apparently had the crown succeeded in re-establishing its feudal fetters upon the land. Its triumph was destined, however, to be of short duration. The feudal system was no longer suited to the changed character of the times, and the growing spirit of freedom could no longer be curbed by its restraints. And therefore again the ingenuity of landowners and churchmen was stimulated, and, aided by the lawyers, they succeeded in finding means for another fraudulent evasion of the law. And the Court of Equity was again successfully invoked to their aid in giving validity to their legal fictions.

48 So, strange to say, by a narrow construction of the words of the Statute of Uses the purpose of the enactment was completely foiled. An estate was now limited to A and his heirs, to the use of B and his heirs, to the use of C and his heirs. The court held that the first use was executed by the statute and B was the legal

The Statute of Uses in 1535. The breaking down of the Feudal system.

The object of the Statute of Uses foiled. Its important unforeseen effect

owner, but then at this point the power of the statute was exhausted. Thus C remained the equitable owner, as B would have been before the statute was passed. Such an unexecuted use is now termed a TRUST. One very important effect, however, the Statute of Uses had which renders it noteworthy. The machinery that had been employed in the creation of the Use, thus legalized, was adopted for the transfer of land by Deed without publicity or registration; and this remarkable result has continued even down to the present day.

The Statute of Wills in 1540 restores a right of Saxon times.

49 The last great blow, which may be said to have been almost the finishing stroke, to the feudal system was the passing of the *Statute of WILLS*. This was enacted in 1540, only five years after the Statute of Uses. This Act is commonly said to have given, but it in truth only *restored*, the power to devise lands by will. This had existed before the Norman rule, and had been extinguished only by the practice of primogenitary descent, with which it was of course incompatible.

Military tenures abolished in 1660. "Free and common socage" substituted. Tenancy made equivalent to ownership.

50 The feudal system was swept away by an Act of the Long Parliament passed in 1656, and solemnly re-enacted after the Restoration in 1660. The famous Statute (12 Chas. II. c. 24) operating retrospectively turned all military tenures into "free and common socage" from February 14, 1645. Thenceforth freehold tenancy has been virtually equivalent to ownership, and the only restrictions to which it is subject are those which may be created by will or deed. More than a century elapsed before land was emancipated from the feudal burdens in France, and this great reform was not accomplished in

Prussia, Austria, Italy or Russia until a period within living memory.

Section vi.

51 Before closing up this chapter of history and leaving altogether behind us this feudal period, so fraught as it had been with important issues, inspiring the hearts of men with their most earnest and enduring springs of action, and regulating and dominating the general policy of the conduct and behaviour of Englishmen during a period of from four to six centuries, it is needful for us to add yet a few words more. Their land policy was that to which the thoughts of Englishmen continuously and persistently reverted immediately, as soon as the passing away of each temporary crisis in history or politics, whether of peace or war, permitted their minds to return once again to their normal and natural bent. It was also a policy which has marked out the channels in which our domestic history has ever since been compelled to run ; and to shake ourselves free from the effects of it, even at this late day, statesmen and legislators acknowledge helplessly they know not how. In what aspect, then, let us ask ourselves, can a member of the community, living at the present day, be expected to regard that long-protracted struggle between the Crown and the nobles, extending throughout the whole of this feudal period, in which the great mass of the community in those times, though their present and future interests were greatly at stake, as we can well now see, were compelled nevertheless by the fact that the constitution and laws of those times did not permit of their direct intervention in their own behalf, to remain merely in the posi-

Some questions asked as to the attitude of the community during the feudal struggle.

tion of silent and, as it were, uninterested spectators? On which side, whether with the Crown, or with the nobles, guided now as we may be even by the additional light of subsequent history, should the sympathies of the community have been given in that long-protracted struggle? Were the interests of the community really championed by either of the combatants? Or were they each selfishly fighting for their own interests only, and entirely regardless of the existence of the mass of the community outside of themselves? Was it really a case in which the community might have correctly anticipated that whichever party might be the winners, they must inevitably be losers?

Neither crown nor nobility fought in behalf of the community. The reason why.

52 These questions, simple and obvious as they may at first appear, are by no means easy to answer. Nor indeed is it possible to stand with either side throughout that whole contest and say, "Here is our friend;" "Yonder is our enemy." And the explanation of this difficulty seems to lie in that fertile cause of many similar difficulties, viz., the inconsistency that is often so painfully glaring between a beautiful and satisfactory theory as it is sketched out ideally in the mind or on paper, and the actual realization of it when it is attempted to be put into practice, marred as it then often is by human imperfections, distorted by human passions and prejudices, and ruined perhaps by the operation of hostile causes, which were either unforeseen or uncalculated for, when the ideal structure was first embodied in a fair and regular outline.

The theory of the feudal system examined.

53 The feudal system, as we have before remarked, was, in its main features, by no means

theoretically bad or unjust, when regarded from the standpoint of one of the community.

It is true the rights of the community were centred in the person of the sovereign only, not in the community itself; but still, they were nominally sufficiently recognised in the bargain struck between the landlords on the one hand, and the community or state (represented by deputy in the person of the king) on the other.

The landlords held their lands as tenants from the state, and in return undertook to fight, when necessary, on behalf of the realm, either against foes beyond seas, or for the maintenance of peace and order within its own borders. The wisdom of the arrangement may be found, by experience, open to question in many ways, but still, it cannot, on a first glance, be condemned as essentially unfair or unjust to any one of the three parties concerned, the crown, the nobles, or the common people. We could easily imagine, indeed, such an arrangement, capable of working satisfactorily and harmoniously in many respects, even if made at the present day.

54 The obvious weakness of the system, however, as it was revealed by the strain of actual experience, lay in the fact that the interests of two of the three parties were held in one hand, that of the sovereign, who thus not only represented in his own person his own individual interests in the land (which in those times were very considerable), but also represented, as deputy, the interests of the community. Had the interests of the community been efficiently protected by a body specially appointed by it for that purpose, as we might suppose would be the case, if we were to suggest that the experiment of a feudal

Wherein lay
its inherent
weakness.

system should be tried in modern times, the result might have been far different.

How it failed
to stand the
test of experi-
ence.

55 As it was, no wonder that when, in due time, circumstances arose which caused a clash between the individual interests of the sovereign and the interests of the community, which he was supposed to represent, the event should prove that the latter were pushed to the wall in order to save the former. Sometimes the community's interests suffered merely by the neglect of its protector to protect, he being too busily engaged in protecting himself; but at other times, no doubt, the community stood in the position of some poor defenceless horse which, as we have somewhere read, the hunted traveller, in his dire extremity, will sometimes be driven to cut loose from his sleigh, to fall as a prey to the hungry wolves, from whose greedy fangs he must, at any cost, if possible, obtain a momentary respite.

Its practical
abandonment
in consequence.
Change in the
relative posi-
tions of the
parties in refer-
ence to it.

56 We can readily understand, therefore, how it was, that after a century and a half's experience of the working of the feudal system, the community began to turn away in disgust and despair from the idea of looking upon the crown as its representative and protector, and to entertain a hope that, by combining with the nobles, they might, perhaps, gain a position in which they might, in some small measure, be able to guard their own interests from the power which nominally protected, but in reality oppressed and sacrificed them. The nobles, on their part, were quick to perceive the advantage which this change of allegiance afforded them, and the effect of this new combination of parties soon shewed itself in the famous struggle which resulted in the triumph of Magna Charta, and,

half-a-century later, in the institution of the first Parliament. From that time the theory of the feudal system was gradually lost sight of; the interests of the crown and of the community, though nominally still united, were seen to be really separate, if not antagonistic, and the community entered upon a stage in which it ceased to look to the crown either as its representative or protector.

57 No doubt, for a time, it cherished a hope that the nobles, without nominally accepting the position of representative of the community, as the Crown had done, would yet, in return for such help as it could, in emergency, give to them, act that part of protector to it which it still felt itself to be in need of. This hope was, however, destined to be soon disappointed. They might be willing to do something in the way of defence against their common enemy and would-be oppressor, the Crown, but when it came to a divergence of interests between themselves and the community, the circumstances were, of course, quite different. The rule of "*Noblesse oblige*" did not then seem to them applicable.

58 So when the feudal period had run out its full length, it is difficult for one of the community to see in the situation of the respective parties anything either to suggest cause for congratulation in the triumph which had at length rewarded the persistent struggles of the landowners to gain for themselves absolute rights as against the crown; or, on the other hand, can we see much cause for regret in the final defeat of the crown, the nominal representative of the rights of the community. At the close of this long-protracted struggle it

The community puts its trust in the nobles for a time, but is again disappointed.

At last the community ceases to have sympathy with either the crown or the nobles.

would have been difficult, after a candid and impartial examination, to say which of those two parties was fighting on behalf of the rights of the community; and that being so, it is pretty safe to conclude that neither of them were so fighting.

The nobles repudiate their obligations, the crown abandons its theory, and is compensated for its personal losses.

59 We see, in fact, as the final result of the struggle, that the landowners have converted their possession of the land, originally conditioned on the performance of important duties on behalf of the community, into an absolute ownership, independent of any duties or obligations whatsoever. Obviously they had here gone very far beyond what was either reasonable or just. And we see the Crown compelled to admit in substance that the theory by which it was aforesaid regarded as the champion and representative of the rights of the community, must henceforth be regarded as an obsolete and exploded theory, no longer to be seriously regarded in the future relations of the parties. To complete the irony of the situation, the personal interests of the crown which had been somewhat over-ridden in the heat of the struggle, are compensated for in the new compact by the imposition of excise duties, a new and ever-growing burden laid upon the back of the community, and, in addition, at a later period, in the reign of William III. by a small land-tax of four shillings in the pound, which is assessed even to this day on the same low valuation as in 1692.

The community, the great loser at the end of the Feudal period. Its needs unprovided for. The

60 And when we proceed next to enquire what provision is made for the performance in time of need of those military duties and services in return for which the landowners had been originally permitted to hold possession of

their land, there ensues a pause, but no answer. That is perhaps the least compromising way of replying to an inconvenient question. Perhaps the crown and the nobles assumed, after the disastrous troubles of the Civil War, that an era of permanent peace had now set in, that the defence of the Kingdom need no more be provided for in the future. Perhaps they were each so intent on the adjustment and settlement of their own claims and interests, that this other important consideration on behalf of the community was accidentally overlooked; it may have been an oversight! In that case, it may well be for us in these later days a sad and painful reflection that the needs left thus unprovided for, should have gradually resulted in heaping upon the back of the otherwise sufficiently burdened community an additional mountain of National Debt, which at one time had grown to an amount exceeding Nine Hundred Millions sterling. The annual interest on this enormous debt, in spite of all the efforts in repayment of principal, has been as high and is at present not much less than Thirty Million Pounds, being an average tax of about Fifteen shillings a year for every man, woman, and child in the community, or nearly Four Pounds for every family.

consequences
seen in the
alarming
growth of the
National Debt.

CHAPTER IV.

THE POST-FEUDAL PERIOD.

Section i.

Introduction
of modern
family settle-
ments.

61 We come now to the third period into which our history is divided, extending from 1660 down to our own times. In this period there is but little worthy of special notice in the way of further legislation. The feudal system was gone, but it had left its traces in the many complex and circuitous forms which evasion had been compelled to assume, and though from time to time something has been done to remove these encumbrances, yet much still remains to be done. The most important event to be noticed in the 17th century was the *introduction of modern family settlements.*

The great
landowners
initiate a
change of
policy among
themselves. No
new legislation
necessary for it.

62 We have seen how, by the operation of recoveries and fines, the indefeasible entails of an earlier age had been set aside, and the owner of land thus disentailed soon afterwards acquired the power of devising it freely under the Statute of Wills. At this stage, then, we cannot but observe that a very remarkable change took place in the policy of the great landowners. This new policy probably escaped public criti-

cism and excited the less opposition in consequence, because it was carried out without the necessity of seeking for any new legislation, and was also greatly facilitated by the system of secret conveyance without registration which the Statute of Uses had given legal sanction to. Ever since the enactment of *De Donis* it had been the steady aim of the great landowners to discover a means by which to break the strict entails which it had created, and to obtain the right of alienation free from the control of their feudal lord, the King. The law of primogeniture had been felt a burden, because each succeeding tenant could have no more than a life estate, and had no power to dispose of it by sale or devise it by will. The landowners had accepted without protest the absurd invention of a common recovery, because it was a convenient method by which they could bar an entail. They had rejoiced when legislation enabled them to accomplish the same end by means of a fine. They had gained practically a complete release from their feudal bonds after the Statute of Wills was enacted.

63 Now, however, feudal tenures being finally abolished, we see the class of great landowners proceeding to introduce a new mode of settling estates, which depends not on any single statute or law, but on custom mainly, which takes advantage of legal forms already existing, and ingeniously proceeds to twist them about to serve other and quite different purposes than those for which they were originally intended. We have already had occasion to refer to those three principal rights of landowners which characterized the laws of land tenure in Saxon times,—the right of alienation, the

Reasons in
proof of this
change.

right of devising by will, and the right of inheritance by descent according to Gavelkind—and we have seen in our history of feudal times how succeeding generations of landowners unremittingly laboured during several centuries to recover them when once lost, and how this had been triumphantly accomplished in effect when the Statute of Wills had been obtained. Had now the policy of the landowners undergone no change in the post-feudal period, we should have seen in their conduct that they attached great value to the preservation of these rights. Was this the case? Did they strive to promote still further the freedom of transfer in land? Did they allow each landowner to devise his lands by will, unfettered and unrestricted, as he might think best? Did they seek to emancipate themselves from the custom of primogeniture, and provide by an equal division for all their children according to the custom of Gavelkind?

Re-establishment of entails and primogeniture by the custom of settlements.

64 On the contrary, the system of modern family settlements is expressly devised to prevent these things. The new system which has grown up, and which has now been long settled in practice, takes the most stringent and effective means to prevent alienation, and reduces every present possessor like De Donis did to the position of a mere tenant-for-life; the right to devise the land by will is of service only to make pecuniary provision for widows and younger members of the family; and primogeniture, though abolished in law, was henceforth placed, by the effect of custom, more imperative and compelling than law, and from which there is practically no appeal, on a basis more secure than ever before.

65 We think all this proves what we have suggested, that there was, unobserved and but little noticed by the many, a marked change which took place in the policy of the great landowners, at this period, and the fact that this change was not shared in, to any considerable extent, by the owners of the smaller estates in land, the class of small freeholders and copyholders, is very suggestive, and full of a grim significance.

The change of policy not shared in by the smaller landowners.

66 For, notwithstanding this change, there was not lacking a very clear and distinct connection between the new and the old policies. There was an unmistakable unity of aim and purpose, which was not at once revealed, we may readily believe, even to the landowners themselves, but which gradually took shape as events favoured its development. It would be unfair, perhaps, to suggest that the landowners having now entirely freed themselves from the thralldom of the feudal system, and emancipated themselves from the power and control of the sovereign, perceived that they had at the same time given a death-blow also to the rights of the community in the land, which had already gradually ceased to be represented, except in theory only, in the person of the King as the representative of the State. And thus, having now acquired the absolute and exclusive right of ownership over whatever lands they possessed, while on the one hand, they took careful measures to prevent their own estates from dispersion or encroachment, they were now ready on the other hand to use their newly enfranchised power and undistracted opportunities to search for means whereby they might gratify a spirit of insatiable greed by

The connection between the old and new policy. An unmistakable unity of aim and purpose.

swallowing up whatever other lands of smaller estates or of common lands not yet enclosed, which the wheel of fortune might at any time bring within their grasp. It would not be fair, we say, to suggest that this was their deliberate aim, but, if such a theory were put forward, it would not be difficult to find many facts in subsequent history, which would tinge it with some colour of truth.

Section ii.

The mode of making settlements on an unborn child and 21 years afterwards.

67 It is not perhaps necessary to enter into the details of the system of family settlements. By it the property in land was divided out to several persons with "estates for life" and "in remainder," so as to prevent the possibility of alienation until not only the whole of the lives existing at the time of making the settlement or will had ended, but until the UNBORN CHILD of one who was then an infant had attained 21 years of age; so in fact as to extend entail ordinarily for 50, but possibly for 80 or 90 years. In common parlance, estates in land may be settled upon any number of lives in being, and 21 years afterwards.

Each possessor of the land thus becomes a tenant-for-life only.

68 In this way each son when he succeeds finds himself merely a tenant for life, and as such possessed of no power to prevent his own son from becoming owner in fee simple with full power to deal with the estate when he in turn shall succeed. But a father so situated is little inclined to leave to his son powers of which he himself is deprived, while his son is generally willing to barter his future liberty for a present liberal allowance. Thus father and son strike a bargain; the father buys the son's surrender of his future right, and the son, for a price, agrees

to submit himself to the restraints of being merely tenant for life instead of in fee simple when his father shall die. The process repeated from generation to generation has re-established in practice the system of entails which the courts had formally abrogated as contrary to public policy, and which every writer has denounced as hurtful to the nation.

Section iii.

69 Whilst these successful means were being continuously taken for the preservation of the large estates in a few families, let us now see what was going on in those smaller estates which had thus far escaped absorption, and in those common lands which formed the remainder of the estate that was left to the community at large.

The smaller estates and "common lands."

70 The system of entails, or of creation of estates for life only, which has now prevailed for six centuries in England, is sufficient to account for the fact that the large estates have continually augmented in size and number, by corresponding absorption of the small properties of yeomen. The small properties are seldom subjected to strict settlement. The owners occasionally fall into difficulties, and then their land is sold to pay their debts. They are frequently moved by natural affection either to divide their estates among all their children or to subject them to charges for children other than the heir, and this also tends to bring them into the market for sale. The large properties therefore continue undiminished; and when a small adjoining freehold comes into the market, it is seldom that the owner of the larger estate cannot find the money to effect its purchase. Once obtained it is in-

Absorption of small properties by the great land-owners.

cluded in the next settlement of the larger estate, and thus permanently withdrawn from the operation of natural processes of disintegration.

Concentration of land in the hands of a few only.

71 On the whole it follows that large estates tend to grow, and in precisely the same proportion small ones tend to disappear. The Peers, in number about 600, hold rather more than one-fifth of all the land in the kingdom. One-half of the whole territory is in the hands of only 7,400 individuals; the other half is divided among 312,500 individuals. Barely one person in one hundred owns more than an acre of soil.

Section iv.

"Enclosures" prompted by the increasing demand for wheat.

72 Something further must now be said on the subject of *Enclosures*. The production of wheat, stimulated by the bounty system, by increasing facilities of locomotion, and by the immense increase of town markets, received a prodigious impulse in the reigns of Anne and the first two Georges. To meet the ever-growing demand, the practice of enclosure, which had been under some respite for a couple of centuries, was now revived on a much more extended scale; but the enclosures of the 18th century were very different in character and objects from the enclosures of the 16th. Then the arable land was converted into pasture. Now it was the remaining waste lands that were to be reclaimed and brought under cultivation.

"Enclosing" now again became the settled policy of landowners. The Enclosure Acts of 1801 and 1845.

73 Many local Acts had been passed for this purpose since the reign of Elizabeth. These so-called "improvements" became more common under George II., and in the reign of George III. "enclosure" became the settled policy of landed proprietors. About 2,000 Enclosure Bills were passed before the General Enclosure Act of 1801,

and about 2,000 more were passed between that Act and the General Enclosure Act of 1845.

74 The Annual Report of the Enclosure Commissioners for 1867 shows that during the 150 years previous no less than 7,660,413 acres were added to the cultivated area, that is about one-third of the total of 25,451,626 acres in cultivation in that year. The Commissioners remark that such enclosures, being often made without any compensation to the smaller commoners, have deprived agricultural labourers of ancient rights over the waste, and disabled the occupants of new cottages from acquiring new rights.

75 Nor must it be supposed that the number of landed proprietors was in any way increased by this process of enclosure. The area enclosed was divided among those, and those only, who already possessed common rights by virtue of their holding freeholds or copyholds, and the very idea of recognising in law any public interest in open wastes or forests is entirely modern. The lion's share was always reserved for the lord of the manor, and immense accessions of territory were thus secured by powerful landowners in days when the landed interest was paramount in the Legislature no less than in local administration. The chief sufferers at the time were poor labourers, holding cottages at will of their landlords, who lost the privilege of turning out pigs, geese, and fowls on the common, and for whom, of course, no compensation was provided, or even thought of.

76 It is worthy of observation that while these Enclosure Acts were applicable to "common fields," separate Acts were passed about the same period to extinguish the primitive system of village husbandry, then still pre-

The amount of land enclosed. The injustice to the commoners. No compensation for them.

The lord of the manor gets the lion's share. Labourers are the chief sufferers.

"Common fields" share the fate of "Common pastures and woods."

vailing in many parts of England. One of these, passed in 1773, facilitated the division and enclosure of these open fields. Since the weaker commoners were seldom able to pay the needful expenses to protect their interests or to assert their own claims before Committees on Enclosure Bills, it is highly probable that enclosure of "common fields," like that of "common pastures and woods," helped to crush out the struggling peasant farmer.

A mere remnant of "common fields" now left.

77 In 1726 was published Lawrence's "New System of Agriculture." In it he states that "it is believed that almost *one-half* part of the kingdom are commons, and a third of all the kingdom is what we call common-fields." Now, in 1879, the common field lands remaining open were estimated at only 264,000 acres. The total area of England alone, as stated in the Agricultural Returns is 32,597,398 acres.

Section v.

The apparent indifference of the people to these proceedings.

78 It will be observed that in relation to the rights described, the lord and the commoners are the only parties recognised by the law in the transactions. The community in general were not considered to have any rights to be respected. Until quite recently the enclosure of commons was regarded as a matter affecting the lord alone, or at most the lord and the commoners. We cannot but marvel, as we now look back on the apparent supineness of the people in the matter. The ease with which these selfish and rapacious schemes of the landowners were carried out is truly surprising.

How accounted for.

79 But a sufficient explanation is to be found in the fact that the parliamentary representation of the people was then in its un-

reformed state, that therefore the community at large had little power of making its voice heard, even had they perceived and understood clearly what was being done. Doubtless, also, that manifest necessity of bringing more land into cultivation in order to supply the needs of the community for daily food blinded their judgment as to the injustice of which they were the victims, until the time of protest had gone by.

80 The two branches of the Legislature have always contained a preponderating proportion of landlords, the Peers deriving their privileges from the fact of being large landowners, and the House of Commons at that time also having its members elected much more largely from those who were related to the Peers and others of the landed gentry than has been the case recently. A legislature thus composed could scarcely be expected to do otherwise than favour a policy which largely augmented their own interests in the land.

The preponderance of the landowning classes in the Legislature.

Section vi.

81 The first sign of an awakening of the public mind to a consciousness of the true meaning of what was going on was in 1836, when in an Enclosure Act of that year it was stipulated that no enclosures should be made within ten miles of London or within corresponding distances of smaller towns. Next, in 1845, when the General Enclosure Act was passed, which applied to all "common lands," it was enacted that manorial wastes must not be enclosed without the previous sanction of Parliament. In 1852, a later Act made the consent of Parliament necessary in *all* cases under the Enclosure Act.

First sign of awakening in the public mind.

The Enclosure Commissioners fail in their duty to protect the public rights.

82 Under these various Acts, however, in spite of these restrictions, the enclosures which were still permissible proceeded apace, and the Commissioners have been not undeservedly accused of unduly favouring enclosure, and neglecting the powers with which they were intrusted for the protection of the public. There seems to have been very good ground for this charge. For the Home Secretary (Mr. Cross, now Viscount Cross) in 1876 stated that out of 414,000 acres which had been enclosed under the Act of 1845, less than 4,000 had been dedicated to purposes of recreation and exercise; and he admitted that whereas enclosures had formerly been treated as a private estate, improvement to which the owner was entitled, a great change of opinion had taken place as to the rights of the public.

Further enclosures forbidden. A marked change of attitude on the part of the people.

83 This feeling found expression in the Metropolitan Commons Act of 1866, which absolutely prohibited all further inclosures of Metropolitan Commons, due compensation being made for beneficial interests affected thereby. This it will be observed is a complete change of attitude. Whereas the lord was formerly treated as the real owner, and allowed to buy off partial interests, the public is now placed in that position of ownership, and the lord becomes an encumbrancer to be bought off like any other.

Successful assertions of community rights.

84 The revival of public interest in commons led to resistance being offered in courts of law to the unauthorized enclosure of commons by lords of the manor. One important case was that of Warrick v. Queen's College, Oxford, in which plaintiff, as a freeholder of the manor of Plumstead, obtained a decree against the defend-

ants, who had enclosed a portion of the common of the manor. The judgment of the Lord Chancellor Hatherley on that occasion contains a statement of the view now taken by the courts of claims to rights of common. In the *Commissioners of Sewers v. Glasse*, the Corporation of London in like manner defeated attempted enclosures in Epping Forest.

CHAPTER V.

THE FUTURE OF LAND TENURE IN ENGLAND.

Section i.

Now on the eve of great changes in the future of land tenure.

85 We may, before concluding our historical review, offer some remarks in reference to the *future* of Land Tenure in England. There is a feeling on every hand that we are, here in England, as in some other countries, on the eve of great changes in the conditions on which in future land shall be allowed to be held. Not only in Ireland, but in the Colonies, and in the United States does the land question exist as a chronic subject of discussion.

The importance of true fundamental principles. Prevalent misconceptions to be avoided.

86 It is therefore of the highest importance that we should be quite sure of our fundamental principles. How easily we may be led astray by carelessness or inattention to this cause is evident when we remember how the historical sketch we have just gone through has reversed many of the prevalent conceptions of the natural or original forms of property.

The primitive form of tenure was not severalty, but commonalty.

87 That the primitive form of property in land was not severalty but commonalty, that land was held not by individuals but by communities, and that individual ownership was

slowly evolved out of common ownership, are propositions as nearly as possible the opposite of our *a priori* ideas on the subject. The existence of rights of common is one of the traces of the ancient system still remaining in our law, but its real significance was for a long time obscured by the feudal theories on which the law of real property has been based.

88 Again, we are so accustomed to regard private property in land as being essentially the same in nature and character as property in things of human production, the result of an individual's labour, that we assume the right of an owner in the land on which his house is built is, and ought to be, as absolute and unlimited as his right in the house itself, which he has himself built, or employed others to build for him.

89 Yet we know, as soon as we come to think of it, that the right of "eminent domain" always has existed, and still exists in the State, and by virtue of it, scarcely a session passes without the Legislature taking possession and control of many acres of land, with or without the so-called owner's consent, in order that it may be devoted to some public purpose, such as railways, roads, canals, &c. Strange as it may appear to those who have not previously thought of it, in England no such thing as the absolute private ownership of land has ever been recognised in law. The absolute and ultimate owner of all lands is the crown, and the highest interest that a subject can hold therein is a tenancy. The largest estate known to the law, that in fee simple, is after all only a holding in which the owner of the fee stands to the lord in the relation of a tenant. All estates in land would therefore fall under this heading.

Property in land essentially different in character from property in the productions of labour.

The right of "eminent domain."

We must, therefore, be very much on our guard as to what assumptions and preconceptions we allow to pass unquestioned.

Section ii.

The important truths of political economy relating to land

90 There is another important consideration to be borne carefully in mind. But little more than a century ago there lived one who is regarded as the father and founder of a new science which has much to say in reference to land. Political economy has startled us with some remarkable propositions. Not only has it shown as the results of experience that great evils have resulted to the community in past times from the institution of private property in land, but it has declared that private property in land is fundamentally wrong and unjust in principle.

Private property in land fundamentally wrong and unjust in principle, and must be abolished.

91 Herbert Spencer has taught us that every man is free to use the earth for the satisfaction of his wants, provided he allows all others the same liberty, and therefore pure Equity does not permit property in land. He goes on to assert that the right of mankind at large to the earth's surface is still valid; all deeds, customs, and laws notwithstanding. Not only have present land tenures an indefensible origin, but it is impossible to discern any mode in which land CAN rightly become private property. And we are finally told that the theory of the co-heirship of all men to the soil is consistent with the highest civilization; and that, however difficult it may be to embody that theory in fact, Equity sternly commands it to be done.

The primitive system of land tenure right and just in

92 When we regard the history of land tenure in England in the light of such propositions as these, we are forced into a humiliating

confession, very painful to those who have indulged a belief in the progressive development of civilization. Our direction of movement has not, we learn, been progressive, but retrogressive. The customs of land tenure in primitive times started out by recognising the ownership of land to be in the whole community, not in individuals, and it gave substantially equal rights to all. From this starting point we have not, as we have fondly fancied, risen to loftier heights, but have despicably fallen.

principle; the modern system wrong and unjust.

93 If, then, political economy is not in error, and no one has successfully proved it to be so, we are manifestly going on the wrong track, and however unwilling we may be to recognise the necessity of coming to a pause and perhaps retracing some of our steps, there is obviously no help for it. Otherwise we must be content in the future to sink deeper and deeper into the mire, instead of setting our feet once more on firm ground.

The necessity of retracing our steps.

94 These considerations are deserving of great weight when we are considering the future of land tenure. Questions as to the law or custom of primogeniture, the abolition of entails, even the establishment of a compulsory system of registration of deeds, important and pressing as these otherwise might be, become mere trivialities when compared with that question of supreme importance as to how we are to restore to the whole community its rights in the land. No amendment of the land question can be of any avail which ignores that gigantic wrong; and when that has been redressed, many of the other minor evils which now trouble us will have disappeared of themselves from the platform of public discussion.

Small reforms of no avail, as compared with that of restoring the community rights.

Section iii.

What is the problem of land tenure?

95 The whole problem of the land question lies, therefore, in this:—

How can we reconcile the right of the individual possessor in the land (which is acknowledged to be necessary to enable him to reap the fruits of his toil) with the continuous right of ownership in the community? This was the problem which our predecessors in early primitive times failed to solve, and so drifted into the institution of private ownership of land, and all its consequent evils.

The solution of the problem.

96 Now a satisfactory solution of this problem has, I venture to think, been found, and the answer is: *To appropriate all ground rents by taxation, and apply the proceeds for the benefit of the whole community.* This would be a simple expedient, and it would be effective for the purpose. While it would disturb no one in the possession of his land, it would, nevertheless, fully assert for the community the ownership of the land.

The difficulties arising from the past.

97 If, then, it were possible for the community to start out afresh on an entirely new career, utterly regardless of the past, this system would satisfy all the requirements of the case. Unfortunately, we know we cannot so easily ignore the past. Nevertheless, we must by no means conclude that it is wholly useless to discuss this solution. It is an immense step gained, when we know not merely that a true and just system must be possible to exist, but also to know what it is, and be able to describe it.

Not to be regarded as insuperable.

98 Herbert Spencer, in speaking of the claims of some who have invested honestly

earned wealth in land, says, "To justly estimate and liquidate the claims of such, is one of the most intricate problems society will one day have to solve." Others have proposed to cut rather than attempt to untie the Gordian knot. Time and space forbid us here to enter into the discussion, but we are at any rate unwilling to believe that Mr. Spencer's problem is absolutely unsolvable. He who can succeed in solving it will deservedly be accounted a great benefactor to the community.

Section iv.

99 Meanwhile, what should be the attitude of the community towards the land question, when it comes under discussion, both inside and outside of Parliament? Here we may observe that the different sections of the Democracy of England in this present year of our Lord 1889 occupy a unique position, such as they have never occupied before. It may be said that the last, or youngest of them, has but just come into legislative power. It becomes them, therefore, to use the more care and circumspection in order that they may not be led to take any false step before they have had sufficient time and opportunity to calmly decide in what direction they should endeavour to move. They have not yet been formally called upon to express any opinion on the history of the past; they have uttered no word of condonation for the wrongs of the past; they have given no pledge that they will either accept the situation as they now find it, or that they will insist on undoing so much of the wrongdoings as is not yet beyond rectification. They have neither yet called the representatives of the wrongdoing class to give an

The proper attitude of the community at the present time. A favourable juncture. The Democracies as yet unpledged. The past of the land question not to be regarded as closed against re-investigation.

account of its deeds, nor yet given any pledge that they should be permitted to go "scot free."

The whole question up to the present remains open for a calm and unprejudiced judgment, which may prepare the way for a wise and just settlement. It would be a grievous mistake, we think, to yield to the idea that the question of the past is now for ever closed up, and cannot be reopened for a reinvestigation.

CHAPTER VI.

THE ALLEGORY.

100 THERE are three branches, we may say (to use a figure of speech), of the family of Democracy now living and grown up, in England. Their family history goes a long way back, but the records of it are by no means without interest. Long time ago they came of a noble race, their mother being a royal dame of ancient Saxon lineage, who died while her offspring were still but babes. She left three comely boys, for whom there was in store a goodly patrimony, a truly royal domain, which she had possessed during her lifetime in her own right. At her decease she committed the care of them to their father, Feudal King, and he solemnly undertook to take good care both of them and their estate; but in a little while after their mother's death, in spite of all his profuse professions of attachment for them, and of his promise of steady devotion to their interests, it soon became evident by his conduct that this was all mere words only, that he had no real regard for them in his heart. Instead of that, he began to behave to them as an unnatural step-father might perhaps have done, and then soon came to look upon them merely as a means by which he could obtain some special emolu-

ments by appointing himself as overseer to their estate. His conduct became at length so intensely selfish, and so neglectful of his duty to care for the children, that he began to fall into much disrepute, and was contemned and disliked by everybody.

101 At length one Simon de Montfort succeeded in getting the boys from under his immediate care, and placed them under the quasi-guardianship and tutorship of an uncle of theirs, whose name was Landed Aristocracy. He had often denounced the shameful conduct of old Feudal King towards the boys, and had sometimes ventured a kind word on their behalf. He was, probably, moved to do this sometimes through a feeling of pique and jealousy against Feudal King, for there was much rivalry and animosity between them in those days. So it was thought their uncle would behave more kindly and justly to the boys than their father had done. For a time this was actually the case, but unfortunately it did not always continue so.

102 Old Feudal King at length becoming feeble, he was finally ousted from any share in the guardianship of the children, and gradually had less and less influence in the management of their estate. His position and influence then fell into the hands of the uncle, Landed Aristocracy. He then, melancholy to relate, having now the full control of everything, and no one in a position to check or interfere with his management in any way, fell under temptation, and though the boys were growing rather too big to suffer in person from ill-treatment by him, yet they were not old enough to perceive and understand all his doings with regard to their estate.

103 Now Landed Aristocracy was due some small interest in the estate as owner on his own account. It was very small as compared with the joint estate of the three brothers, and he often thought that he deserved to have much more, and so he would not unfrequently tamper with the boundary lines in the map which described the estate, and he also removed the fences and landmarks which marked off his portion of the estate, so that they might include a little more than properly belonged to him. Of course he did not do this when the boys were watching, but only when they were away at school or at their work (for they were all industrious boys and did not care to dawdle around all the day as their uncle often did).

104 In addition to this, there were on the large common, which was included in the boys' domain, certain portions called "wastes," which lay somewhat apart from any beaten tracks, and were seldom visited. He knew that they could easily be made valuable, and so he proceeded to put his own fences around them, and then claimed them as part of his own estate. So this went on more and more, till he grew bolder by habit, and long immunity from detection, and he then ceased to take his wonted precautions to prevent himself from being detected by the boys.

105 Meanwhile, as years passed away, they grew up to be young men, and began to look around their estate somewhat more, and to realize what a noble domain it was that belonged to them. They did not for some time find out what had been going on about the fences and wastes, but a suspicion crept into the mind of the eldest one, which was acci-

dentally confirmed one day, when the two elder ones having gone out for a walk and ramble across the common, in the midst of their frolic came upon their uncle just as he was engaged in the very act of enclosing another bit of waste. Some very angry words followed, and in the end the uncle was obliged to desist, and had to retire beaten, and perhaps, for the first time, a little ashamed of his attempted robbery, now that he had been found out.

106 In due course of time all the three young men came of age, the eldest in 1832, the second in 1867, and the youngest in 1885. There were marked differences between them in their dispositions and characters, the eldest being polished in manners, given to trading, and fond of books in his leisure hours; the second one being more town-bred, and skilful with his hands, while the youngest son was in all respects a genuine rustic, being fond of working out of doors, and exhibiting a decided aversion to books. In spite of these differences, however, they were all considered very fine young men, and gave promise of great energy and ability in their more mature manhood. The names by which they were commonly known had reference to their peculiar tastes, the eldest being called Merchant, the second, Artisan, and the youngest, Peasant.

107 Their uncle and whilom guardian had watched their growing strength and vigour not altogether with the becoming pride that one would have expected him to feel in his former charges; and, strive to hide it as he may he cannot always successfully repress the nervous anxiety that will betray itself in his countenance whenever he perceives the young men preparing

to set out to take a survey of their grand and noble estate, now that it has passed into their joint possession. He has already confessed his fears to a sympathizing friend with whom he has taken counsel in the matter, that the young men will be very angry with him when they learn the whole truth about his management of their joint estate, and he would gladly propitiate them now if he knew how. He has a very vivid recollection of the angry storm which fell on his head when in 1876 or thereabouts he was caught by two of the brothers as he was attempting to appropriate a little waste, which he himself knew well the value of, but of which, to his surprise, the boys had also learnt to appreciate the value.

108 Since that day he had not ventured upon any more small depredations. Nevertheless, had it not been for a not unreasonable fear that there would soon be a day of reckoning coming for him, in which the three brothers would unite in calling upon him to render an account of his management of the estate during all those years of their minority—had it not been for this, he would many times have chuckled over the many nice little bits of waste which he had been able to pick from the common, and which he had found could be turned to such profitable account.

109 I shall be very much interested in observing what will shortly take place. I fear very much there will be stormy times ahead. Old Feudal King is still alive, though in extreme old age, and overcome with decrepitude. He long ago retired upon his pension, and no one ever thinks now of consulting him about anything. But as far as he understands at all about it, he has, I fancy, a lurking sympathy for

Landed Aristocracy. They are now no longer rivals as they once were, and so he looks with leniency upon the uncle's doings, remembering his own peccadilloes in former years. It is plain, however, that Landed Aristocracy and the three youthful Democracies will have to arrange their quarrel without his intervention. It is no wonder that the uncle is very uneasy in mind, for he too is now very advanced in years and has lost much of his manly vigour. He is conscious, therefore, that if they should call upon him to make restitution of his pilferings, he could not hope to hold his position by force against those three sturdy young men.

110 I have no doubt that he will try to persuade the young men to let bygones be bygones, and that he will promise to amend in the future, if they will only not trouble him by inquiring too minutely into the past. But I am inclined to think that his efforts to cajole them will not altogether succeed. The young men have been putting their heads together a good deal of late, and I can see by the angry looks on their countenances, and by their occasionally threatening gestures when they seem to be speaking of their uncle, that they are very full of indignation within themselves at the way they have discovered he has been for so many years treating their estate—almost as if it were wholly his own, and they had no right whatever in any part of it. It has become known to them that he has endeavoured to get more and more of it into his own hands, and that he would if he could have defrauded them entirely out of it, and have turned them adrift into the world, penniless and unprovided for.

111 They have not said a single word yet in condonation of any of his offences, but have maintained a discreet, though ominous silence, until they shall have had time to enquire fully into the whole past management. I am inclined to think that instead of condoning his offences or granting him a bill of indemnity, on a mere empty promise of his future good behaviour, it is far more likely that they will call upon him to return those profitable bits of waste which he pilfered from the common; and I should not be very much surprised if they also called upon him to make good out of his own portion of their common estate for the loss and damage which they find they have suffered through his long-accustomed habit of appropriating to his own use all the rents of their estate previous to the time of their coming of age.

112 I have been told also, though I can scarcely credit it, that the uncle has cherished some kind of an idea that he would obtain from the young men some "compensation" when they took the control of the estate into their own hands, because of course he would then have no more opportunities for pilfering as he had been accustomed to do. But really I cannot believe that, hardened as he is, he can have the conscience to expect that. However, we shall see. I confess I am very greatly grieved when I think how much this uncle has fallen in everyone's estimation; for it is a fact that before these revelations were made, all men did esteem him as a noble and worthy gentleman.

BOOK II.



ON COMPENSATION.

IN REFERENCE TO THE PROPOSED
RESUMPTION OF LAND BY THE COMMUNITY.

INTRODUCTION.

113 IN the two preliminary chapters of Book II. there is set forth in brief before the reader a statement or synopsis of the principles to which we appeal in the arguments used in the subsequent chapters. We give them without comment of our own, merely accompanying them with explanatory passages from different sources to illustrate and make clear their meaning. We adopt this course in order to enable the reader at the outset to see clearly the principles on which our argument is based, and to enable him likewise to point out with ease and exactness the precise ground and origin of any disagreement or demurring which he may be disposed to make with the argument as it proceeds.

An explanation.

114 We subjoin then in Chapter I. statements in reference to the fundamental principle of individual and social life, a summary of the natural rights of man, a declaration of the function of Government, and some principles of law ; and in Chapter II. these are supplemented by some axiomatic propositions in reference to land. Beyond this point the argument proceeds in a regular way, leading up to an answer to the question of "compensation" in reference to the proposed resumption of land by the community, and the consequent changes which would follow thereupon.

The plan of proceeding in Book II.

CHAPTER I.

FUNDAMENTAL PRINCIPLES.

The Funda-
mental Princi-
ple of Indivi-
dual Life.

115 *The First and Fundamental Principle of Individual and Social Life.*

Every man has freedom to do all that he wills, provided that he infringes not the equal freedom of any other man.—(See Herbert Spencer's Social Statics, page 127.)

“God wills man's happiness. Man's happiness can only be produced by the exercise of his faculties. Then God wills that he should exercise his faculties. But to exercise his faculties he must have liberty to do all that his faculties naturally impel him to do. Then God intends that he should have that liberty. Therefore he has a RIGHT to that liberty. * * * Wherefore we arrive at the general proposition that every man may claim the fullest liberty to exercise his faculties compatible with this possession of like liberty by every other man.”

—Social Statics, page 93.

The natural
rights of man.

116 *The natural rights of man.*

Each one (as against all others, and so far as interference with him by them is concerned) is entitled to himself, to his life, to his liberty, to the

fruits of his exertions, to the pursuit of happiness ;

(The limitation.) Subject only to the equal correlative rights of every other human being.

See Social Statics, page 108, in reference to the Equality of human rights.

See also page 130 as to the rights of life and personal liberty, as follows:—

“ These are such self-evident corollaries from our first principle as scarcely to need a separate statement. If every man has freedom to do all that he wills, provided he infringes not the equal freedom of any other man, it is manifest that he has a claim to his life, for without it he can do nothing that he has willed ; and to his personal liberty ; for the withdrawal of it partially, if not wholly, restrains him from the fulfilment of his will. It is just as clear, too, that each man is forbidden to deprive his fellow of life or liberty ; inasmuch as he cannot do this without breaking the law, which, in asserting his freedom, declares that he shall not infringe ‘ the equal freedom of any other.’ For he who is killed or enslaved is obviously no longer equally free with his killer or enslaver.”

117 See also page 131, on “ the right to the use of the earth.”

The right to the use of the earth.

1. Given a race of human beings having like claims to pursue the objects of their desires—given a world adapted to the gratification of those desires—a world into which such beings are similarly born, and it unavoidably follows that they have equal rights to the use of this world. For if each of them “ has

freedom to do all that he wills, provided he infringes not the equal freedom of any other," then each of them is free to use the earth for the satisfaction of his wants, provided he allows all others the same liberty. And conversely, it is manifest that no one, or part of them, may use the earth in such a way as to prevent the rest from similarly using it; seeing that to do this is to assume greater freedom than the rest, and consequently to break the law.

The function
of Government.

118 *The Function of Government.*

The primary function of government is to secure to all its people their natural rights.

It is a perversion and abuse of government if it perform other functions otherwise than in subordination to that primary function, or if it make and enforce laws which abridge or deny those natural rights.

Illustration
from Magna
Charta, A.D.
1215.

119 In illustration of the natural rights of men, and the function of government, we may quote the following extracts from famous "Declarations" solemnly made at great historical crises under somewhat similar circumstances, though in different ages and by different peoples.

1. From Magna Charta, A.D. 1215 :

"No freeman shall be deprived of his life, liberty or property, except by the law of the land and the judgment of his peers."

Illustration
from Petition
of Rights, A.D.
1628.

120 2. The Petition of Rights, A.D. 1628 :

"That no man hereafter be compelled to make or yield any gift, loan, benevolence, tax or such like charge without common consent by Act of Parliament : and that no freeman be imprisoned or detained."

It recited the statutes that protected the subject against arbitrary taxation, against loans and benevolences, against punishment, outlawry or deprivation of goods, otherwise than by lawful judgment of his peers, against arbitrary imprisonment without stated charge, against billeting of soldiery on the people, or enactment of martial law in time of peace.

121 3. The Declaration of Rights, A.D. 1689.

It recited the resolve of the Lords and Commons to assert the ancient rights and liberties of English subjects. It denied the right of any King to suspend or dispense with laws, or to exact money save by consent of Parliament. It asserted for the subject a right to petition, to a free choice of representatives in Parliament, and to a pure and merciful administration of justice. It declared the right of both Houses to liberty of debate. It demanded securities for the free exercise of religion, and bound the new sovereign to maintain the laws and liberties of the nation.

See Green's History of the English People.

122 4. From the American Declaration of Independence, made July 4th, 1776:

"We hold these truths to be self-evident; that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such

Illustration
from Declaration
of Rights,
A. D. 1689.

Illustration
from American
Declaration of
Independence,
A. D. 1776.

principles, and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness."

Illustration
from Constitu-
tion of United
States, A. D.
1789.

123 5. From the Preamble to the Constitution of the United States, adopted September 15th, 1787, and ratified and made law March 4th, 1789:—

"We, the People of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

Illustration
from French
Declaration of
the Rights of
Man, A. D.
1789.

124 6. The French "Declaration of the Rights of Man and of Citizens," issued by the National Assembly in 1789:

"The representatives of the people of France, formed into a National Assembly, considering that ignorance, neglect, or contempt of human rights are the sole causes of public misfortunes and corruptions of government, have resolved to set forth, in a solemn declaration, those natural, imprescriptible and inalienable rights, and do recognize and declare, in the presence of the Supreme Being, and with the hope of His blessing and favour, the following sacred rights of men and of citizens:

"(1.) Men are born and always continue free and equal in respect of their rights. Civil distinctions, therefore, can only be founded on public ability.

"(2.) The end of all political associations is

the preservation of the natural and imprescriptible rights of man, and these rights are liberty, property, security, and resistance of oppression."

125 We may add also the following extracts from the Liturgy, showing what the Church teaches her children to pray for on behalf of their rulers :—

Illustration
from the
Liturgy of the
Church of
England and
of the Ameri-
can Episcopal
Church.

From the Litany :

"That it may please Thee to bless and preserve all Christian rulers and magistrates, giving them grace to execute justice and to maintain truth."

From the Prayer for Parliament and for Congress, to be used during their Session :

"That Thou wouldest be pleased to direct and prosper all their consultations, to the advancement of Thy glory, the good of Thy Church, the safety, honour, and welfare of Thy people ; that all things may be so ordered and settled by their endeavours upon the best and surest foundations, that peace and happiness, truth and justice, religion and piety may be established among us for all generations."

From the Prayer for the Church Militant :

"We beseech Thee also, so to direct and dispose the hearts of all Christian Rulers, that they may truly and impartially administer justice, to the punishment of wickedness and vice, and to the maintenance of Thy true religion and virtue."

From the Lord's Prayer :

“ Thy kingdom come, Thy will be done on earth, as it is in heaven. Give us this day our daily bread.”

Some principles of Law.

126 *Some Principles of Law.*

i. That the power of the government to make laws for the protection of natural rights is inalienable ; such power being so indispensable to the public welfare that it cannot be bargained away by contract.

ii. That under the laws at any time provided for the protection of natural rights, individuals may acquire property rights which are unassailable and must be respected by other individuals.

iii. That property so acquired is held subject to the right of the legislature to qualify or destroy it at will according to its judgment of what the public interest requires, and without regard to investments that may have been made or calculations based on the actions of a prior legislature, even though such action took the form of a contract.

Note.—See *Butchers' Union Company versus Crescent City Company* 111 U.S. 746 and *Slaughter-house Cases* 16 Wall 36, in which these principles of law are so interpreted in reference to the matter of public health.

CHAPTER II.

AXIOMS AND ASSUMPTIONS IN REFERENCE TO LAND.

127 *Some important propositions relating to land*, described in terms suggested by judicial rulings on public health in the legal cases previously mentioned.

Propositions
relating to land

i. The due regulation by law of the use of the land within the government's jurisdiction is indispensable to the public welfare, for so only can the natural rights of all the people be secured.

ii. Hence government cannot deprive itself or be deprived of the power to regulate the use of land at any time and in any manner that is adapted to secure to all the people their natural rights—*i. e.* such power cannot in any manner be suspended or abdicated or otherwise alienated.

iii. Under the laws that at any time exist individuals may acquire property in land, which must be respected by their fellows, and such property, according to its nature as determined by existing law, they may use or abuse, sell, donate or devise, substantially as they please.

iv. But no property in land can be acquired except subject to the limitation that it may at

any time be qualified or destroyed at the will of the legislature, expressed in general laws applying to all the land within the jurisdiction.

The conclusion to be drawn from these propositions is :—

v. That no man now has any property in land which cannot rightfully be qualified or destroyed without compensation by general laws designed to regulate the use of land.

The arguments on which these propositions are founded.

128 *The bases or arguments on which these propositions are founded.*

i. Land is literally indispensable to life. The right of life therefore involves a right to land, title to which vests at birth, and by the fact of birth, in every human being. Such right as against all other human beings, like the right to life, has no limit except such as the equal correlative rights of others impose.

ii. Land varies in fertility, salubrity, accessibility, and generally in desirableness. Laws therefore securing to some men as absolute property the best parcels of land are unjust inasmuch as the natural right of other men to the best parcels is as good as that of the favoured ones.

iii. The land within the jurisdiction of the government is limited in amount, and is therefore capable of full appropriation by some to the exclusion of others. Some men are then compelled to pay rent to others ; that is, they must surrender some portion of their property. The natural right of these to what they have acquired by the exercise of the powers and faculties with which nature has endowed them is in so far

impaired (since those others who receive rent are not put by the laws in the same predicament).

iv. The conclusion is:—

That absolute property in land as a legal institution is inconsistent with and destructive of the natural right to life, the natural right to liberty, the natural right to the fruit of one's exertions, the natural right to the pursuit of happiness.

Hence the land is not the rightful subject of absolute property, but its use and occupancy must be regulated by law. A material thing is not rightfully the subject of absolute property, if the appropriation of it by the exertion of one man's natural powers interferes with the equal right of other men to exert their natural powers.

129 *An explanation of the grounds on which it is asserted, paragraph 128, (i.), that:—*

Every human being has, as against others, a natural right to land, and that there is no limit to such right except that prescribed by the equal rights of other human beings.

Explanation
why every
human being
has a right to
land.

Since all men have the same equal right to life, it follows that they must all have the same equal right to land. To deny the equal right to the elements necessary to the maintaining of life is to deny the equal right to life. As no law or custom or agreement can justify the denial of the equal right to life, so no law or custom or agreement can justify the denial of the equal right to land. It therefore follows from the very fact of their existence, that the right of each one to an equal share in the land is equal

and inalienable ; that is to say, that the use and benefit of the land belong rightfully to the whole people : to each one as much as to the other ; to no one more than to the other ; not to some individuals to the exclusion of other individuals ; not to one class to the exclusion of other classes ; not to landlords, not to tenants, not to cultivators, but to the whole people.

This right is irrefutable and indefeasible. It pertains to and springs from the fact of existence, the right to live. No law, no covenant, no agreement can bar it. One generation cannot stipulate away the rights of another generation. If the whole people were to unite in bargaining away their right in the land, how could they justly bargain away the right of the child who the next moment is born ? No one can bargain away what is not his ; no one can stipulate away the rights of another. And if the newborn infant has an equal right to life, then has it an equal right to land. Its warrant, which comes direct from nature, and which sets aside all human laws and title deeds, is the fact that it is born.

See Henry George's "The Land Question," Chapter V.

CHAPTER III.

HOW THE RIGHTS OF THE COMMUNITY ARE INFRINGED UPON AT PRESENT.

130 HAVING in the preceding chapters, as a preliminary preparation, laid down the fundamental principles and axioms in reference to land, which form the true and sound basis for a discussion, we propose now to proceed to an examination of some points leading up to the question of "compensation" as it might affect the proposed resumption of land by the community.

131 The rights of the community are made up of the rights of all the individuals composing the community. The rights of the community will be fully secured when every individual is in a position to enjoy all his natural rights, summed up in brief, in the right to himself, and subject only to the equal right of every other individual to himself. Now we have seen that the right to life involves of necessity the right to land. But in the present day we perceive that some individuals, to the practical exclusion of all others, claim for themselves as their legal right an absolute property in land. Whence has this claim arisen, and on what is it founded? The answer given is that it is not claimed as a right from constitutional law, the theory being still

The question now to be entered upon.

The rights of the community to the land. Origin of the absolute claims of landowners. Pleas urged to shew that the State has indirectly sanctioned them.

admitted that the State is ultimately the sole and absolute owner of all the land within its jurisdiction. We must look, then, to history for an explanation of its origin, and we find that in England it arose as a consequence of the Act of 1660 which abolished military tenures, and substituted freehold tenure of land. By repudiating the obligations that had previously been imposed upon the holding of land, without substituting any equivalent obligations the landowners became, *ipso facto*, absolute and unrestricted owners, notwithstanding the nominal ownership of the State. Except when land has been taken for railroads and other public purposes, the nominal ownership of the State has never since that date really and directly interfered with or restricted the absolute ownership of the landlords, and so by lapse of time and growth of custom it is claimed that the State has in a measure been induced practically to give indirect sanction to the absolute ownership of the landlords, as against itself the nominal and rightful owner. In the next place we are further reminded that when land in these exceptional cases has been taken for public purposes, compensation has been awarded to the landowner for the bare land as well as for the improvements necessarily condemned thereon.

The plea arising from usage, and the plea from precedent.

132 On these two grounds, then, viz., that arising from long-established usage, and that derived from precedent in case of railroads, etc., an endeavour is made to establish a valid claim for compensation to the landowners, in case the community should determine by any method to reassert and resume its undoubted rightful ownership of the soil.

133 Before proceeding farther in the special enquiry which is the subject of the present chapter, it will be well to pause awhile in order to ascertain whether it be true, as the above-mentioned grounds might seem to suggest, that the State has already, by its action, prejudiced this whole question of compensation for the land in favour of the landowners. If it be so, of course, any further enquiry on our part would be by many deemed useless: the matter would be considered practically at an end.

Deserving of examination.

134 Now with reference to the argument from long usage, we can observe at once that it might have been more likely to have had weight, if at all, before the era of railroads and other public improvements had set in. As it is now, every time that a railroad bill has been brought before the Legislature an appeal has been virtually made to the State to exercise its right of eminent domain in order to procure some benefit for the public good. Thus, if the argument, from long usage, might formerly have had any weight, it has ceased now, in these days, to have any, because of the constant reminders which these schemes have given of the existence of the State's right, to those who were sufficiently alert to understand the true significance of those appeals. Some persons may have unthinkingly regarded them as appeals to the power of the State, rendered justifiable because of the necessity, to exercise its omnipotence in over-riding the ordinary law; but they might easily have learnt, by a careful enquiry, that instead of that, they were appeals only for the exercise of a latent, though sometime dormant, legal power, which the State had always necessarily possessed as the representative of the rights of the

The argument from long usage refuted.

community, and which in former ages it had exercised much more directly and frequently than it has done in the last two centuries in which it has seemed until recently to be somewhat sinking into abeyance.

The precedent in the case of railroads sometimes incorrectly represented. The term "landowner" a misnomer.

135 Again, in reference to that other plea arising from precedent in the case of railroads, it must be pointed out that the exact position of the State in these transactions has been much misunderstood and misinterpreted. The matter is usually somewhat loosely referred to as if it were the State itself that had given compensation to landlords, thereby acknowledging the latter as real and absolute owners; whereas, in fact, the compensation has been given by the corporations to whom the State has granted special privileges or franchises to be exercised in behalf of the public welfare. And that which the landlords have surrendered in exchange has not been really their rights of ownership (for in strictness they did not have any), but only their rights of possession in subordination to the real ownership of the State. And when the transaction has been completed, the position of the State as absolute owner remains undisturbed and unchanged, the rights of possession merely having passed into new hands. The fact is, the term "landowner," as it is often used as synonymous with "landholder," is clearly a misnomer, which leads many into confusion of thought. The State is really the only landowner recognised by the law, all others being merely tenants in possession, more properly styled "landholders."

The real circumstances of such a case. The limitation

136 If, then, the State should now see fit to determine the rights of the present possessors, or to alter the conditions on which it would

permit them to continue in possession, the case would be essentially different from that in which two parties are bargaining together for the right of possession of a particular parcel of land under a third party as absolute owner. The right of the State as absolute owner, by means of a general law applicable to all its land, to resume possession to itself, or to continue it to individuals under altered conditions, can in no degree be prejudiced or barred by the precedents in the case of railroads and other public improvements. No parliament has ever given a valid guarantee that the conditions of possession should remain unchanged. It could not do so if it would, because it could have no power to enforce its will upon subsequent parliaments; and it would scarcely venture to do so with its eyes fully open, even if it could, because it would be such a manifest usurpation of the rights of succeeding parliaments and generations. The "omnipotence" of any single parliament is strictly limited to the period of its own existence. The next parliament may lawfully nullify or undo any part or the whole of its predecessor's work.

137 If there are any other cases in which compensation has been awarded to landowners, to which these arguments do not seem to fully apply, it would still be pertinent to show that these are exceptional cases, in which the rights of single individuals only were concerned, in which case there might be reasons to render it expedient or justifiable to allow compensation, so that there might be no appearance of discrimination operating against one only, and not against all; but such cases could afford no basis on which to found a precedent when the State

of the "omnipotence" of parliament.

A special and exceptional case furnishes no precedent in bar of a general law affecting all land. Suspicion attaching to a precedent made by a parliament of landowners.

by a general law affecting all land should apply the same principle to the whole community. And further, even if such a precedent could be shewn to have been made, it would still be liable to the suspicion that it owed its existence to the preponderating influence of the landowners in previous parliaments, and could scarcely be held to have received so much sanction from the whole community, as might be implied hereafter in a similar case, now that all other interests in the community have begun to demand and receive their due representation and weight of influence in the legislature.

The Parliament of 1660 condemned.

138 To return then to the Parliament of 1660 and its legislative work, we instinctively see that the change from military tenures to freehold (which had become expedient for various good reasons) might have been made, as it was right that it should be made, without superseding every obligation on the part of landlords to observe the strictly-limited and well-defined rights of possession which are compatible with that due recognition of the absolute ownership of the State which is necessary for the free exercise of the rights of every other member of the community. Such a proper arrangement had been previously discussed and almost completed by the Parliament in 1610. It seems scarcely possible, therefore, to suppose that such a mistake was made unwittingly. If so, we must say that it is such a mistake as could only have been possible in a parliament composed of landlords exclusively, or in which their influence very largely predominated. No other parliament could have been so easily and suspiciously hood-winked.* The responsibility for

* The measure was passed by a majority of two votes only.

this most culpable failure must, therefore, rest upon the Parliament of 1660, and it stands condemned as having failed to perform the primary function of government to secure to all its people their natural rights. It did in fact make and enforce a law which caused a most serious abridgement and denial of those natural rights. It was a virtual attempt on its part to stipulate away the rights of that and every succeeding generation. It was an act of usurpation on its part, which cannot be too severely reprobated. And every parliament that has succeeded it deserves some share in its condemnation for having so far tacitly acquiesced in this great wrong. For it is manifest to every candid judgment that the imposition of the land tax in 1693 can in no just sense be regarded as a sufficient equivalent for the rights thus culpably bargained away.

139 It is scarcely perhaps necessary to enlarge much on the enormous evil and vicious consequences which are distinctly traceable to this gigantic wrong. They lie patent now on every hand, the source of grief to every candid observer. The denial of the right to land, which is evidenced by the widespread inability to obtain a sufficiency of remunerative employment, involves ultimately the denial of the right to life; and this ultimate result has been and is now to-day staved off temporarily only, by very many members of the community, with the certainty staring them in the face that they must sooner or later prematurely succumb. Meanwhile, stern necessity compels them to purchase some small right of access to land, or, what is equivalent, to obtain permission to labour from some employer, with the sacrifice of their right

Consequences of [its evil action.

to very large proportions of the fruits of the labour, which they must perform after they have thus gained permission to labour. But even this is not the worst ; for in the case of a daily increasing number of others, who fail to obtain this necessary permission to labour, there remains no other escape from that ultimate result of the denial of the right to life than can be obtained by an appeal to charity, or a resort to shame and crime.

CHAPTER IV.

HOW MAY THE RIGHTS OF THE COMMUNITY BE RE-ASSERTED AND SECURED?

140 We have already in Book I., Chapter V., Section iii., given the answer to this question in brief. The problem to be solved may be re-stated thus:—

Statement of
the problem
with regard to
land.

Recognizing the truth and justice of the theory that the land belongs to the whole community, and that every member of it has an equal right to share in its usufruct, and that it is practically impossible and inadvisable for every one to occupy what might be considered his own equal portion of the land, how then may the land be permitted to be occupied and cultivated by some only to the exclusion of others, without infringing the equal rights of those others?

141 The answer to this, which seems to be simplest and best, is:—By requiring those who are permitted to occupy or cultivate the land to pay to the community a full equivalent for the special privileges which they thus enjoy; that is, in effect, requiring landholders to pay rent to the community for the possession of their land.

The answer
to the problem.

142 This, then, gives us the answer we seek, viz.: The rights of the community may be reasserted and secured through the appropria-

The answer
to the question
of Chapter IV.

tion of ground rents by taxation, and applying the proceeds for the benefit of the whole community.

Why the community must appropriate the *full* rental value from the landholders.

143 In this way every individual in the community would be in effect a landowner, and would receive an equal share in the usufruct of the land. The amount which each landholder should be called on to pay would be the *full rental value* of the land which he occupied, so that no one by underletting would be able to obtain more as rental from the sub-tenant than the landlord would be required to pay over to the community; and likewise, no one, in transferring his occupation of the land to another, could obtain any payment as selling value for the bare land, because the selling value of all land (of course not including improvements) would be, in effect, wholly destroyed. No one would give anything as purchase-money for land from which he was not to be permitted to obtain any rental that he could appropriate to himself. There would, in fact, be no advantage to anyone in holding land, except for its actual use in cultivation, or in sites for houses, buildings, etc., the whole of its rental value being taken by the community, and its selling value being totally done away with. It is obvious that if the community should take a part only, and not the whole of the rental value, then the landlord would retain for himself the remaining portion of the rent, and as long as that was permitted to continue, the land would also continue to have some selling value, though diminished in amount in proportion.

The practical problem of the tax-assessor.

144 Here, then, the question arises, *how shall the tax assessor know what is the full rental value of any piece of land?* This could be

approximately ascertained, for any individual piece of land, by a comparison with the rental value of all other land in its immediate neighbourhood, and similarly situated. This would, in practice, become a very simple matter, as it would be the interest of every landowner to see that he was fairly assessed, in comparison with his neighbours. But suppose the whole of a considerable district, under the same assessor, should be under-assessed, so that no discrepancy or unfairness is revealed by a comparison of the assessments of its landowners one with another, and we will suppose, also, that by a tacit conspiracy on the part of the landowners, the assessor is prevented from perceiving and demonstrating the fact that they are being permitted to appropriate and retain for themselves some portion of the rental value due to the community. How, in that case, can an honest assessor, or an aggrieved member of the community, proceed to uncover the wrong, and obtain the remedy?

145 An error, in this case, would be detected and exposed by observing the selling price of any piece of land with its improvements anywhere within the assessor's district, either when sold by private contract, or when it chanced to be put up for sale by public auction. The values of houses, stables, barns, fences, walls, warehouses, etc., in similar situations do not vary much all over the country, and can be precisely ascertained in any individual instance by learning or estimating the exact cost of construction, as valuers now are accustomed to do. If, then, it is found that on selling an improved piece of land by auction, the price obtained is in excess of the value of the mere improvements, it

How to detect an error in the assessment.

is clear that the excess is due to the selling value of the bare land, and is an exact measure of that selling value. The assessor, noting and estimating the amount of this excess, can, by a simple calculation, determine by how much the rental value paid to the community falls short of that which is the full and true rental value.

How to rectify it.

146 For example, suppose a parcel of land, when thus sold, is found to have a selling value of £1,000, and the current rate of interest being, say, 5 per cent., it shews that the investor expects, by his purchase, to realize as much as £50 per annum, or else he would prefer to invest his money in some other way. The assessor, privately noting this, would then infer that the rental value of the land had been previously under-assessed to the amount of £50 per annum, and, if the results of his observations in a number of similar instances shewed him that this was not an exceptional, but a typical case, he would, in due course, make the correction accordingly, and the selling value would be at once destroyed as regards the future. He would, at the same time, raise the assessment of every other parcel of land in his district in the same proportion.

An objection answered.

147 It will be objected that any intending purchaser foreseeing this action on the part of the assessor, would be careful not to offer any sum which could be reckoned as partly a price for the selling value of land, and that therefore the test would fail in application. As, however, transfers of land, either by public or private sale, would be constantly going on, if purchasers were in their own minds convinced that the land really had a selling value, they would not be deterred, when competing with each other, from

offering the full value according to the then existing assessment, and running the risk, along with every other landowner in the same district, of having the assessment raised all round, up to the true rental value.

148 If in any district the assessment should be placed *higher* than the true rental value, so as to be, in fact, in part a tax upon improvements in addition, this error would reveal itself in causing purchasers to be unwilling to give full market value for the improvements upon the land, and the assessor would then be appealed to to reduce the assessment all round.

A self-adjusting system.

We should thus have a self-adjusting system which would always enable all the parties concerned to satisfy themselves with sufficient accuracy as to the amount of the true rental value.

149 There is yet another point to be here noticed. Supposing it to be true that the full rental value of the land can be accurately and justly estimated and collected from the landlord, what is to hinder the landlord from reimbursing himself by imposing upon his tenants as additional rent for his improvements a part or even the full amount of the rental value taken from him by the community? The answer is, that the land value tax is a direct tax, falling on the landlords, and which could not in any way be shifted by them on to their tenants. For, in the first place, if it were possible for landlords to impose any increased rental, it is quite certain they would do so now. They are not withheld by any philanthropic scruples from charging the utmost they can obtain, and if a land value tax were imposed on them, it would not give them

Why the landlord could not shift the tax on to the tenant.

any additional power to do so. In the next place, observe that land differs from houses and other products of labour, in that the supply of it is constant ; it can neither be diminished nor increased. If a tax be put on houses, the building of houses is for a time discouraged and diminished in consequence, until the rent of houses has increased sufficiently to enable the houseowner to obtain the same return on his outlay as before. But if a tax be put on the value of land, the supply of land cannot be affected thereby, and therefore no scarcity arises to enable the landlord to obtain an increase of rent. Thus he cannot shift the tax on to the tenant, but the burden remains on his own shoulders, where it properly belongs.

The successful working of the plan demonstrated.

150 We have thus demonstrated the successful working of the plan proposed, if put into actual practice, so far as the collection of the rental value from the landlords by the community is concerned.

CHAPTER V.

WORDS AND DEFINITIONS. LANDOWNER, LAND-HOLDER, IMPROVEMENT-OWNER.

151 WE have now reached a stage in our enquiry at which it becomes expedient before proceeding further, to lay down some more precise definitions of the terms and phrases which we have so far used (we trust without ambiguity or confusion of thought in our own or the reader's mind), in their ordinary and common acceptation. We have already pointed out one very prevalent misnomer, which has been a most fertile source of blundering misconception to many unthinking minds. Because a man who is only a landholder is often permitted without correction to style himself a landowner, we hear him asking, and many others repeating the question on his behalf, Is not the land *my* land? Do not I own it? And may I not do what I will with mine own? and so on. To all of which queries, although somewhat staggering at first, the obviously true and simple answer is, "No, you cannot be allowed to do as you please with the land, because the land is not yours, notwithstanding all that your title deeds may say. They do but give you, even according to the law as it stands at

The important distinction between ownership and mere possession.

present, the possession of the land, not the ownership of it. You are, even now in the eye of the law, not a landowner, but only a landholder, a tenant." And the difference between the rights of possession merely, and the right of ownership is very considerable, as we shall further presently see.

The earth is the Lord's and not man's.

152 Very much confusion of ideas, bringing with it also very great and practical evils, has resulted from forgetting, or overlooking, or ignoring as irrelevant, in the discussions of legal and social and economic questions, some fundamental truths which religion has been constantly teaching and continually iterating to mankind in every age. No one ought to need to be told again now that the earth was not made by man, but created by God, whose own oft-repeated declaration is, "*Heaven is my throne, the earth is my footstool. Hath not my hand made all these things?*"; and again who bids His prophet proclaim aloud with a trumpet voice in the ears of all mankind, the echo of which continues still to reverberate through every age, "*The earth is the Lord's and the fulness thereof.*"

The unvarying testimony of the Church to the truth.

153 These, and very many similar declarations,* we must observe, have never been, nor can ever be, recalled by God, nor annulled by man. They must remain to the world's end the fundamental bases of all righteous government, and

* With reference to the arguments used in this chapter the reader may be referred to the following passages of Scripture:—

Psalm 24, ver. 1-2, quoted also in I. Cor. 10, 26-28; Ps. 50, 10-12; Ps. 89, 11-12; Ps. 115, 15-18; Isaiah 66, 1-2, quoted likewise in Acts 7, 49-50; Lev. 25, 23-24; Deut. 26, 9-11, and ver. 15; I. Kings 8, 36; Ezekiel 11, 14-17.

of all wise and just legislation in regard to land. God is the only owner of the land, and His right is in virtue of the same fact as that by which He claims to own even man himself. The earth and man are both equally His, because He created them; and the claims of the creature to the earth may not rival, or attempt to supersede, that of the Creator of both. They are each the work of His own hands alone. Of the one we chant daily in the Church Service:—

“The Lord is a great God, and a great King above all gods. In His hands are all the corners of the earth, and the strength of the hills is His also. The sea is His, and He made it, and His hands prepared the dry land.”

And to the other, we joyously call:—

“O, come, let us worship and fall down and kneel before the Lord our Maker. For He is the Lord our God, and we are the people of His pasture, and the sheep of His hand.”

154 Are not all these declarations the most obvious and familiar truths? Who dares venture indeed to deny them? Have they not stood the test of ages, and can any endeavours on the part of men undermine their eternal truth, or render them irrelevant to the affairs of mankind? Is it not manifest that to ignore them must lead us into fundamental and inextricable errors, and that even any attempt to do so must be condemned as the result of blindness or madness or blasphemous daring which could but end in danger and destruction to the happiness and welfare of mankind both here and hereafter?

155 What then is man's right in the land, whence does he derive it, and how is it limited?

The danger of forgetting or ignoring it.

Man's right in the land cannot be based

on his creation
of any part of
its material.

Man can of himself claim no right in the land, or indeed in anything else, by virtue of his creation of it. He can neither add to nor diminish from the elements of the earth by the amount of an infinitesimal atom. His power is strictly limited to that of altering in shape or form, grouping into new combinations, removing into different localities, interchanging its state, solid, liquid or gaseous, controlling for a short time only, and to a very limited degree, the operation of those natural forces which are perpetually tending to restore the original elements which man has moulded by his efforts into forms suited for the satisfaction of his desires back again into the same conditions and circumstances in which he found them.

Nor of any
portion of its
energy.

156 Even the energy which man expends in effecting these temporary changes in the elements of the earth to fit them for his use and enjoyment, is subject to the same impassable and unyielding limit of the Creator's law, placing it beyond and above man's power to increase or diminish by a single unit of energy the total of those inexhaustible stores in the reservoirs of natural forces, which the bounty of the Creator has created and provided for man's use from age to age, but of which man could never have acquired the power either to create or destroy the least inconceivable fraction.

Truly, the music of the spheres rolls on in its wondrous harmonies but little affected by even the greatest of man's comparatively puny efforts. "One generation passeth away, and another generation cometh: but the earth abideth for ever." (Eccles. I. iv.)

But is the
gift of the
Creator's
bounty.

157 Man's title to land is read in the same book which tells of the supreme and absolute

ownership and sovereignty of the Creator of the land. "Ye are the blessed of the Lord who made heaven and earth. The heaven, even the heavens are the Lord's, but the *earth hath He given to the CHILDREN of men.*" Here is the parchment of man's title-deed to land. He receives it by direct gift from God, not by inheritance from man. No claim of human ancestry can either mend or mar this title. It is both indefeasible and inalienable, and indestructible. Man owes it not to the labours and industry of his predecessors: to God alone should he render his thanks for it. It is His bounty that has covered the earth with all that renders it suitable for man's habitation; the wild grass of the prairie, the trees in the forest, the herbs and flowers and shrubs in the garden, the corn and wheat in the fields, the pasturage in the meadows, the treasures in the bowels of the earth, the birds in the air, the fishes in the waters, the animals that roam over the land. It is He that sendeth the former and the latter rain, and that causeth His sun to shine by day, both on the just and on the unjust, and the moon and the stars by night, to declare His glory and handiwork. For all these the Lord be praised; not our ancestors.

158 How far then does man's right to land extend, and what is its limit? It extends to the usufruct of the land (the temporary use of it, without power of alienation) and no further. It cannot infringe upon the absolute ownership of the Creator. Man can have the temporary use of the land, but cannot really own it, and therefore cannot alienate it to another. For observe God's gift of the earth is to the "*CHILDREN of Men,*" and this gift is a continuous act.

How far it extends, and what is its limit.

He gives to every present generation in turn no more than the usufruct, and to every individual of that generation this right to the use of the earth is God's gift to it from that instant when He sends it forth into the world bringing with it eyes, and hands, and limbs, as evidence that it is fitted and intended to exercise that right; and its right terminates or lapses likewise on that instant when death summons the soul to return to the God who gave it. There is nothing, therefore, of land which one generation can rightly undertake to control and regulate for another, and there is no inherent right in any man to bequeath or devise the land either to his children or to any one else, since his own right is merely that of usufruct, which does not survive him.

The Creator's
feudal system.

159 The Creator's feudal system is such that the Lord gives to every one of His subjects as his inheritance and birthright without distinction of rich or poor, high or low, great or small, the right to an equal share in the enjoyment of His Sovereign domain (for did not the Sacred Preacher proclaim that "the profit of the earth is for all." Eccles. 5, 9); and the system under His perfect management works automatically. Each individual receives from the Lord to whom he owes his allegiance, at the moment of his birth, his "estate-for-life," which instantly "escheats" once more into the possession of the Grantor on the demise of His subject. There is no question of succession by primogeniture or gavelkind arising here. The Sovereign Grantor with His own hand bestows His estate independently and individually on each successive occupant and sharer of it, and to Him alone is any subject indebted for it.

160 We shall therefore be wise, if indeed we must still continue through force of habit to use inaccurate and misleading terms, to occasionally guard ourselves from error by reminding ourselves of these afore-mentioned fundamental truths. There can really be no such persons as "landowners," there being but one real landowner, God Himself. Man's right is merely one of possession, not of ownership.

No real class of landowners, but one Landowner, the Creator.

161 And when we go on to say that the land belongs to the State, as the representative of the whole community in its corporate capacity, we mean that the usufruct of the land belongs to the whole community as a corporation having continuous life from generation to generation, and each generation derives its right, not by gift or inheritance from a previous generation, but independently from the Creator, simply by virtue of its being the present existing generation, and by the cumulation of the God-given right of each of its individual members from the day of its birth to the day of its death. No right of control of any generation extends beyond its own lifetime, and therefore it cannot transmit any such right, even if it were at all necessary or desirable that it should do so. Those who are permitted by the laws which the State sanctions or lays down on behalf of any existing generation to enjoy the usufruct of the land are then wrongly termed landowners, but less inaccurately called landholders. Strictly they are holders of the right to the usufruct of the land. That is all that they can possess, because it is all that the existing generation possesses, and therefore all that it can give to anyone.

No real class of landholders, but one Landholder, the State.

Instead of the terms "landowners" "landholders" substitute "improvement owners."

162 Surely, however, it cannot be necessary that we should be compelled to continue always the use of this misleading phraseology. Why should not the term "landowner" be blotted out from the dictionary, except it be written always with a capital "L" and used as a synonym for the Creator only. And why should not the term "landholder" cease likewise to be used as a name for an individual, because the State, or the Community in its corporate capacity, having a perpetual life through all generations is really the only Landholder—with a capital "L" also? We might then find a new designation for the individual whom the community permits to occupy the land and put his improvements thereon. Why should we not designate him without reference to the land at all, for it is really scarcely any concern of his? Why not call him the *Improvements-owner*, for that is in truth what he really is.*

†The perverted ingenuity of the lawyers exercised in beguiling landowners.

163 How much that would instantly effect towards clearing up our ideas, and simplifying and unravelling the knotty points of this apparently inextricable land question! Why should the law-

* The term "*Improvements*" when used in reference to agricultural land would include drainage, manuring, fencing, hedging and ditching, clearing of stones, brushwood or useless timber, &c., also the planting of gardens, and orchards, and the rearing and culture of trees, woods, &c. It would also include the erection of houses, cottages, outhouses, barns, and other farm buildings; and also stables, cattlesheds, sheep pens, pig-cotes, &c.

In reference to town sites, it would include the erection of houses, shops, factories, warehouses, &c., together with, in some cases, convenient means of access by roads, streets, and paths, and arrangements for the supply of gas, water, and similar things.

yers seem to take such delight in befogging a really very simple matter? The success of the perverted ingenuity which they have displayed in rendering our land laws utterly beyond the comprehension of the layman's untutored mind may be very gratifying as a testimony to their skill and cleverness ; but really it might be used to better purpose. They have succeeded in flattering the vanity of landlords now for so many generations by making them believe they owned the land of which they are only tenants, that no one can now venture to call them by a truthful name, or to tell them they are mistaken as to the validity of their lofty claims without being regarded as one who had insulted them and was seeking to do them an irreparable injury.

Lawyers, with the knowledge of the world, and of the foibles of mankind with which they are usually credited, ought to have known the particular weakness of their clients, the landlords, in being ready and facile victims of their wiles, and therefore they ought to be ashamed that they did not refrain from their deceptive flatteries. For a landlord is like the man of whom everybody has heard, who had the convenient deaf ear of which he could make such skilful use. The lawyers have always been able to gain ready access to the sound ear, for they have always spoken to him words that were palatable, though not always true ; but now when one approaches to tell him that which is and always has been true, but somewhat unpalatable to his perverted conscience, it is impossible to foretell how many generations must elapse, if the community be content to wait so long, before his words can effect an entrance into that apparently impenetrable mind.

And also in misleading the State.

164 But the evil work of the lawyers does not end even there. They have even beguiled the State itself in a like manner. They have taught the State in one generation that it had rolled up into itself all the rights of its own and every succeeding generation as well, and have conjured it to believe that, instead of contenting itself with saying who should occupy the land during its lifetime, and leaving the next generation to decree in like manner for itself, it might justly and without usurpation bind and enforce its decrees upon every other and succeeding generation whether they liked them or not, and in utter defiance of whether they were just or not. Surely the lawyers will some day have much to answer for!

Blackstone's testimony on the land question.

165 Let me commend to them, in reference to this subject, a few words from a work which they were doubtless familiar enough with at one period of their career, but seem to have since forgotten. They can refresh their memories by reading it again in Blackstone's Commentaries on the English Law.

"Pleased as they are with the possession (of land), we seem afraid to look back to the means by which it was acquired, as if fearful of some defect in our title We think it enough that our title is derived by the grant of the former proprietor, by descent from our ancestors, or by the last will and testament of the dying owner. Not caring to reflect that, accurately and strictly speaking, there is *no foundation in nature, or in natural law*, why a set of words upon parchment should convey the dominion of land; why the son should have a right to exclude his fellow creatures from a determinate spot of the ground because his father

had done so before him ; or why the occupier of a particular field, when lying upon his death bed, and no longer able to maintain possession, should be entitled to tell the rest of the world which of them should enjoy it after him."

166 Why should not we proceed thus in dealing with land? Here is a parcel of land, having a rental value varying slightly perhaps from year to year, according to the progress and growth of the community, not capriciously, but in unison with all the surrounding parcels of land, its previous variations in amount and of course its present value easily ascertainable by consultation with the tax assessor or his list, if necessary. Mr. A., the present occupant of this parcel, owns some improvements upon it, but desiring to retire, he offers his improvements for sale to Mr. B. B. dismisses the land itself entirely from his mind, and confines his attention solely to the value of the improvements. He offers a sum as purchasing price for them, and the bargain is struck. Or otherwise, if B. be a poor man, without ready cash, he agrees to hire A.'s improvements at so much a year rental, with the reserved right to purchase at any future time at a price then and there agreed upon. The tax collector makes his periodical call on the owner of the improvements and always holds a lien on these as his security for the payment of the rental value. If B. purchases the improvements from A., then the assessor will in future transfer his attentions to B., but if the latter only hires the improvements from A., then he will continue to call on A. for the rental value, until the improvements have changed ownership. Should A. desire to make his will, he will be free to dispose of the value of his improvements in any

The essential simplicity of dealings in land.

manner as he please, subject only to this one condition, that they must continue as security for the rental value of the land as long as he desires to retain the privilege of nominating his successor in occupation of the land.

The unintelligible jargon of the lawyers.

167 Is not that the whole land question in a nutshell? Why should lawyers seek to expand it so that it will fill an encyclopædia or even occupy a whole library? Why may it not be made as easy, almost, to transfer the possession of a piece of land as of a purse of money? Why should real property involve so much more complication than personal property? Why need we poor uninstructed laymen be so terribly perplexed and bewildered in endeavouring to understand all those seemingly subtle and incomprehensible distinctions with which the law of real property at present abounds? Lands, tenements, and hereditaments, corporeal, and incorporeal, chattels, easements, equitable and legal, affirmative and negative, by prescription and otherwise, extinguishment by release or by merger, estates freehold, and less than freehold, estates of inheritance, and not of inheritance, fees simple and qualified, estates tail and no tail, estates to A. and his heirs, to the use of B. and his heirs, to the use of C. and his heirs, and so on, as if we were going through the alphabet, estates for life and for years, legal and conventional, feoffment, seisin and livery, primogeniture and gavelkind, rights of curtesy, dower and jointure, feoffor and feoffee, grantor and grantee, vendor and vendee, mortgagor and mortgagee, "purchasers," protectors of settlements, remainder-men, wastes and incumbrances, estates at will, at sufferance, or upon condition, estates in severalty, in joint

tenancy, in coparcenary, and in common, unities four and not one, estates in possession or in expectancy, uses and trusts, trusts upon uses, executed and unexecuted, springing, shifting, and resulting, remainders, vested and contingent, estates particular and otherwise, executory devises, perpetuities, reversions, powers, collateral and appurtenant, bargain and sale, lease and release, conversion and reconversion, frauds, torts, and innumerable other distinctions which make up a mountain of jargon, unintelligible, and surely to a large extent unnecessary.

168 Why could not lawyers be well advised, and trouble their heads no more in future about ownership of land? That question was settled once and for all when the foundations of the world were laid, and it is futile for them to try to wrest it from the Absolute Owner who created it. All such efforts must inevitably be predestined to ultimate failure. When once it has been decreed that the State will collect for the community the full rental value from those whom it permits to enjoy the usufruct of the land there will be no more questions regarding the ownership of the land, but only of the improvements standing upon it, and the State will regard him who owns the improvements as the one who is responsible for the payment of that rental value.

Questions as to the ownership of land settled beforehand. Further consideration of them now become irrelevant. "Improvements" alone to be considered.

CHAPTER VI.

THE COMMUNITY AND ITS WANTS.

The meaning
of the term
"Community."

169 THERE are still two other terms which we have frequently used, which need to be further defined and explained before we can proceed to the subjects of the following chapters.

The "community," as we have hitherto used the term, has been used almost as a synonym for the State or the Nation, and thus has stood for the whole people in its corporate capacity, and generally also with the idea involved of its continuous and persisting life from generation to generation. We shall more often in what follows use the term without implying the idea of its continuous life, in which case its meaning will include only the whole people co-existing at one and the same time, the living people or nation.

Its smaller
divisions.

170 But without affecting any of the arguments in the preceding chapters we may subdivide this community of one generation into smaller divisions of local communities. We may speak in this sense of the community inhabiting a county, or district, a municipal borough, a township, a village, or a parish. It will probably, however, be sufficient for our purpose, if we distinguish merely the nation or

whole community in contradistinction with the county or district community, and the municipal and parochial communities.

171 And so when we speak in like manner of the "wants" or needs of a community, we shall have to specify to which of these different areas we refer. For obviously the wants of these local communities will differ not only in amount in consequence of their size and population, but also to some extent in kind and degree in consequence of other circumstances.

The "wants" of communities

172 Now since in every case the community is made up of separate individuals, the aggregate of whose separate rights forms the sum-total of the rights of the community, so in like manner the wants of the community will be the combined wants of the individuals composing it. But the wants of each individual are not entirely the same; some such as food, clothing, etc., are common to all, though admitting of much diversity in matters of detail; other wants there are which are common only to particular classes of individuals. Hence when we come to consider the question of providing for the community wants (as we shall begin to do in the next chapter), it is evident that there are some which can be provided for best by the community acting in its corporate capacity for the whole, and there are others which are best left to each individual acting for himself alone.

Some to be provided for by the community, and some left to individual members.

173 We shall, therefore, have need of some principles to guide us, first in the selection and next in the provisions suitable for supplying those wants which the community acting in its corporate capacity might undertake to make provision for on behalf of its individual members.

The need of some selection.

The fundamental principle of community life.

174 What then is the *first and fundamental principle of community life*? The answer to this seems to be suggested by the analogous question in regard to individual life.

Every community has freedom to do all that it wills, provided that it infringes not the equal freedom of any other community.

This would express the limiting law of its action with reference to communities outside of itself, but with reference to the individuals of which it is itself composed, some further rules are needed.

Monopolies should remain in the hands of the communities, and not be entrusted to private corporations.

175 We must remember that the right of every individual to do whatever he may will, is subject to the limitation that his liberty must not infringe upon the equal liberty of every other. This suggests at once the only rule which seems necessary to be observed when we consider in what way, if at all, the community may engage in the work of either production or distribution of wealth. In most cases the work of production may be most wisely and safely left to the control and management of labourers and capitalists, either as individuals or in corporations. But if the work be of such a character as to seem to require that special franchises should be given to some corporation to enable it to perform it, or if otherwise it be a work of unusual magnitude, then a monopoly is necessarily called into existence, which, if it cannot be effectively controlled, interferes with the equal rights of others to engage in the same work. In any such case, then, it is unwise to entrust a private corporation with such a power: either the State or the local communities must undertake that function. This applies to the cases of the post office, and the railroads, the

telegraphs and telephones, to the supply of gas, water, electricity and heat, &c.

176 When we come to consider what functions the community may engage in as regards the work of distribution of wealth, or rather of benefits resulting from wealth, we may observe that obviously these are the wants to be provided for by the community, which should be selected and preferred, viz. :

¶ Further rules for guidance in the selection of wants to be provided for by the community.

i. Those that can be supplied, so that every individual, without discrimination, may benefit if he pleases, and

ii. Those that cannot so well for any reason be supplied by individuals acting for themselves alone.

177 And when the selection has been made, and measures are taken for the supply of any want, the limitation to be observed in every case as regards personal liberty is that every individual may either avail himself of the benefit offered or not, as he pleases ; and that if he neglect to do so, or if he choose to dissent, he shall be perfectly free to provide for his own individual need of that particular kind as he may please, and be subject to no disadvantage or restraint by reason of his dissent, other than the loss of his share of the benefit which the community freely offers for his use as well as of others.

The limitation as regards individual liberty.

CHAPTER VII.

THE DISTRIBUTION OF THE COMMUNITY FUND.

The distribu-
tion of the
community
fund.

178 THE collection of the rental value of the land to form a community fund having been dealt with in Chapter IV., we are prepared now to consider the distribution of this fund for the benefit of the community. How shall this fund be distributed, so that each member of the community shall derive from it the greatest possible benefit?

The appoint-
ment of the
tax-assessors.

179 We have, as yet, said nothing as to who should appoint the assessors who collect the tax, nor to whom they should hand it over when collected. This is a matter of but little importance to discuss here, as it involves no special principle. Probably the best arrangement would be for the assessors and collectors to be appointed by the local communities, under the supervision of a National Board. Thus there would be county assessors for the counties, and, perhaps, parochial assessors for the different parishes, and municipal assessors for the boroughs.

The division
of the fund into
National and
Local appor-
tionments.

180 When the funds have reached the hands of the County Treasurers and Borough Treasurers, we might suppose them to be liable

to a tax laid upon them by the Government, to obtain its National apportionment, and the remainders would continue in the hands of the Local Treasurers as the apportionments for the local communities. The Government might be awarded, for national purposes, a percentage tax on the total amounts, we may say ten, twenty, or fifty per cent, according to circumstances, and the national needs at the time.

181 It would obviously be a considerable help if we could foresee exactly, or even approximately, what the amount of this common fund might be. Unfortunately, thoroughly reliable statistics concerning the present tenants and cultivators of the land, the names of the landlords, the extent of their estates, their present selling values, and the annual rentals which landholders now receive, do not now exist, and, perhaps, could not at present be easily obtained. The rent which they receive for their land is mixed up, in many cases, with the rental for improvements, and the selling value of the bare land is not solely that which is due to its usefulness or desirableness in regard of its fertility, or its situation, but is largely augmented by the influence of speculation as to the future needs of the community.

182 According to the Income Tax returns, the annual value of the land of the United Kingdom was assessed in 1887 at more than 200 millions of pounds sterling. Since, however, the speculative value of land, being a part of the selling value, would disappear along with it, and a large sum must be deducted also as the value of improvements, we might, merely for the sake of argument and illustration, suppose the full rental value which would be collected by the

The difficulty of at present ascertaining accurately the amount of the full rental value of all the land.

The estimate according to Income Tax returns.

community, to be about 200 millions. The first effect of the proposed change in the system of tenure would doubtless be to diminish very considerably the rental of land, for a great deal of ill-cultivated and unimproved land would be thrown upon the market, and probably a considerable amount of it would become free land, paying no rent, or but little, for a length of time. When, however, the land had all been taken up by cultivators and occupiers, as it doubtless would be in a short time, and when it began to be thoroughly cultivated, and its powers of producing developed to its highest capacity, the annual return to its possessor would be very largely augmented, and then its rental value would begin to steadily appreciate, and might reach a far higher limit than we would now venture to predict.

The apportionment supposed to be accomplished.

183 We will suppose, then, that a fair apportionment of the common fund has been made, a certain portion being set aside to provide for the national needs, and the remainder retained to provide for strictly local, county and municipal or parochial needs; and we may now proceed in the next chapter to discuss the best and wisest disposition of the national apportionment, and in the following chapter, that of the apportionment of the local communities.

CHAPTER VIII.

THE DISPOSAL OF THE NATIONAL APPORTIONMENT.

184 WHEN we come to consider the question of what should be done with the National apportionment out of the common fund, we enter upon a very serious question. Our historical enquiry has shewed us that the National Debt had its legislative origin in the action of the Parliament of 1660, on which occasion (as the crowning act of their policy of encroachment and repudiation pursued through several preceding centuries) the landlords repudiated the conditions which had previously been attached to the holding of land, and threw the burden of providing for the military needs of the Kingdom upon the community at large, meanwhile, however, continuing to retain possession of their lands as heretofore. The vicious consequences of this repudiation are now seen in the abnormal growth of the National Debt, which has afflicted every generation since, and remains a burden for posterity to endure, sufficient almost (if it should continue to grow in the centuries to come at the rate of the past two centuries) to deter posterity, if it were allowed a choice, even from coming into existence at all.

The National Debt.

Posterity's
view of the
question.

185 This question of the National Debt is undoubtedly a very serious one from a moral point of view. It is usually assumed that posterity will be very wicked if it ever venture to entertain any objection to shouldering this burden. It is expected that it will always meekly bend its back to receive the load which its ancestors have laid upon it, and will ask no inconvenient questions why it should be thus doomed, from the very commencement of its existence, to stoop and crawl wearily along, when it might otherwise have walked gaily and cheerily on its way. It would not do to tell it that it had had a succession of quarrelsome and spendthrift ancestors, who had borrowed money lavishly and improvidently to engage in prolonged and continual feuds with their neighbours, and had, in consequence, pledged posterity (of whose meek and peaceable disposition, and superabounding wealth, and high sense of honour it would, of course, have been most culpable in them to have entertained a doubt) to pay the debts thus incurred, because in the view of its ancestors, posterity would be benefited in some way, not now easily explicable, by the lavish warlike expenditure then indulged in. Any idea that posterity might perchance have as many cares and obligations of its own to contend with, as it could properly meet, does not seem to have penetrated into the recesses of the ancestral mind. What answer shall be given when posterity ventures to suggest that it is open to question whether there was much benefit to anyone resulting from those constant quarrels; whether there might not have been more benefit had they remained at peace with their neighbours; whether supposing there

were any benefit accruing to its ancestors, one or two centuries ago, any portion of that benefit had remained to be transmitted so far down the stream of time as to affect the now remote posterity to any perceptible extent; whether, in fact, there can be any room for a decent comparison between the benefits accruing to it by that expenditure and the enormous sum of nearly 800 millions of debt which it is expected ultimately to pay, and meanwhile in addition to supplying its own similar immediate needs to extract a sum of nearly 30 millions every year from its hard earnings in payment of the interest thereof?

186 And when the ancestors begin to rejoin somewhat angrily and surlily that it is too late now to talk like that, that the bargain was duly and legally made, and they must abide by it, we may expect that posterity will be moved to enquire, By whom, and when, was this bargain entered into? and it will then learn that all this was fully arranged before anyone had troubled himself about posterity coming into a future existence; that, in due course, the money was borrowed, and loaned, and spent, and the arrangement duly made between debtor and creditor, by which posterity was duly pledged. There was no impartial judge to summon posterity before him, and call upon it to stand forth, and shew cause why its earnings should not be so pledged; and if there had been, there was no advocate present to explain on behalf of posterity that it was unable to put in an appearance for itself, or to plead its own cause, because of the imminent risk and peril to its future life and existence which it would undergo by a premature and untimely effort to appear on the

The marvelous moderation of our ancestors in incurring debts.

stage of its existence. And so, of course, judgment would be justly entered against it by default, the ancestor promptly undertaking to fill the *rôle* of both suitor and presiding judge. The process seems, as we look back upon it, to have been so apparently straightforward and simple, that the marvel is, not that posterity has been saddled with a debt of 800 millions, but rather how it has escaped a debt of 8,000 millions.

The need of
another Statute
of Limitations.

187 It does not seem to be so unreasonable that the same principles of honesty in the discharge of debts which govern individuals should also be applicable to generations. A parent does not usually hold his children responsible for the payment of his debts out of their earnings; on the contrary, he is often unnecessarily anxious to lay by in order to save them from the necessity of too much exertion on their own behalf. Is not every man required by law to pay his own debts? Why should not every generation likewise bear its own burden, and not leave it to posterity to discharge? Would not that be a more honourable and honest policy? Is it not a pity that the Parliament of 1660, after allowing the landlords to repudiate their obligations, did not have so much forethought for poor posterity as to pass at the same time a Statute of Limitations requiring every future generation, if it wished to borrow, either for the defence of the country or for its foreign wars, to be compelled to do so, by means of terminable annuities only, payable within such a limited number of years (say 20) as might be supposed to be fairly covered by the working lifetime of that generation which negotiated the loan. There

could not then have arisen this monster of debt. And, indeed, when we come to think of it, why should not such a Statute be passed now? It would be of little benefit to this generation, it is true; but it would, at least, shew that we had endeavoured to be more just and considerate to our posterity than our ancestors have in this matter been to us.

188 By showing that it is thus possible not only to check, but absolutely to cut off, that abnormally prodigious capability of growth of the monster, which has been at some periods of its existence so terrible to contemplate, posterity may at length be encouraged to hope that this debt is not now inevitably destined to prolong itself through an eternity of existence, but that it may by steady and continuous self-denying efforts in due time be "wiped out."

For the encouragement and consolation of posterity.

189 We should remember that it might be very wicked, and it might perhaps be attended with very sad results, if some future generation, moved by an instinct of self-preservation, should in the depth of its despair be tempted to repudiate an obligation which it was not consulted about undertaking, and which it felt itself unable, even if willing, to discharge. It should not be forgotten also that repudiation would be by no means a new thing in English history. Posterity, if it should so desire, will always be able to plead that it conscientiously aims to tread in the well-marked footsteps, and to follow the now notorious example of the noble landlords of 1660.

The danger of tempting it to repudiation.

190 From what has now been said, it will be understood why we regard the diminution and gradual extinction of the National Debt, by the process of its conversion into terminable an-

The conversion of the debt into terminable annuities.

nities, as a subject of pressing importance, and to which that apportionment of the common fund that is devoted to national purposes should be directly applied. It is not merely the danger of repudiation which increases with the lapse of time, though this danger may be very real, notwithstanding its being little heeded, because of our being long accustomed to it. In periods of national excitement and popular pressure things sometimes happen that seem unexpected, but which, nevertheless, might have been distinctly foreseen, had a sufficient look-out been observed.

A National Debt should not be encouraged for the convenience of Capitalists.

191 There is an impression abroad, and who shall say it is not well founded, that some classes in the community favour the continuance of, or at any rate look with coldness and lukewarmness on any steps being taken towards the reduction or extinction of the system of National Debts, because it furnishes a ready means whereby capitalists desiring to invest their superabundant wealth, can obtain what is called a safe and undeniable security and a sure interest without trouble or risk on their part, instead of running the risks which are involved in engaging in production. This may be all very well from the capitalist's point of view, but hardly so from the labourer's and producer's. Money invested in the Funds adds nothing to the production of wealth, and therefore the interest paid to the fundholders is drawn, not from any increase which those investments in the Funds have created, but are purely a tax levied on the community's earnings, without any present equivalent accruing to the community at all. On the other hand, capital invested in production, creates an increase for itself, and

therefore the interest which it derives does not diminish the reward of the labourer, and is no tax upon the community's resources, but on the contrary is an aid to it. It is therefore not in the interest of the community, that investors should be encouraged to lock up their capital in the Funds, but on the contrary to force it to seek remunerative investments in the work of production.

192 This consideration will be seen to have the more weight when we remember that whereas formerly the monopolistic classes of capitalists and landowners who thus derived a benefit from the existence of a National Debt, and had a direct interest in its maintenance and perpetuity, had, until recent years, the controlling power and influence in the legislation and government of the country, they have now been to a considerable extent superseded in power by those masses of the toilers and producers in whose eyes a National Debt is in its barest and most naked form a mere tax on their earnings, for which they themselves can receive no visible or tangible equivalent.

193 Statesmen and legislators also have been tempted to look with too favourable an eye on the maintenance of a National Debt, because it furnishes an easy and ready means of meeting, or rather evading, financial difficulties. These difficulties are, however, in truth, only temporarily evaded: they are but postponed to some future evil day, like those of every other spendthrift's extravagance, and are usually immensely exaggerated in consequence of this postponement.

These tricks of so-called statesmen cannot be commended as if they were real financial

The National Debt from the labourer's point of view.

The tricks of statesmen must not be regarded as real financial successes.

successes, and the community will, in time, see through their transparent weakness and flimsiness.

The stability of government must no longer be considered to depend upon the moneyed class.

194 Again, it is said that Statesmen have regarded the National Debt without disfavour, because it interests a powerful and important moneyed class in what is called the stability of government. The time for this argument to have much weight is rapidly passing away, and in future, the true and wise statesman will learn to rely on the loyalty, soberness, steadiness, and honesty of the mass of the community, rather than on a privileged few, for the maintenance and stability of the country's institutions and government.

The prohibition of National Debts in the future.

195 There can be no room for doubt that the best and truest interests of all classes in the community point out the rapid reduction and early extinction of the National Debt, and its absolute prohibition in the future, except in the form of short terminable annuities, as the wisest policy that can be pursued in the disposal of any appointment out of the community funds for national purposes.

The poetic justice of applying rental values for the extinction of the National Debt.

196 There is, however, one other important reason which may be added, if any other be needed, and that is the special appropriateness and poetic justice of such a disposition of the fund which we perceive when we compare the origin of the National Debt with the source from which this fund would be obtained. It was the landlords' repudiation in 1660 of rent or other services in return for their land that gave rise to the necessity of creating a National Debt. It would therefore be a manifest vindication of justice and law, after two centuries' patient endurance of wrong, to now set aside the proceeds

of the rental value of land for the extinguishment of that debt. The moral triumph of that vindication might teach a most beneficial object lesson to the legislators of the future, by showing them in a practical warning the retributive condemnation which, however long delayed, will yet one day overtake their work and deeds, if they swerve from the principles of honesty and justice, or fail to perform that primary function of government, the maintenance and preservation of every member of the community, small as well as great, poor as well as rich, humble as well as powerful, in the due exercise and enjoyment of his natural rights. England expects not only every man, but every generation, to do its duty.

CHAPTER IX.

THE DISPOSAL OF THE APPORTIONMENT FOR THE LOCAL COMMUNITIES.

The disposal
of the local
apportion-
ments needs
further consid-
eration.

197 WHEN we considered the question of the disposal of the National Apportionment, we did not find it necessary to search long before deciding on a suitable plan for its disposal. We did not enter into a general discussion of national wants, because the apportionment, however large in amount, may well be devoted entirely to one purpose for many years to come. When we come to the question of the Local apportionments, the case is somewhat different.

The burden
of county and
borough rates.

198 This portion could evidently be used to provide for those needs which are provided for at present by the imposition of county and borough rates levied for various purposes. These now fall as a heavy burden mainly on householders, diminishing their personal property and the earnings of labour. They are thus a restraint on production, decreasing by so much the capital that might be invested in it, and limiting the avenues open to the workman for remunerative employment. Any diminution of the burden of rates upon personal property will therefore have a most beneficial effect on the improvement of the labourer's condition, and it

will also benefit those real capitalists whose interests are identified with those of the labourer's, and whose profits do not arise from the possession of any monopoly, such as that which landholders and some corporations at present possess, and which they exercise to the disadvantage of every other member of the community.

199 The amount of debt owing by cities, counties, and other local divisions (of course apart from their share in the National Debt) exceeds 200 millions sterling, and the tendency of the times is to an increase of the amounts necessary for supplying the common wants of the local communities.

The total amount of local indebtedness.

200 It would probably be a wise policy to restrain or more strictly guard this tendency on the part of local communities to incur debts, and thus enable local officers to impose a part of their local burdens upon their successors in office, and escape the odium of taxation which would otherwise fall wholly upon themselves. The system operates against the exercise of a due economy in expenditure, and is liable to much abuse in other ways. But as this debt is usually in the form of terminable annuities, extending over a moderate period of years, and representing always some public works whose use and value to the community is likely to extend at least as long as the period covered by the annual payments, if it be conceded that debts should be permitted at all, these are much less open to objection than is the National Debt, and we do not therefore suggest that the apportionments for the local communities should be devoted exclusively to the extinction of these debts.

Why the local debts are less objectionable than the National Debt.

The division of the local expenditures into two portions.

201 Further, we must observe that the expenditures of the local communities may be divided broadly into two classes, the first of which is to enable the local governing bodies to perform their repressive functions for the restraint of the evil-disposed, and the second class is to provide for the convenience and comfort of the better and orderly portion of the community.

The prospective diminution of expenditure necessary for the repressive functions of the local governments.

202 Under the first heading it is necessary to provide funds for the administration of justice, the maintenance of law and order, the protection of the lives and liberties of the citizens, the punishment of the criminal classes, and the restraint and reformation of the vicious. All of these different purposes combine to inflict a tax on the community, to be relieved of which, if it should ever become unnecessary, through the improved morality of the people, would be an unmixed benefit and a great saving of the public funds for other purposes. That such a result is not to be regarded as wholly possible is quite true; but that it is partially possible is quite certain, for experience has demonstrated it. That we may look with confidence for a large decrease in the expenditures for these objects is a reasonable expectation as a result of the increased prosperity, and the diminution of involuntary poverty, and of the crimes which result from want and the fear of want, which would certainly follow upon the opening up of the natural opportunities consequent upon the resumption of the possession of the land by the whole community. The spread of education amongst the poorer classes has already justified the predictions that were confidently made by those who were once deemed enthusiasts, in the

closing up of many prisons and county jails, in the growth of temperance and in the encouraging diminution of the many evils begotten by intoxication. Much more good may reasonably be hoped for, when effective measures are taken to remove the causes which are now mainly responsible for the wide-spread difficulty of obtaining remunerative employment.

203 There is, therefore, good reason to hope that there will be, in the future, a less demand than at present for community funds for repressive purposes, and thus it will leave room for an extended application of those funds to provide, in other ways, for the comfort and happiness of the well-conducted classes of citizens. At present the communal wants thus provided for usually include the grading and laying down and repairing of roads and streets and bridges, the lighting and cleaning of the same, the regulation of their traffic, the construction of drains and sewers, the inspection and removal of nuisances, and other sanitary purposes; and since 1870 the care of elementary education has been added. In many cases the local community also provides for itself water, in some places also gas, and in a few instances public libraries and reading-rooms, museums, markets, baths, and parks for recreation and health. The facilities of the post office and telegraph are provided for by the national community, not by the local; but the railroads of the great trunk lines throughout the country, which are on the Continent operated and controlled by the National Governments, are in England still left in the hands of great railroad corporations, and in towns the street railroads and tram-car lines, instead of being worked by

What the local governments do for the well-ordered classes of citizens.

the municipal government, are similarly put into the hands of local corporations.

The need of some system in the selection of the spheres of action of the local governments.

204 As we consider these various objects selected by the local communities as spheres for their communal action, it is plain that the selection has been governed rather by accidental circumstances and local peculiarities than as the result of any general principle. And if it should be proposed to extend these provisions into a more general system, it will be advisable that the selection should be made according to some less hap-hazard method.

The objections to "centralization" and "paternal government" considered.

205 Before, however, we proceed to a discussion for this purpose, we may here be met by some objector who entertains a conscientious objection to what is called "centralization," and "paternal government," and declares that, in his judgment, it is not desirable that the community should undertake to supply for itself any of its communal wants, and that the duties of local as well as national governments should be strictly confined to the exercise of their repressive functions in behalf of society, and leave every individual to provide for his own wants as he may please. To which we may answer that we have already shown that both in national and local government this principle has actually now been departed from by the desire, of course, and therefore with the approval of the great majority of the community. And the experiment has justified itself. We may urge, moreover, that it must necessarily be departed from as civilization advances from its primitive stage, inasmuch as it would be impossible for each individual to provide for himself alone, for example, the facilities of the post office, or of railroads, streets and bridges.

206 If it be said that these facilities should be left to be provided by corporations, then we must reply that if the community thus puts upon a body of individuals a duty to provide for any of its wants, instead of performing that function for itself, it must expect to be called on to reward them in some way for so doing. It must bestow upon that corporation a franchise or privilege which it does not give to others in the community, thus establishing for them a monopoly, which, in the end, causes the community to pay much more for the supply of this particular want than its real cost of production and management, which excess payment tends to enrich the members of that corporation at the expense of all the rest of the community. Whenever, then, the supply of any communal want involves the establishment of a monopoly, we have a distinct and cogent reason why that monopoly should remain in the hands of the community, and not be given over to a corporation; otherwise it is equivalent to putting a tax on the community for the benefit of a few individuals.

207 Further, there are some needs which individuals ought to be quite willing to supply for themselves, but which some in the community would scarcely sufficiently appreciate at their true value, if left to their own judgment, and would, therefore, neglect to supply for themselves. The welfare of the whole community might render it expedient that these should be provided for all by the community, at any rate, until such time as the moral elevation of all its members might render it certain that if not provided otherwise, every individual would seek to provide it for himself. Such an argument

The danger of allowing private corporations to undertake the functions of the local governments.

The duty of the community to secure the supply of those higher wants which its individual members might be tempted to neglect.

has applied with great force to the case of elementary education, and now applies to technical and scientific and other higher education. It has also applied to the case of religious needs in every age, and it is scarcely possible to foresee a time in the history of mankind when it will cease to be altogether inapplicable to them.

The objections of "centralization" and "paternal government" have weight only in reference to the national not to the local governments.

208 The truth is, that whatever force there may be in the arguments against the so-called "centralization tendency" they derive their greatest strength and validity from their reference to the national government, and not to the local and municipal management. It may be wise not to heap upon the shoulders of the Parliament any functions that can be as well performed by the local bodies elected by the provincial communities, because that is to confuse the proper spheres of the two bodies; but evidently there is another alternative besides centralization and the present anarchy, and that is to be found in the conservative *via-media* of a legitimate and perfectly loyal "home rule" in the local communities.

The classification of individual wants.

209 Let us endeavour then to enumerate and classify some of the principal wants of the local communities. As we have pointed out in Chapter VI., these are the aggregation of the wants of the individuals composing the community. Now each individual member is made up according to the time-honoured theory of the three parts—body, mind, and soul; and corresponding to these three parts, therefore, we must have three classes of individual wants, which we may respectively call, the bodily, mental, and spiritual. These three classes of wants are practically independent of each other,

and their boundaries are, therefore, for the most part sufficiently well-defined.

210 Corresponding to these wants in the individual, we shall, therefore, have three classes of community wants, distinguished by similar epithets—material, intellectual, and religious. The order in which we have expressed them is that which indicates their relative importance as it would appear to a community emerging from the savage towards the civilized state. Just as in the case of the individual, the wants of the material body politic in the semi-civilized stage, would be cared for almost to the exclusion of any others. This, however, is not the order of their real importance when the highest and most permanent interests of the community are concerned. The order, in fact, must be exactly reversed, and we must place them in order of real importance, as soul, mind, and body; spiritual, mental, and bodily or physical; religious, intellectual, and material. Such is the order in which they must appear when considered in reference to any community that would lay just claim to be called civilized.

211 The question, then, is, which of these different classes of wants shall be supplied by the community, and which can best be left to individuals acting for themselves alone? Evidently the physical or material wants may be more safely entrusted to the latter than the intellectual and religious wants; not indeed solely because the former might be wrongly esteemed to be the more important, but because they are more immediate and peremptory in their calls on the individual's attention, and their satisfaction cannot be long postponed without danger to health and life. The in-

The corresponding classification of communal wants.

Why the supply of the higher rather than the lower wants should be selected by the community as its sphere of action.

tellectual and religious wants are less imperative in their demands for our attention, and will, therefore, naturally be postponed to the exigencies of the other. For this very reason, then, the intellectual and religious wants are the more appropriate objects for the care of the community as a whole. When we consider also that these can be supplied much more effectively and economically by the community than by individuals, while in the case of physical and material wants this saving is more problematical; and when we add also that they satisfy that other condition laid down in Chapter VI., that it is usually possible to place these supplies within reach of all, so that all may, if they please, benefit alike, we seem to have sufficient grounds to enable us to make a wise choice.

CHAPTER X.

HOW MAY THE CHANGE BE EFFECTED

212 Supposing the adoption of a new system of land tenure to have been decided on, the change from the present system of land tenure to the one we propose need not involve much difficulty either as regards legislation or administration. We may suppose then a bill to be introduced into Parliament, entitled "An Act for effecting the resumption of the land by the community," declaring in its preamble in substance as follows:

The proposed change in the system of tenure of land not difficult as regards legislation.

213 That whereas land has been heretofore held in possession by landlords as tenants under the Crown as the absolute owner of all land on behalf of the community, and that since A.D. 1693 landlords have not been under obligation to make return therefor to the community, except by the imposition of a land tax of four shillings in the pound calculated on a valuation of the land made in the year A.D. 1692, which return is now declared to have been altogether inadequate for the privileges enjoyed by them in preference over the equal rights of other members of the community to the use of the land, it is therefore deemed necessary and just now to declare and enact that from and after

The Act for the resumption of land by the Community.

the first of January, A.D. — every holder of land shall be required to pay annually in advance to the assessors duly appointed for that purpose a sum of money equivalent to the full rental value of the land to be ascertained in the manner hereinafter described.

Be it therefore enacted, &c.

The need of making a gradual transition.

214 Now it is evident that while some such enactment as this would bring about the desired result and restore the usufruct of the land to the community, yet it would, if effected by an abrupt transition from the present to the new system, cause much unnecessary disturbance both to landlords, and in consequence to all other classes in the community; and it would likewise prevent those who would desire to obtain possession of land under the new conditions from gradually preparing themselves to do so without undue loss and inconvenience. It would be well therefore to have a preliminary period of preparation, to make the transition not at one bound, but by gradual approach through a series of steps extending over a period of several years. Let us see how this might be arranged.

The supposed conditions affecting the transfer of land.

215 First, let us suppose a parcel of land, the tenancy or possession of which is offered at public auction in open market, and the auctioneer announces the conditions as follows :

(i) The improvements on the land have been valued by an impartial valuer, and are to be bought (or otherwise hired at a fair rental with option of subsequent purchase) by the incoming tenant.

(ii) The tenant is to be free to use the land for any purpose and in any way he may deem most advantageous to himself; he is not to be

limited to any period of tenure, and he is to be fully free to sublet it, to transfer it or alienate it to anyone else subject to the same conditions as he himself holds it.

(iii) The tenant is to be required to pay annually in advance a sum such as would be an equivalent for the full rental value of the land.

216 These being the conditions, the amount of each bid offered is then to represent what the bidder would give as an equivalent for this full rental value. It is evident that if every parcel of land could be at intervals exposed to this process, we should ascertain with complete accuracy the full rental value of all land. It is clear also that the bare land would then have no selling value. There would be no initial outlay in any case beyond the valuation of the improvements, because the purchaser could derive no return as rent by subletting it to another on exactly the same conditions as he himself held it. This represents the state of things which we aim to bring about.

217 Now at present the land of England and Wales possesses a large selling value, partly on account of its desirableness for occupation or cultivation, and partly in anticipation of the future needs of the community. The latter is the speculative element in the selling value of land, and is admitted by all, except those who profit by it, to be a very undesirable factor, causing much land to be held unimproved and out of use until the holder can succeed in extorting from some one a higher price for it than it would otherwise fetch. The almost immediate effect of the enactment we have sketched out would be to destroy entirely this speculative element,

The object to be aimed at is: The annihilation of the selling value of land.

Including also the speculative element of the selling value.

and this would in itself be a very great gain to the community.

Then the community will have appropriated the full rental value from the landlords.

218 We must next proceed by successive steps to diminish this selling value, and we shall know that when we have reduced this selling value approximately to zero, that we have succeeded in appropriating from the landlords the full rental value which is due to the community.

The transition period might extend over a quarter of a century.

219 If, then, the enactment we referred to were to contain a provision that the land-tax should be started at 4 per cent. and then raised each year by an additional 4 per cent. of the rental value more than in the preceding year, we should, in 25 years have raised the land-tax to the amount of the full rental value. That would spread the transition period over a quarter of a century, and would allow time for every one concerned to become familiar with the conditions of the new system and to learn to accommodate himself to those conditions with the minimum of loss and inconvenience necessarily resulting from the change.

The temporary fall in rental value succeeded by a beneficial permanent rise.

220 It is not to be assumed that the additional increase of rental value taken each succeeding year would be a constant quantity; because it would be 4 per cent. of the rental value, and the rental value might undergo considerable change during that quarter of a century. It is quite certain, as we have before remarked, that at first rental values would fall very considerably, because much more land would come into the market, even from the beginning, than at present, and the steady advance of the land value tax would tend to augment still further this increase of land thrown open for occupation. This cause, then, would tend considerably to lighten

the pressure of the tax on landlords, and enable them more easily to adapt themselves to their changed circumstances. No doubt by the time the Act had come into full operation, the greatly increased prosperity of the community which would be the result of the change would have generated a greatly increased demand for land and then rental values would begin steadily and continuously to rise, surpassing all its previous limits; but when that period had arrived, its rise, instead of being a heavy burden, would have become the source of unmixed benefit and enjoyment to the community.

CHAPTER XI.

THE PRESERVATION AND RE-ADAPTATION OF THE EXISTING PROVISIONS FOR COM- MUNAL WANTS.

Some communal wants are even at present supplied from the land.

221 IN the preceding chapter we have pointed out how the change may be made to the new system, and in consequence, the whole of the rental value will be collected by taxation for the benefit of the community. The large incomes which landlords at present derive from the land without rendering any adequate return to the community therefor, will thenceforth become impossible, and these incomes will form the fund from which the communal wants will in future be supplied. We must, however, not overlook the fact that there are at present some important examples of communal wants being supplied to the community by means of funds derived from the land.

Especially religious and intellectual wants.

222 From time immemorial the land has, as it were unconsciously, been regarded as the true source of supply for such wants. Especially is this the case in regard to those wants, whose value and importance to the community is the greatest possible, when regarded in reference to the best and most permanent interests of all its members, but which would nevertheless have been likely to be much neglected, if the supply had been left to be provided by individual members; because their claims would have been sacrificed to those far inferior in real importance, yet more pressing in demand for

immediate attention. Such, especially, are those highest of communal wants, which we have classified as the religious, and the next in rank and importance, the intellectual.

223 From the very earliest times in the history of England, the produce of the land and the rental value, or a portion of it, have been devoted to the maintenance of religion, and, in spite of all the changes which every other institution in the country has undergone in the course of from a thousand to fifteen hundred years, it is a striking fact that it should still be the case to-day that rental values are the source on which the community depends very largely for the supply of its religious wants. But, as we might perhaps be led to anticipate, this long-continued persistence has not been the result of mere accident, but has a wider and deeper significance.

224 For looking back now through the long vistas of antiquarian history, we can perceive that out of all the land in the country, that which was held by the religious communities, whether as landowners or merely as titheowners, was that alone which was so administered as to show that it was held in trust for the benefit of the community. The king held his lands as his pleasure and hunting grounds, and as convenient rewards to bestow on his faithful adherents and personal favourites; the nobles held theirs for their own selfish aggrandizement, and as a means of support for their retainers and dependents. The Church, alone, held her lands that she might be enabled to perform her functions on behalf of the poor and weak and helpless members of the community.

The reason why the religious needs of the community have continued for so long to be partly provided for out of the land.

The different objects in view of the Crown, the nobility, and the Church in seeking to gain possession of land.

The Church's standpoint on behalf of the community at different periods in English history.

225 It was to her that the humbler members of the community looked for comfort and guidance in times of comparative peace and quiet; and to her sanctuaries they fled for protection in days of turbulence and hours of danger, and sought a final resting-place within the shadow of her walls when the strife and battle of life were over. She stood forward in the persons of Lanfranc and Anselm and Becket, to curb and check the pride and overbearing haughtiness of the Norman conquerors in the flush of their triumph, and she was foremost in the struggle when Stephen Langton led on the nobles to wring the privileges of the Magna Charta for the people from the hand of the despicable John; and was it not also Wickliffe that fought the battle that gave to the people the Word of God in the mother tongue? She it was, likewise, whose abbey gates were always open to the hungry and thirsty traveller, who ate his supper flavoured with a modicum of religion and rested his weary limbs on his hard and simple bed, and, having risen before the sun to mingle his orisons with those of the cloistered monks, and partaken of their frugal breakfast then goes forth to wend his way rejoicing, lifting up his heart, meanwhile, in gratitude for his Maker's bounty, in accordance with what the good fathers had not omitted to admonish him. When the monasteries had been suppressed by Henry VIII. and their lands and tithes had been distributed among the hungry landlords, whose insatiable greed for land was increased by every addition to their already overgrown domains, it was not long before the poorer members of the community discovered that they had lost a good friend

through the impoverishment of the despoiled Church. The gates of the nobleman's mansion in his lordly park did not stand ajar to welcome the hungry and weary as the abbey gates had been wont to do. And when the landlords about the same time were appropriating to themselves the wastes and common lands which had belonged of right to the community, it was Latimer who stood up in the Church to denounce them before the King as "enclosers, graziers and rent-raisers." We hear Ridley's voice also pleading in earnest accents in the ears of the young King Edward in behalf of the education of the poor boys who were to continue for centuries afterwards to be decked in the now familiar Blue-coats and yellow stockings of Christ's Hospital.

226 Was it not the Church that within living memory laboured hard for nearly sixty years both by her words and by her example to obtain from the State that priceless boon of education for the poor, the value of which never can be sufficiently appreciated? And is it not the Church that even to-day, in spite of all her imperfections, which are great, and her shortcomings not a few, is, nevertheless, the truest friend of the poor, in times of poverty and distress, in sickness and suffering and bereavement, bringing sympathy and aid and consolation in the garb of holy religion?

227 If the question were to be asked to-day which out of all the different classes of land-owners that now exist or have existed in England, have in their conduct and behaviour (whether consciously or unconsciously so acting, matters not) shewn that they regarded themselves as trustees of their land on behalf of the

Her work in the education of the poor. Her present functions and ministrations to-day.

The obligation of the community to remember its dues to the real Tithe-owner, the Creator.

community as the real beneficiary, there could be, we think, but one candid answer — The Church. That being so, it would ill become the community to forget this in any changes which it may make in reference to the tenure of land, or to proceed so unwarily as that it should unwittingly cripple a long-tried friend of fifteen hundred years' standing, who has understood and practised her duties to the community she was commissioned to serve, through ages long gone by, when, if she had forgotten or forsaken her duty to do so, she might have remained hardened and unmoved by the tears and reproaches of the poorer and humbler members of the community, then too helpless to resent neglect and ill-treatment, if she had been so minded ; and when she might have pleaded also in excuse for such departure from duty the evil example of other more powerful neighbours around her, who made no scruple whatever to hold their lands solely for their own personal pleasure and profit, and were entirely indifferent to the welfare of the community beneath them. Surely when the community has begun to realize better from whose bounty it receives its daily bread, and from whom it received its title to the use of the earth during the period of its stay here upon it, it will "not grudgingly or of necessity," but with a willing alacrity, like the Jews in their best days of old, bring its tithe into the House of God to lay it as a humble tribute to the glory and praise of the real Titheowner, the Eternal Creator, who in perpetual succession gives this earth to the children of men.

The preservation likewise of the existing maintenance

228 Somewhat similar is the position of the community in reference to some of its intellectual and material wants. The endowments of

grammar-schools, and colleges and universities largely consist of land, and the same is true, to a small extent, perhaps, of hospitals and other charitable institutions for the supply of physical needs. When the new system of tenure is introduced, provision must be made so that the sources of supply for these communal wants be not destroyed. For it is manifest that if the community took the rental values of the lands which now form the endowments to provide for these intellectual and material wants of the community, it would either have to re-provide them immediately from the same or some other source or else it would suffer the loss of their benefits.

for the supply of intellectual needs.

229 The wise and true conservative policy is not to destroy such provisions as now exist for communal wants, but to preserve and re-adapt them if necessary, the more efficiently to perform these services and afterwards more at leisure to proceed to amplify and extend them so as to render them adequate for the needs of the future. We can then, in the meantime, turn our attention to provide for those other communal wants for which, at present, no provision at all exists.

The wise and conservative policy.

230 It would be advisable, therefore, to insert two clauses in the enactment for resuming possession of the land by the community, the first exempting entirely from the taxation on land values the *sites of all public institutions*, for example:—

The clause in the Act, exempting sites of public institutions.

(a.) All churches, chapels, and Sunday Schools of every religious denomination

(b.) all public schools, colleges and university buildings

(c.) all public libraries, reading rooms, lecture and concert halls, museums, gymnasiums and baths

(d.) all hospitals and other charitable institutions.

The clause providing for the continuance of their incomes from the rental values collected.

231 In the second clause it should be provided that in every case where a church, chapel, school, college, university, hospital or other public institution at present derives any part of its income from the rental value of land, in such case, the said rental value shall be collected by the public assessors, and transmitted annually to the treasurer of each such institution.

[Modifications in their working in accordance with the principle of equal rights.

232 With reference to this second clause, it would be necessary or advisable to stipulate that in every case in which any aforementioned public institution shall accept and receive any apportionment from the rental values of land to assist it in performing its usual functions on behalf of the community, the community should appoint a certain number of trustees as members of the board of management or otherwise a Visitor, who should be required to see that every member of the community was permitted to enjoy an equal right to share in the benefits provided by that institution; but should not be expected to interfere in any other way in its regulation or management.

As regards places of worship and the duties of the ministers.

233 The Visitor, for instance, would require every church or chapel aided by the community funds to be free and open without payment of pew rents or appropriation of seats, and should, if practicable, require that the buildings be kept open during the day, for the benefit of weary passers-by and for purposes of rest and meditation and private devotion, and that religious

services should be performed daily, or as often as should be deemed fit, and that the ministers should discharge the duty of visiting the sick and relieving the destitute of their congregations or within their parochial limits.

234 Likewise, in the case of all schools, colleges and universities receiving apportionments from the common funds, the tuition should be entirely free and open to every one without distinction of birth, age, sex, or creed, who was qualified to benefit by the instruction, but not otherwise, the vacancies being, in fact, periodically thrown open to competition.

As regards schools, colleges and Universities. As regards hospitals and similar institutions.

In the case of hospitals and other similar institutions, their advantages should be open to the rich equally with the poor.

235 No class distinctions in favour either of rich or poor could be permissible in a public institution of any kind that accepts an apportionment from the communal funds of rental values. For every individual in the community has an equal right to a share in the rental value of land, by virtue of his God-given birth-right to the use of the land, and therefore he has also an equal right to every privilege obtained through the means of that rental value.

No class distinctions permissible.

236 Surely that would be in itself a great gain to the community if any means could be found to break down the hateful and demoralizing distinctions of class in England which are more rife than distinctions of caste in Bengal, and are equally absurd and far more inexcusable and reprehensible. Do they not, on the one side, tempt many to look down in a Pharisaic spirit of pride and superiority upon great numbers of individuals, who, in industry, energy, perseverance, capability and manly virtue of

The immoral and mistaken judgments arising from class distinctions at present.

every kind are immensely the superiors of those who thus despise them or mistakenly regard them as inferiors? Do they not, on the other hand, beget in these latter sometimes a foolish envy and bitter hatred of those who have need more often to be pitied, because the controlling influence of their riches has disabled them from qualifying themselves to be useful and self-dependent members of the community, rendering them incapable from their birth onwards of freeing themselves from the morally debilitating atmosphere of their environment and condemning them hopelessly to the necessity of occupying ever the position of mere parasites upon their fellows.

CHAPTER XII.

BENEFICIAL EFFECTS TO BE PRODUCED BY THE CHANGE.

237 Having now described the proposed new system of land tenure, and the way in which the change may be conveniently made, it is in order to consider more in detail what benefits may be expected to follow on the result.

The benefits to be expected from the change.

Section i.

238 (i.) *Opening up of the land to cultivators and occupiers.*

Opening up of the land to cultivators and occupiers. An end put to speculation in land.

The first result of the introduction of the new system would be to put an end to speculation in land, because no person would be willing to pay money in expectation of securing for himself the benefit of a rise in the value of land in the future, when once the community had declared its intention of appropriating the full rental value for itself. Consequently, no one would wish to purchase land until he was ready and desirous of using it. The selling value of land would thus fall to its natural level, and the fall from its artificially enhanced height due to the influence of speculation would be the first step towards freeing the land, and bringing it nearer to the reach of the cultivator and occupier.

Land re-
maining un-
used would be
surrendered.

239 When in due course the tax on land value was rising up to the full rental value, the selling value would be progressively diminishing, and landholders would, therefore, hasten to find purchasers for all their land which they did not intend to cultivate or occupy for themselves. Otherwise the tax would soon eat up the remainder of this selling value and more. By the time the system had come into full operation (*i.e.*, as we have suggested in a quarter of a century), the operation of the tax would have compelled every landholder to relinquish all the land except that which he intended himself to cultivate.

Land could
then be obtain-
ed without
capital, except
for purchase or
hire of im-
provements

240 After the selling value was wholly destroyed, anyone wishing to use land would obtain it without having to sink any of his capital in buying the land. He would merely have to buy or hire the improvements; and for this no more capital or credit would usually be needed than any honest labourer could easily obtain. Further than this, there would be some land which would have improvements of but little value, although having a fair rental value; and it is probable that in the remoter districts there would be a considerable amount of unimproved land which would have little or no rental value, and, therefore, almost absolutely free to anyone who chose to occupy it. This would be then the most complete and perfect opening up of the land that could be possible, and its influence on the condition of the labourers would be ultimately more beneficial than might at first sight be evident.

An industri-
ous man needs
for his support
only to have
access to land.

241 For when once the initial difficulties of making a start have been surmounted, any industrious man may support himself and his

family by direct application of his labour to land. He can produce everything he needs for his own wants without much need of resorting to exchanges, except, perhaps, for his clothes and a few tools. He can cultivate his own patch of ground, grow his own vegetables, tend his own orchard, feed his pigs, poultry, geese, and sheep, pasture his horse and cow; he can catch fish for himself in the river, shoot his own rabbits and game, build and thatch his own hut, grind his own corn; and his wife likewise can attend to her dairy, and bring up their children in independence and plenty, if not in much of refinement and luxury. An occasional visit two or three times a year to the nearest town would enable him to supply those needs which he most lacked, and if his condition were not in every respect the best that could be imagined, yet in comparison with the circumstances of many in our large towns now, it would be by no means unenviable.

242 The much derided theory of "three acres" with or without a cow, is highly diverting to many, because it seems to them an absurdity and a novelty; but our historical enquiry has shewn us that its introduction would be no novelty in England, and it is no longer an absurdity when we take pains to examine it. On the contrary, it is an expression of a great practical truth. There are and have been whole populations in different ages and countries that have maintained themselves in comfort by agriculture, with little or no attempts at exchanges carried on with the outer world, and in ignorant defiance of all attempted "corners" in wheat and of the fluctuations of the meat market. The experience of every settler who penetrates into the

The theory of "three acres" with or without a cow.

backwoods of Canada, or settles on the prairie in the far West, proves the possibility and practicability of a sufficient proportion of the population, by betaking themselves to agriculture and obtaining their livelihood by direct application of their labour to land, to relieve the glut of the labour market in our large cities and centres of population. The French system of "petite culture" introduced into England would enable our own population to supply us with eggs, chickens, and turkeys, butter and cheese, pork and bacon, fruit, &c., for which we now pay our neighbours many millions of pounds a year.

The case of
the miner.

243 The same would likewise be substantially true of the miner as of the cultivator, except that he would be more dependent on his ability to get his coal and iron to market, in order that he might effect an exchange for food products.

Sites for
workmen's
cottages, and
for shops and
factories.

244 In the towns likewise it would become possible for every industrious workman either to buy a house or obtain a lot whereon to erect his own little cottage, without having to invest any part of his savings in buying the ground on which it can stand. Similarly the shopkeeper or manufacturer may be able to purchase his store or his factory, and thus need not be afraid, as he often now is, that on the expiration of his lease, he must either pay a heavy sum for its renewal, or forfeit the goodwill of the business which he has been striving for years to build up.

No more
mortgages on
land.

245 One other effect of the change would be that land could no longer be mortgaged or held as security for debt, after its selling value had been destroyed. This would necessitate some shifting of securities on the passage of the enactment, which would be a little temporary inconvenience, but the permanent result

would be beneficial. It is desirable as far as possible that he who cultivates the land should be entitled to the whole of what his labour produces from the land. Then he is likely to put it to its best use. There would, of course, be no obstacle to a mortgage on the improvements, if they were more than a sufficient security for the payment of the rental value.

Section ii.

The elimination and conversion of undesirable elements in the three classes of Landholders, Capitalists, and Labourers.

246 The second great result which would follow from the introduction of the new system of tenure may be described as above. There is in each class an element which exercises a prejudicial effect on the welfare of the other members of that or another class, and which therefore should have its influence either eliminated or converted into a more beneficial channel.

The elimination of undesirable elements in different classes of the community.

(I.) LANDHOLDERS.

247 As to the class of Landholders, we have already agreed that it is desirable in the future to recognise the fact that the Creator Himself is the only Landowner, and the State the only Landholder, the latter combining in itself by aggregation and cumulation the birth-rights of all the individual members of the community in the land. There can therefore be no further room in this class for those who have hitherto styled themselves "landowners," and as such they must kindly consent to consider themselves as being in the future effaced and suppressed. As owners, however, of the improvements at

Landholders to be converted into improvement-owners, and the law of real property abrogated.

present existing on the land they will rightly be called "improvement-owners," but then they will be classed with capitalists, not as at present in a separate class. If then they will politely take one step down, they will henceforth occupy their rightful place in the community. The existing law of real property will in the future be little needed, and we may in fact consider it to be practically abrogated or repealed, or otherwise allowed to fall into desuetude, and in that case, houses and other improvements may be dealt with as if they were classed, as economists tell us they ought to be, with all other personal property, under the general title of "wealth," that is products of labour applied to land.

(2.) CAPITALISTS.

The identity of interests between the real capitalists and the labourers.

248 When we come in the next place to the class of *Capitalists*, we find among them a certain section of a very objectionable character. The interests of the true capitalist are really identical with the interests of the labourers, and there should not therefore be any antagonism between them. His prosperity rises and falls with theirs, so that there should be under normal and natural conditions the closest union and harmony between them. The reason why the true capitalist's interests seem so often now to clash with those of the labourer's, is because the conditions under which they combine in the work of production are not at present normal, but irregular and artificial, as we shall see presently when we come to treat of the class of Labourers.

The monopolistic capitalists, owing their existence

249 There is, however, a class of capitalists, who are besides, monopolists, possessing the right to tax the community in the same manner as

landholders have hitherto taxed it. The State has been wont usually to consider that it had sufficient scope for all its energies in the exercise of its repressive or police functions; and either from what in an individual we should characterize as laziness, has shirked any duties on behalf of the better ordered portion of the community beyond that of protecting it from its vicious and ill-regulated members; or otherwise it has shewn what we might perhaps be tempted to regard as commendable modesty or diffidence in acknowledging itself unfit or unequal to the discharge of any other than repressive functions. Almost the only cases in which it has reluctantly been persuaded to abandon this attitude are those in the matter of the coinage and the post office. Under this latter department it has with much apparent coyness been persuaded to undertake in addition to the delivery of letters and newspapers, the sending of telegrams, of parcels, of money orders, and the management of savings banks, insurance and annuities. It scarcely seems, however, to have yet gained sufficient confidence (notwithstanding the many encomiums bestowed upon it for its past management of those matters) to be willing to be induced to undertake any function which it cannot in some way include within its post-office department. Consequently when any hint is thrown out as to government management of railroads, there is no reply but a deprecatory shake of the head.

250 The State has in many instances been moved therefore in preference, to give franchises and privileges to a number of individuals calling themselves a corporation, who were not afflicted with the modesty which

to the unwillingness of the State to undertake its proper communal functions.

Their modus operandi.

sits so becomingly on the face of the National Government, and who were quite ready to undertake to do for the community what the State felt itself afraid to undertake. Of course this corporation that declines to burden itself with too much modesty cannot be expected either to be swayed too much by motives of pure philanthropy towards the community over which the recreant government grants it very considerable powers, and allows it to tax it sometimes very freely in return for the services which it renders. So in order that the profits thus squeezed out of the community may not seem to be in excess of the usual rate of interest in other investments the stock of the company is treated much as the milkman treats the produce of his cow when he considers his milk may perhaps be a little too good for his customers. There is a "cow with an iron tail," to which the corporation as well as the milkman has recourse for "water" whenever the corporation stock needs to be diluted.

The local governments imitate the faults and weakness of the national government.

251 We cannot then wonder that when the State has taken up such an attitude towards the whole community, those who have the management of the affairs of the local communities in towns and counties take up a similar position, and allow corporations to be formed to supply the inhabitants with street railroads, with water, gas and other things, and in like manner permit these local corporations to tax the local communities as the larger corporations do who perform the national functions.

The necessity for a change of policy.

252 Now this we think is wrong in principle for it is needless thus to allow the community to be taxed. It involves, besides, the giving of

franchises and privileges to some and not to others, and thus is an infringement of the equal rights of others. In order to render it justifiable it would be necessary to take thoroughly effective precautions that the corporations received in addition to the interest at the current rate on the capital actually invested in the construction of the necessary works, nothing beyond what would be a fair remuneration as wages of superintendence, and entirely exclude all opportunity for monopoly profits.

To secure this, however, would probably be quite as difficult and involve as much trouble as for the community to undertake the management of this function for themselves. Wherefore they had best adopt this latter policy in future; for if the community should be compelled to borrow for the purpose, it could always borrow at least as cheaply as the current rate of interest which it would have to pay a corporation; and if the community had funds of its own in hand, it would, by thus investing them, retain for itself the beneficial interest accruing from that investment. Just as the community have learned to undertake in recent years the management of schools and public libraries, so they may soon undertake every other communal function which cannot be performed as well by individuals acting for themselves alone.

253 The class of monopolistic capitalists should therefore be entirely eliminated from the communal body, having no rightful place in any one of the three classes we are considering. They are one cause of that divergence of interests between capitalists and labourers which must prevent the existence of harmony

The extinction of monopolistic privileges.

and good feeling even after the new system of land tenure has removed the other causes which at present also tend to prevent and destroy it. The capitalists who are entrusted with monopolistic functions must either be prevented by some effectual means from obtaining more than the current rate of interest on their real capital invested, or else the community itself by undertaking the duties and functions of this monopoly must compel those individuals to become true capitalists only, by putting their capital into other investments where these opportunities of taxing the community do not exist.

(3.) LABOURERS.

The responsibility of the landlords for the existence of the "unemployed."

254 We come now to the third and last of the classes into which economists are wont to divide the community, viz., the Labourers. Among them we find an exceedingly disturbing and undesirable element, "the Unemployed." Under our present system of land tenure it is inevitable that as material progress advances, such a class should be generated and differentiated as a constantly existing element amongst the labourers. It is developed by the action of the landholders and made use of by the capitalists, much to the disadvantage and injury of the labourers. The landholder is primarily responsible for the existence of the unemployed because he has been permitted to hold in his hands the keys to the natural opportunities on which man must exert his labour, and if he virtually locks up the land from the labourer there must either arise an army of unemployed men, or that portion of the community must die off in consequence of that exclusion.

We have already shown how the new system

would operate in freeing the land for the labourer and thus unlock the doors which at present bar him out. The responsibility of the present landholder for the existence of the unemployed would thus be removed from him in future.

255 The capitalist, on the other hand, is not responsible for the existence of the unemployed and starving man; but he must be held equally blameworthy in that he takes advantage of his existence, and uses him as an instrument wherewith to depress the condition of the employed workman, and wrongfully wring from him a part of his proper wages. How does he do this? This is brought about as a result of the competition of capitalists among themselves in seeking for larger profits, and by the competition of the unemployed with the employed in the desire for remunerative work and wages.

256 The competition of capitalists among themselves for the sake of profit, if carried on by legitimate means, is beneficial to the community, and in every way to be encouraged. Any attempt on the part of capitalists to evade competition among themselves by the formation of trusts, pools, rings, and other combinations to regulate prices by restricting "output" or "cornering" the market supply, and in other ways interfering with the automatic regulation of the law of supply and demand, deserves to be determinedly opposed and punished by the community; being, in fact, equivalent to the illegal creation of a corporation and the establishment of a monopoly for the purpose of taxing the community beyond the natural and legitimate rate of interest on their investments. Capitalists should be compelled to rely for their profits on the quality of their goods, and on the

The capitalist discovers how to take advantage of his existence, for increasing his own profits.

The lawful sphere of competition amongst Capitalists.

benefits of the service which they do in behalf of the community in effecting exchanges of wealth.

The due reward of the labourer is the full value of what he produces.

257 When, however, competition by lawful methods becomes keen among them, and they find it difficult to obtain a sufficient return for their investments in this legitimate and laudable way, they are driven to have recourse to the expedient of diminishing the labourer's reward for his toil. The due reward of every labourer is the *full value* of what he produces. That is a deduction from his natural right to the fruit of his exertions. If the capitalist succeeds in taking from him any portion of the value which his labour produces, that is an invasion and infringement of his natural rights. The capitalist's investment produces its own return quite apart from that of the labourer, and therefore each is justly entitled to his own share, and no more, no less. The aid which capital gives to production is in general similar to that which exceptional skill or industry gives to the workman, and just as skill would find its reward in an increased production of the skilled over the unskilled workman, so capital likewise produces a reward for itself which the capitalist may rightly appropriate without trenching in any degree upon the reward which could be obtained without its investment.

The upper and the lower limits of the labourer's reward.

258 We can readily see that the full value of his labour also marks the limit of what the labourer can permanently exact from the capitalist who employs him, because unless the latter can obtain the same return as by investing in other ways, he would soon withdraw his investment and place it in some other business, which would give him the usual return. And as

the full value of his labour marks the upper limit of the labourer's reward, so there is also a lower limit in the bare living which he must have in order to sustain the life and health needful for him to continue his employment.

259 But between these two limits, the upper and the lower, the full value of his labour, and the bare living, there is room for much variation in the reward that the labourer is able to secure from his employer. Herein, then, lies the injustice of the employer's behaviour towards the employé, for of course the amount of the difference between the reward which the latter receives, and the full value of his labour represents exactly the amount out of which the employé is defrauded by the employer.

The measure of the employer's injustice to the employé.

260 When, then, we come to enquire by what instrument and method is the employer enabled to effect this? the answer is, His instrument is the army of the unemployed, and his method may be explained as follows :

The employer's instrument.

261 The labourer is impelled to competition by a far keener motive than that which stimulates the capitalist. The one is impelled by the yearning for greater profits, the other by the stern and imperious necessity of himself and his family to live.

The unequal impulses which impel the labourer and the capitalist in competition.

262 Let us suppose that an employer has work for ten workmen whom he employs and pays them the full value of what their labour produces, as he ought to do. Presently there comes along an unemployed man of the same craft, and equally skilled, but reduced in circumstances, and in a starving condition. He seeks employment from the master who, however, does not need any additional workmen. The starving man is then urged by his necessities to offer his

An example for illustration to shew how the capitalist reduces wages.

labour at something less than its full value. Here, then, is a chance for the capitalist to obtain an increased profit, and he forthwith finds an excuse to discharge one of the ten, and substitutes the starving workman at a diminished rate of wages. After a brief interval the now unemployed man, having failed in his endeavours to find work elsewhere, returns to his late master, and is now willing to return to his service at the same reduced rate as the one who supplanted him. Again the capitalist sees a chance to enhance his profits at the expense of another workman, and consequently another substitution is effected. He then proposes to the remaining eight that they should all accept the reduced rate of wages, with the implied threat that if anyone should demur, he must change places with the outside unemployed man. It is evident that the necessity to which this competition exposes them will compel all to yield, and a general reduction of wages is the result.

The process carried on without interruption until the labourer reaches the limit of subsistence.

263 But as the eleventh man still continues in existence, there is no hindrance to the successful repetition of the process by the master, until the wages of the workmen have been reduced from the upper limit of the full value of their labour down to the extreme limit of subsistence, or a bare living.

The difficulty of successful resistance by the workmen, even in combination.

264 It is evident, likewise, that the workmen can offer no resistance to this attack of the employer upon them in detail, as long as there is an unemployed man, for the employer himself runs no risk of loss at any stage of the proceeding. Their only chance lies in a combination of the whole body. They may, by a subscription among themselves, provide the

new-comer with a maintenance without his producing anything. This is tantamount to a reduction of their wages all round, but it prevents the employer from compelling any further reduction, until he can find another unemployed man whom he can make use of. This method, therefore, can be only partially and temporarily of service to the workmen.

265 The more usual method adopted by the whole body of workmen is to strike work when the first starving workman is introduced into their midst, and thus by endangering the previous legitimate profit of the capitalist through the stoppage of his works to compel him if possible to oust the intruder. This reduces the matter into a contest or trial of endurance on the part of the capitalist as to how far he can bear to have his profits reduced by his capital being rendered unproductive for a time; and on the part of the workmen as to how long the whole body of them can remain a united whole, while they are compelled to subsist only on their previous savings, and to endure often the pangs of hunger and semi-starvation, not only in their own persons but in those of their wives and families. Unless the workmen can remain wholly united in this policy it at once breaks down, and fails of effect. It is manifest how unequal such a contest must be. We can easily foresee that in such contests the workmen are placed at a great disadvantage as compared with the capitalists, and the repeated defeats and deplorable failures of the former are proof not of the weakness or lack of justice in their claims, but more often are illustrations merely of the proverbial weakness of mere right against might.

The *raison d'être* of strikes.

The defeats of the workmen must not be quoted as evidence of the lack of justice in their claims.

The cause of the workmen's weakness lies in the existence of the "unemployed."

266 The cause of this fundamental weakness on the part of the labourers is thus seen to lie in the existence of the unemployed and starving man, whom the capitalist uses as his lever to press down the wages of the whole body of his employes. If there were no unemployed element among the labourers, then it would be easy for every workman to insist on receiving the full value of his labour, and the capitalist would be unable to deny him his due. Indeed he would scarcely be under any temptation to do so. Under present existing circumstances, however, he usually seeks to screen himself from responsibility, and to apologise for his cruel and selfish conduct by taking shelter behind the law of supply and demand, as if that were a sacred principle of justice, incapable of ever being distorted or abused. As for the poor unemployed man whose necessities he uses as his unfortunate instrument, when the condemnation of public reprobation overtakes the capitalist, the excuses of the latter too often remind us of the words of the dastardly John, casting his lying reproaches on the unoffending Hubert in the play.

"How oft the sight of means to do ill deeds
Makes ill deeds done! Had'st not thou been by,
A fellow by the hand of nature mark'd,
Quoted, and sign'd to do a deed of shame,
This murder had not come into my mind."

The defence of the capitalist against extortion on the part of the workmen.

267 At the same time it should be remembered that the capitalist would be perfectly secure against any attempt on the part of the workmen to extort more than the full value of their labour, and thus detract from the due return of the capitalist, because the latter could

either successfully defend himself by a "lock-out" or by a threat to transfer his capital into other channels where he would obtain the normal rate of interest on his investment.

268 We have thus demonstrated that the class of unemployed labourers, created by the present landholders' denial of the right to land is the instrument ready to hand of the capitalist by which he takes advantage of the labourer and robs him of some portion of the due reward of his toil.

269 The next important question which arises then is, How are we to get rid of, and expel from the ranks of the workmen, this element of the unemployed? And the answer is, By diverting it back to the land. The number of individuals who can earn a livelihood by engaging in manufactures depends on a variety of circumstances, and is strictly limited by the demand for the things manufactured. This number is likewise diminished by every new invention in machinery, and every improvement introduced into the process of manufacture, though this diminution is often more than neutralized by the increased demand which follows on a cheapening of production. With regard to agriculture, so far as it depends on the production of raw materials for the manufacturers, the case is essentially the same in respect of the number of labourers who can be employed in it. But as we have already pointed out there is a use of land, which is quite apart from its use in the production of raw materials, that is, in which the cultivator aims directly and solely at the satisfaction of his own needs, without the intervention of any or but few exchanges, and which is con-

The combination of the landholders and capitalists against the labourers.

The remedy is to be found in diverting the unemployed back to the land.

sequently quite independent of the fluctuations of markets, and the prices of raw materials.

Give the English cultivator a fair chance.

270 This is, of course, to take the extremest case, which we do merely for the sake of argument, and by no means accepting it as proved and to be no longer questioned that the English cultivator cannot, in the future, expect to compete against the world in the production of food and other raw materials. He has never yet been allowed a fair chance to shew what he can do. Let the land be fairly thrown open to him, and we shall hear less about such foolish and useless remedies as "fair trade." What the labourer and cultivator really need is free land and free labour, and then the whole community, and not a mere fraction of it, will also reap all the blessings of free trade.

The system of "petite culture."

271 The number of individuals that can thus provide for themselves and their families by a direct application of their labour to the land, is very large, even in a small country like England, and when the additional relief of emigration is taken into account, becomes practically unlimited. For when land is not needed for the production of raw materials, but is used mainly for what is termed "petite culture," as is the case largely in France, a very small number of acres will supply all the needs of a household. Grass for a horse and cow, perhaps, space for pigs and poultry, geese, turkeys, and rabbits, and a garden and orchard, will be nearly sufficient for his wants, if the labourer does not aim to produce raw materials, for purposes of trade and exchange.

Many unemployed or only partially em-

272 It is difficult to estimate accurately the real number of unemployed in the community (though a recent estimate says 700,000), because

there are but few, in comparison, who remain constantly without employment, except those who live in the poor-house. The evil is rather one of scarcity, or only partial employment. If, however, a comparatively small percentage of the community were to provide for themselves in the manner suggested, that is, by applying their efforts to obtain directly a maintenance from the land, its effect would speedily be manifest in the increased prosperity and higher wages of those engaged in trades and other occupations in towns. There are, doubtless, many amongst those now living in towns who have been driven from the country by the introduction of machinery for agricultural purposes, and their consequent inability, under present circumstances, to obtain a livelihood from the land. Many of these might be expected voluntarily to return to the country, when once the land had been thrown open to them, as we propose, and many others might easily be persuaded to adopt a country life if they were assisted in making a start.

273 But we might go much further even than this. Suppose an employment bureau or agency were established, so that information might be given to enquirers, and we will suppose, also, that some arrangements were made, whereby those who are ignorant as to the management and cultivation of animals and vegetables could receive some practical instruction and guidance therein, then the way to make a start would be greatly smoothed and simplified. Many a man who has gone out to settle on a prairie would have found his initial tasks much easier had he been taught previously how to cut down trees, how to build and thatch a hut, how to dig

ployed would gladly return to the land.

Many others might easily be fitted for agricultural life.

a well, and a few other things which could have been easily imparted to him.

The blessing of a day of real Jubilee.

274 What a relief it would be to the perplexity of a poor distracted Lord Mayor, or a bewildered Prime Minister who is compelled to receive with a good grace a very unwelcome morning call from the deputation who come to repeat, on behalf of tens of thousands of their companions, that pitiful refrain, "We've got no work to do," and what joy, likewise, it would bring to the hearts of those thousands of poor, starving, unwashed, half-clad, unkempt and miserable men who form the array of the unemployed that is wont to assemble in Hyde Park or around the familiar precincts of Trafalgar Square, if some great Heaven-sent orator were commissioned, on behalf of the community, to proclaim aloud that a day of real jubilee was now at hand, when the land should once more revert, in accordance with the Divine decree, into the hands of its original possessors, the people, and that, from henceforth, abundant opportunity for work and a sufficient maintenance, direct from the Heavenly Father's bounty, would be brought within the reach of every child of man who was willing to avail himself of it.

No more about the "decadence of England."

275 Would not that put an end for ever to all those foolish fears about the decadence of England, and would it not shew to the world once more that this little island is still not only worthy to be called the "mother of nations," but also again to shew the right way to her children, and teach them to walk with her along the paths of liberty and freedom, and justice and righteousness?

Section iii.

276 *The diminution and prospective abolition of all taxes on houses and personal property.*

The common theories as to the incidence of taxation are based upon no definite or scientific principle. It is commonly supposed to be fair and just that a man should be taxed in proportion to the amount of protection he receives for himself and his property from the government, or else that he should be taxed in proportion to his income, without any regard to the different sources he may derive it from. It might be worth while to examine the justice of each of these theories, if it were first demonstrated to be necessary that at least some taxes must be levied on the property of individuals.

277 But if we can shew that no tax whatever is necessary to be laid upon any individual by the community, we need not then enter into any discussion of the theories of taxation now in vogue. That such is actually the case, we think, can be readily shewn. A tax laid upon houses and such personal property as consists of the products of labour, is, really and truly, a tax which diminishes by so much the earnings and rewards of labour and capital; but a so-called tax placed upon the rental values of land, provided it does not exceed the full rental value, is really not a tax at all. It can only become in part a tax, if it exceed the rental value, and then only to the extent of that excess.

278 The so-called landholder, from whom the collection of the rental value is made, is merely the channel through which the community receives that which the community itself has produced. It appropriates nothing from the

The diminution and prospective abolition of all taxes on personal property.

The incidence of taxation at present based on no scientific principle.

No tax whatever necessary to be laid upon individuals.

The landholder merely a channel for the collection of the rental value by the community.

landholder which he has himself produced or earned. For it is manifest that houses and other products of labour, which we denominate personal property, are the production, not of the community as a whole, but of individuals who are moved to produce them in order to satisfy the wants of individuals; but land values are produced by the community as a whole, and not by the individuals who occupy the land, and therefore the collection of these values from the landholder is not rightly called "taxing" him.

As in like manner are the tax-collector and the local treasurers of the community.

279 When the tax-collector has collected them from the landholders, he must in turn hand them over to the County or Borough Treasurer, who must dispose of them for the benefit of the community in such ways as the community may deem fit. The landholder, the tax-collector, and the Local Treasurer are so many channels through which the values produced by the community in the land must pass before they can be redistributed in communal benefits to all the individual members. If the tax-collector or the treasurer were to attempt to retain them in his own hands, or to appropriate them for his own use, he would, doubtless, speedily bethink himself of the propriety of escaping with his booty from England to the Continent, or from the United States across the border line into Canada. For the landholder in like manner to retain them for himself, as he is at present permitted to do, is equally against moral right and justice. That it is not at present so regarded, as against legal right, only adds one more illustration to shew how far our notions of legal right have become warped from the true standards of right, which the law professes to acknowledge and uphold.

280 It is clear, therefore, that land values are the proper source from which to supply communal wants. To make a raid on the personal property of individuals, in order to supply communal wants can only be morally justifiable after all the resources of land values have been previously exhausted. To collect from the landlord the rental values which the community has produced, is, as we have said, no more putting a tax on him, than for the labourer to collect from his employer the wages which he has earned. But when we take from an individual some portion of the earnings, which, either by his labour, or by his capital, devoted to the work of production, he has obtained for the supply of his own individual wants, we do really and truly tax him ; and the community can only justify the proceeding by assuming a paramount necessity to exist for making provision for the communal wants in preference over those of any single individual.

281 Necessity, as we have often learnt, knows no law, but as soon as necessity ceases to compel, the principles of just law should again come into play. We may easily foresee a time when the rental values of land will be sufficient to enable us to diminish and ultimately to dispense altogether with the taxation which now rests upon houses and personal property. A beginning might be made in abolishing the customs duties on various articles of general consumption ; and then there are the excise duties, which if it were deemed expedient to retain them for purposes of morality and temperance, would not be collected primarily, as they are now, for the sake of the revenue they afford.

282 Most important of all, however, would

Unjustifiable to make a raid on the funds of individuals for the supply of communal wants until land values are exhausted.

The prospective abolition of customs and excise duties.

Also abolition of county

and borough
rates.

be the removal of the local rates which now press so heavily upon all occupiers. These are imposed mainly now for the purpose of enabling the local governments to perform their repressive functions. These are a severe tax in the shape of an insurance against danger, which, though necessary to be borne for motives of prudence, adds but little directly to the comfort and well-being of the individuals, and might be largely dispensed with in a well-ordered community. Ultimately, then, this burden of rates might be removed, and the rental values drawn upon for this purpose.

Appropriation of Income Tax to extinguish National Debt.

283 There would then remain only the Income-tax, which might, perhaps, be retained nominally, as a convenient and ready resource to provide from, in case of sudden emergency or war, and which might, also, be regularly used as a fund wherewith to diminish the National Debt.

Nothing remaining but the single tax, or rent-charge on land values.

284 We should thus have arrived, practically at a single tax, or, more properly named, rent-charge on land values, and have abolished every tax on houses and personal property, which together may be considered to include all the products of labour and capital.

Still there would exist a sufficient surplus for the ample supply of communal wants.

285 The annual expenditure for local and imperial taxation is at present about 160 millions, and the rental value has been estimated roughly at about 200 millions. Without relying then upon any other source than this latter, we may be able when a new system of tenure has settled into its normal condition of working, to meet every expenditure, both local and imperial, and supply various communal needs without inflicting a tax of any kind on any single individual, but simply by collecting

the rental values of land. That may, indeed, be looked forward to as the era of No Taxation.

Section iv.

286 *The diminution and gradual extinction of involuntary poverty.*

We have seen, now, some of the beneficial results which may reasonably be expected to follow from the proposed new system of land tenure. We have considered its effect in freeing the land from the burdens and fetters under which it at present groans, and throwing it open on easy conditions to the cultivators and occupiers. We have seen what good may result from the elimination of undesirable elements in the different classes of the population, the conversion of the landlords into improvement owners, the suppression of the monopolistic capitalists, and the conversion of their capital into healthful channels, the gathering of the unemployed back again to the land which they have been driven to desert, and the cessation of the unhealthy competition between the labourers in the towns, and we have also seen in prospect the diminution and abolition of all taxation of the earnings of either labour or capital.

287 What will follow further, then, we may now see. The emancipation of labour and capital from the unwholesome and unnatural conditions under which they now carry on their combined functions in the work of production must inevitably result in greater gains to both. The labourer will be able now to obtain the full reward of his labour either from an employer or by working for himself. Hence also there will

The diminution and gradual abolition of involuntary poverty.

A summing up of the benefits already enumerated.

Removal of causes of divergence between interests of labourers and capitalists.

arise an increased demand for capital to be engaged in production, and this cause should not only bring to capital an increased return, but in virtue of the existence of more stable relations between these two factors of production, it should render it less liable to be wasted or destroyed through capricious fluctuations in trade, or in consequence of the rupture of cordial and friendly relations between employers and workmen.

No more involuntary poverty. No more baneful tendency to inequality. A new beauty in "Magnificat."

288 When then we have secured not only an enormous increase in the production of wealth, but also have established conditions which shall permanently secure an equitable distribution of it between labourers and capitalists, on the one hand, for the supply of their own individual wants, and to the community on the other hand, for the supply of its communal wants, it is evident that there can be no exaggeration in declaring that the existence of involuntary poverty is no longer possible or conceivable, and that the increased prosperity of true capitalists rests on a sure and permanent basis. The causes and conditions which now tend to create the enormous gulf of inequality which separates the rich from the poor, will no longer operate, and year by year there will be an approach to that equality which will gradually obliterate every hateful and misleading distinction of class, and will inspire with a wondrous beauty and emphasis of meaning those familiar words which we so often sing with a glorious and ravishing accompaniment of vocal and instrumental harmony indeed, but with such a painfully sad and inexpressible feeling of incongruity in the heart, as we contemplate the circumstances of too many

of God's children in these latter days of the world's existence.

“He hath put down the mighty from their seat, and hath exalted the humble and meek. He hath filled the hungry with good things, and the rich He hath sent empty away.”

CHAPTER XIII.

WHO MIGHT BE INJURED BY THE CHANGE.

Who might be injured by the change? Who might be entitled to receive compensation?

289 We have now described the working, and discussed the effects of the proposed change in the system of land tenure, and so at length we come to consider the questions as to who might be injured by the change, who might in consequence be entitled to receive compensation for the loss he may undergo, and from whom, if from any one, can he justly claim it.

A general law cannot deal with the peculiarities of individual cases. No discrimination.

290 It is not possible here to discuss the details of individual cases. We can but consider the different classes of the community in their general circumstances. It is not denied that the interests of some individuals in every class will be considerably affected ; in many cases indeed, for the better, in some few doubtless for the worse. But generally speaking, there is good reason for thinking that the improvement will be permanent in its nature, the injury or disadvantage will be probably temporary only, operating, perhaps, until such time as the change from the old to the new conditions shall have become established. But no such case of temporary injury could suffice to establish a legal claim for compensation against the State or against any individual or corporation. Every

law that comes into operation affects some individuals of the community in a way which they may deem unfair or prejudicial to their personal interests; but manifestly the State cannot be limited in its power to legislate for the benefit of the community by such considerations as this. The State cannot justly make laws with the direct and avowed object of discriminating against individuals solely (for that is contrary to the principle of equal rights) but by means of general laws applicable to the whole community, it may nevertheless without injustice enact laws which in their operation may incidentally work to the disadvantage of some individuals. If a general law works beneficially for the whole community, with the exception of a few individuals, it is reasonable to infer that there is something peculiar and abnormal in the circumstances of the latter which should be amended, rather than that blame should attach to the law.

291 We will therefore proceed to consider separately the cases of the three classes into which the community may at present be conveniently divided, the labourers, the capitalists, the landlords.

292 As to the *Labourers*, it is clear that in every way they would be great gainers by the change, because they are the greatest sufferers from the present system. Not that they would obtain any unfair advantage over the other classes, but they would for the first time in history, perhaps, receive their just due.

293 This same is true, though in a much less degree, of the true *Capitalist*, who is not also a monopolist. The capitalist would, however, be deprived of his power to take advan-

The three classes to be considered, labourers, capitalists and landlords.

Labourers would certainly be benefited.

The true capitalist would be deprived of his lever, the unemployed element, but

could not complain.

tage of the existence of circumstances which compel the labourers to engage in what is sometimes called a "cut-throat competition," and by which unscrupulous employers have augmented their profits by accelerating the downward tendency of the labourer's wages towards the limits of a bare living. We scarcely anticipate that the employers will venture to prefer a claim for compensation against any one for being deprived of this vantage-ground.

The monopolistic capitalists and corporations would have their franchises revoked or terminated, but their machinery, plant and works would be purchased at a fair valuation.

294 We come next to the case of those capitalists or corporations who at present enjoy the privilege of a monopoly of some kind which the State or the local community should in future take into its own management. This applies to the case of the railroads, performing national functions and to the companies or corporations which perform lesser functions on behalf of local communities, supplying them with water, gas, electricity, heat, tramways, &c. When these functions are assumed by the community, it will be proper for it to purchase the machinery, plant, works, &c., of those corporations whom it deprives of their monopoly. It would not be reasonable to expect the community to purchase the stocks at their quotations on the market or the exchange, because the total prices would in many cases be largely enhanced above their real value by the "water" which has been at one period or another injected into the stock. This has been rendered possible, owing to the possession of the monopoly power which the corporations have wielded to the disadvantage of the community; and because of the liability to such abuse it is expedient that the community itself should now assume the control of the monopoly.

295 A fair basis would be obtained by ascertaining at what cost the community could, if needful, duplicate or replace the working system of the corporation, and deducting from that amount in proportion to the wear and tear which it has undergone. If this were done we apprehend that no ground would remain for a claim for compensation. Every charter given to a corporation must be subject to be annulled at any future time by the legislature, if its continuance be found contrary to public policy, and productive of evil to the community. No prior legislature can, even, by contract, abridge this right of every existing legislature.

296 There remains then only the class of *Landlords* now to be considered. Their case is doubtless the most important, and demands a fair and impartial consideration. What would the landlords lose by the change? In order to make the investigation clear, we will divide this question into two parts, considering first separately the "*improvements*," and afterwards the *bare land*. What then will the landlord lose, if anything, in reference to the value of the "*improvements*," first, if he be a tenant in fee simple; secondly, if he be a tenant for life only?

297 Consider first the case of the tenant in fee simple. In reference to the value of the improvements upon the land, the landlord would lose nothing, but rather would gain through the increased competition that would ensue amongst those desiring to cultivate or occupy land under the new conditions. The landlord owning the improvements on the land would have the privilege of selling them or transferring them by gift or devise to any one he pleased, and along with

Every charter must of necessity be subject to be annulled, if its continuance be found contrary to public policy.

The case of the Landlords divided into two parts, to be treated separately—the improvements and the bare land. Also the case of the tenant in fee simple must be distinguished from that of the tenant for life only.

As to the "*improvements*" the tenant in fee simple would probably lose nothing, but would rather benefit by an increased competition for occupation of land.

the improvements the community would permit the possession of the land to go, subject, of course, to the payment of the rental value by the new occupant. The landlords would in no way be disturbed in their possession of the land which they were desirous of using themselves, though the payment of the rental value would doubtless compel them to dispose of that which they were unable or unwilling to use.

And the tenant for life would be put in exactly the same position as if he were tenant in fee simple, and therefore would gain greatly.

298 Secondly, the present possessor of an estate "settled" according to the prevailing custom is but a tenant for life, and as he is prevented from committing waste, &c., he is not the real owner of the improvements on the estate, and cannot, under present circumstances sell or dispose of them for his own benefit. The unborn child of the heir, however, upon whom so much unnecessary solicitude is bestowed in deeds of settlement might be left out of consideration, as there would doubtless be abundance of time for him to be trained up so as to become accustomed to new and more suitable and equitable conditions. The tenant for life would, therefore, be placed in a far better position than that which he now occupies, and he would be able to sell or devise his improvements by will in any manner that he pleased amongst his wife and family, instead of, as now, being compelled to follow the custom of primogeniture. He would occupy, in this respect, exactly the same position as a tenant in fee simple. It is clear therefore that no disadvantage whatever would accrue to the landlords in respect of the improvements on their estates; but on the contrary they would gain a much greater power and freedom in disposing of them which would tend to increase their value to the present possessor.

299 We come now to the question of the *bare land*. Here again we must divide the landlords into two classes, and examine first the cases of those who have purchased the land for the purpose of cultivating it or occupying it as a site, and next the cases of those who purchased or inherited the land as an investment from which to obtain rent. In the latter class of cases we must also distinguish again between the tenants in fee simple, and the tenants for life.

300 Suppose, then, first, the case of the landlord who purchased the land for the purpose of cultivating it or occupying it as a site. This is the case of the farmer or cultivator who has purchased a farm or a market garden that he may till it; or the case of the merchant or manufacturer who has bought a site for his warehouse or his factory; or the case of the workman who has invested his savings on a small plot on which to erect his cottage. The loss which any one of these might suffer from the change of system would be very problematical, if there be indeed any loss at all. For the case is not as if only one farmer or one merchant, or one workman's land was affected, but it is all the land in the country that is thus to be affected by a general law. If, then, the farmer should desire to change his farm, he cannot indeed sell his present one and take the money obtained to buy another one; but he finds, nevertheless, he can obtain a new farm without any purchase money. He is, therefore, just as well off as if he could have sold the old farm to enable him to purchase the new one. So also the merchant, the manufacturer, and the workman can change their sites without need of

Next, as to the bare land, two cases also to be distinguished.

Case i. Those who have purchased land for cultivation or occupation as a site.

Case ii. Those who have purchased or inherited land as an investment to obtain rent.

Land for cultivation or occupation as a site. Only in very exceptional case could there be loss to an individual, while to every father of a family an immense gain and relief.

purchase money. Nay, what is more, each one of them would be in a position to obtain farms and sites for all his children as they grew up without the necessity of his laying up capital to purchase for them. These men would, therefore, be in a far better position than now, when this provision for their children is taken into account. The only case in which any of these would find he had suffered a loss would be, if he desired to change his occupation to such a one as he would no longer need land at all, either for cultivating, or as a site for a factory, or a house. This might happen to one who was retiring from business for life, intending to live independently upon his means, but in that case he would certainly be in a position to endure the slight loss without feeling it very keenly. How much real loss would a man undergo who has paid an exorbitant price in laying in a stock of food to-day, because he is shut up in a besieged city, when he finds out that the siege is to be raised to-morrow, and that food will in future be obtainable at ordinary prices or almost for nothing? How much mock sympathy we should bestow upon him, if he complained of his ill-luck, or began to talk of compensation? Just such is the measure of loss to any landlord who has purchased land for the purpose of cultivating or occupying it for a site.

Land as an investment to obtain rent. In this case, if a tenant in fee simple, the landlord's loss heaviest. He retains the land but loses its rental value for

301 Suppose now the landlord purchased or inherited the land in fee simple, merely as an investment from which to obtain rent. We observe that the land would not, in consequence of the change of system lose anything of its fertility, its convenience of situation, its adaptability for use in any way. It would be as desirable as ever, and probably more so, for

cultivation or occupation. But it would have lost its selling value, as between one possessor of it and another, in consequence of the community having appropriated for itself the full rental value. When a man then has invested his capital in land in order to obtain rent, he receives in exchange the land and its annual rental value, and he possesses besides the privilege, if he chooses to make use of it, of reconverting the land and its rental value back again into his principal invested. After the change of system has been introduced, he retains the land, but he has lost the rental value for all time, and the privilege of re-conversion. This would be the case of real loss. In the case of one who has come into possession of the land as a tenant in fee simple, either by will or inheritance, the loss by the change would be precisely the same. In the case of a minor or heir looking forward to possess the land in fee simple, his actual loss by the change would be nothing, since he had not yet, and might perhaps never come into possession even as things now are. His expectations only would be disappointed.

302 Finally, we recur once more to the case of the tenant for life. By far the greater portion of the land in the United Kingdom is held under deeds of settlement which give the present possessor of the land a life-interest only in it, and in every such case the loss to the landlord by the change is very much less than to a tenant in fee simple. He possesses now the land and its annual rental value for the period only of his own lifetime, but he does not under present conditions possess the privilege of converting the land into principal for his own use. After the

all time, and also the privilege of reconverting the land into money.

But if he be a tenant for life only, he loses the rental value for his own life-time only.

change he loses this rental value only, retaining the land. In the case of one who merely looked forward to possess a life estate in the land, his actual loss by the change would be nothing, and his disappointed expectations even would be less than in the case of a prospective tenant in fee simple, for he would not of course count on enjoying the privilege of re-conversion of the land into principal.

The act for the resumption of land by the community a disentailing act.

303 We do not deem it expedient to waste any time in discussing the case of the heirs yet unborn, for a little judicious explanation and timely training will teach them to recognise the natural rights of other infants as well as their own, and so no unfounded expectations could ever arise in their minds as they grew up. The act for the resumption of the land by the people would be in effect a disentailing act for all "settled estates," which would bar the entail far more effectively, and at the same time in complete accordance with principles of justice, than did the old-time contrivances of common recovery and fines. The system of entails was long ago declared by English law to be contrary to public policy, and abolished as far as its maintenance by law is concerned. The system survives now merely by custom, to which the law has been surreptitiously induced to lend its sanction.

† The only class of losers would be landlords who had purchased or inherited land not for use but as an investment to obtain rent.

304 We see then now precisely who would be the losers by the change of tenure, and we see, also, the exact measure of their loss. Those who have purchased land for the purpose of cultivating or occupying it would lose nothing absolutely, though, relatively to others, they would not profit quite as much by the change. Among those only who have purchased or in-

herited land not for use but as an investment to obtain rent will there be any loss, and in the case of all landlords who are tenants for life only, the loss will be far less than in those who are tenants in fee simple.

305 Now the number of tenants in fee simple who have purchased land merely as an investment, and without using or intending to use it for cultivation or occupation, must be very small indeed, since it is well known that in a pecuniary sense there are far more profitable investments to be made otherwise than in land. The principal class of losers that need to be considered would be the tenants for life, who probably possess three-quarters or four-fifths of all the land in the kingdom. These have already, for their private gratification voluntarily renounced the privilege of selling and re-converting their land into principal, when the family settlement was made. By the proposed change of tenure they would now lose the rental value of their land for the remainder of their lifetimes.

306 If these tenants for life were to be deprived suddenly of the rental values of their land, the loss to them would be very great; but as we have suggested in Chapter X., that the change of system may be most conveniently made by extending it over a period of years (say a quarter of a century from its initiation), it is evident that there could be very few of the present tenants for life whose interests in the land would be, even under present circumstances, likely to extend beyond that period. Every tenant for life has now, in addition to his life interest in the rental value of the land, a life interest also in the improvements; but we purpose by the change to extend his interest

Of these the tenants in fee simple would be very few; the tenants for life would be the largest and most important class.

The tenants for life would be allowed the benefit of a quarter of a century as a transition period. They would also become full owners of all the improvements on their land, instead of having merely a life interest in them. Thus their loss would be minimised, if not entirely compensated for.

in the improvements, and make him full owner of them, that is, in fact, to restore to him that privilege of converting them into principal if he pleases to sell them outright, which he bargained away for the indulgence of his immediate gratification when the family settlement was made, as he did in like manner with a part of his interest in the land itself. Of course if he does not desire to sell them, he would then remain owner of their rental value for all time, instead of during his own lifetime only, and could devise or bequeath the rental value of the improvements as he pleased. This would be a very great gain to him. To this it should be added that he would be gradually relieved of the pressure of the local rates upon his improvements, for we have already suggested that as rental values increased, all taxes should be abolished on personal property, and on houses and other improvements. As, therefore, the share of the tenant for life in the rental value progressively diminished (say at the rate of 4 per cent. per annum) from 100 per cent. down to zero in the course of 25 years, it is not at all unlikely that he might obtain as much additional gain from his increased interest in the improvements and in being relieved from all other taxation of his property as would fully compensate him for the loss of his rental value.

We disregard the claims of any but present possessors.

307 We may sum up our conclusions respecting landlords, then, in this chapter as follows. We do not undertake to pass a judgment on the case of any individual landlord whose circumstances are in any degree peculiar and untypical of a class. We pass over the claims of unborn descendants of landlords as being suffi-

ciently provided for by the full recognition of their natural rights, and as neither needing nor deserving any other provision. We leave out of consideration, likewise, the interests of those heirs whose claims do not depend upon present possession, but merely upon future expectations, which are often so much exaggerated, and which are dependent on so many uncertainties of life and events as to render it impossible even if it were desirable, to endeavour to estimate them.

308 Confining ourselves, then, to the different classes of landlords whose interests are those of present enjoyment and possession, we find it impossible to point out any one class of them whose interests would materially suffer in one way by the introduction of the communal system of land tenure, without them receiving in other ways compensating advantages which would amply offset their loss, and leave them, if not relatively as great gainers as other classes of the community by the change, yet at least in no degree absolute losers. Of compensation in a direct form there would be none ; but, indirectly the compensations that would accrue would be sufficiently ample.

The conclusion arrived at is that most landlords would lose nothing without receiving advantages nearly, if not fully, compensating. In the case of the remainder if not relatively as great gainers by the change as other classes of the community, yet at least, in no degree absolute losers.

CHAPTER XIV.

WHO SHOULD BE HELD MORALLY RESPONSIBLE TO PROVIDE COMPENSATION IF NEEDED?

The Great
Compensation.
Law case.
The Landlords
v. the People.

309 We are not sufficiently sanguine as to allow ourselves to suppose that landlords will be prevented from urging claims for compensation by any considerations which we have urged in the last chapter. They will not allow themselves to be thus estopped. Whether they really believe so or not, they will doubtless urge that the proposed system of land tenure will inflict on them great injury, and that they are entitled to receive compensation from the State. We must, therefore (merely for the sake of argument), assume that they will be injured to some extent, and we must now proceed to consider whether the fact of their injury being admitted or proved by evidence is sufficient of itself to entitle them to receive compensation from the State as an equivalent for that injury. Let us suppose the case is brought to the adjudication of our Supreme Court of Appeal—the case of “The Landlords *versus* The People.”

The Land-
lord's first plea,
“The land is
my property.”

310 We should perhaps hear the landlord leading off the argument thus :

“The land is my property, just as my coat or my house is my property; manifestly you

cannot take it or damage it without being bound to compensate me."

This is, in substance, the answer which Lady Matheson, who is the landlord of the island of Lewis, gave to the crofters when they made an appeal to her to regard their welfare in preference to her deer. Of course, if such a statement were true, if the right to own the house and the land on which it stands are really on the same footing, there is an end of the whole matter. But only a landlord or perhaps a landlady could have so argued, and the Court would smile at first in amazement, and then in derision, if that argument were uttered in its hearing.

311 Then the landholder might perhaps urge : "Admitting that I have no better inherent right to the land than all the rest of the people, yet I have always honestly thought that the land belonged to me exclusively ; and upon the *bonâ fide* belief that that was so, I have laid out much money and have laboured the best part of my lifetime."

His second plea, "I have laid out much money and labour upon it." *ib.*

312 And the reply of the Court would be :

The reply to it.

"You are compelled to admit now that the land is not really yours ; what you may have erroneously thought, and what you may have been led to do in consequence, cannot prejudice the right of the rightful owners to the land."

313 Then the landlord might be supposed to plead further :

His third plea, "The nation has encouraged people to consider land as absolute property."

"The nation and the government have encouraged people to buy land and use it as if it were their absolute property, at least for a

couple of centuries past. I had no reason to suppose that this was not a true theory of the case. I bought this land relying upon this view of the matter, and the nation cannot now, in common decency, treat this land otherwise than as my absolute property."

The reply to
it

314 The judgment of the Court in reference to this argument would be, probably: "Assuming that the nation and the government have so acted (which is far from being strictly true) then it must be declared that the men who, acting in the name of the government, presumed to give sanction to an infraction of the primary duty of the government to guard the natural rights of all the people from infringement, are to be condemned as being in error. They exceeded their authority, and you cannot have acquired any rights even as against the government by relying on their precedents."

His fourth
plea, that he is
made a vic-
tim of a dis-
covery as to
what the law
really is.

315 The landlord will then perhaps complain :

"When I bought this land, nobody knew the law as to natural rights and functions of government to be such as the Court has declared : it is not fair that I should be made the victim of discovery as to what the law is,—a discovery made after I paid my well-earned money for the land."

The reply to
it.

316 And the Court will again reply :

"If the law is not declared in your case, nobody will believe the law is so and we should create a bad precedent. It often happens that when the law is found to be different from what before it was understood to be, that somebody who had relied on the wrong understanding suffers. The reports of the decisions

of the Courts contain many such cases; the judges are tormented by the hardships to the individual before them, but they must lay down the law as they see it to be, for their decision will affect the whole community for a long time. Remember there are others than the landlords to be considered,—those others who now have no land, but who you admit, have as good a title as you have.”

317 And so the Court must finally render its decision in accordance with the principles of the common law that the land belongs to the people, and that the claim of the landlords to compensation for its resumption is invalid and inadmissible.

The decision of the Court against the landlord's claims.

318 Possibly the Landlord might then be disposed to think he would fare better if he could be allowed to plead his case as if in Equity rather than in Law. A Court of Equity was formerly wont in many matters to give redress or to mitigate a hardship which the court of law acknowledged itself unable in any way to relieve.

An appeal to Equity.

319 Here then the Landlord would plead that he had inherited his land from his ancestors, who had for several generations held it in possession for their own use and enjoyment, and that it was a manifest hardship that he should be prevented from continuing to do the same; that he and his children after him had desired nothing but what had been permitted to his ancestors for a couple of centuries at least practically without question; and that he himself had in no way abused his privileges or so behaved himself as to have justly forfeited his right to the continued enjoyment of them. Why then should the State now step in and eject him from

The landlord relies upon the claims of his ancestors, and his inheritance from them.

his position, taking from him so much to which he had been long accustomed, and which had become now so essential to his continued comfort and happiness, without rendering him any compensation therefor?

Why should not the claims of the people and the claims of the landlords be both satisfied?

320 Now all this doubtless would seem to form a very powerful plea on the landlord's behalf, and would make the action of the State in expelling him from his position to savour of great cruelty and apparent vindictiveness. It is deserving therefore of a careful examination. The Landlord has ceased (we may suppose in virtue of the decision of the Court of law) any more to question the title or oppose the resumption of the land by the people, but asks only why should he not also receive compensation for the loss of that of which the State deprives him in obedience to the law's demand?

The Advocate of the People makes reply.

321 The Advocate of the People must then make reply. He will urge that this last plea of the Landlord introduces a new element into the enquiry. Basing his claims on the fact of his inheritance from his ancestors, he compels the People's Advocate to call attention to the character of the claims of those ancestors to the land, and to enquire how they came into possession of the land and whether their own claims to its possession could have been found valid if they had been investigated before a just and impartial tribunal.

Necessary to examine the origin of the ancestors' claims to the land.

322 It would then be recalled how those ancestors had no other original right to the exclusive possession of their lands than can be derived from conquest; that they had afterwards continued to hold them as they had first gained them, by might only not by right; that their original estates had been steadily enlarged

by pursuing a persistent policy of taking unfair advantage of the weakness of their neighbours ; that they had at all times used their preponderating influence in the legislature to give legal sanction to their system of depredations ; that they had appropriated and enclosed for their own use the commonable lands and wastes which had for generations previous been recognised as belonging to the whole community ; that in order to do so, they had without scruple ejected from their humble homes the settlers who were entitled to gain a scanty though independent livelihood from the land, and had caused them often to be degraded and branded as poachers upon the lands from which they had been driven ; that they had caused poverty and precariousness of livelihood to take the place of homely comfort and independence in the labourer's household ; that by their fencing in of the land and divorcing of the labourer from the soil, they had brought upon the millions of poor in the land unnumbered instances of unrecorded privations and want, resulting in sickness and suffering, wasting away of health and strength, and premature decay and death ; that they had built up their prosperity upon the adversity and misfortunes which they had inflicted upon thousands of those whom they had made by their selfish policy to be dependent on them ; that they had grown rich by systematic extortions of large proportions of the earnings rightfully belonging to labourers and that without contributing any real labour on their own part ; that they had used the hoards which they had thus collected to minister to their own extravagance and luxury, often

heedless of the misery and want which surrounded them ; that instead of endeavouring to relieve the distress and squalor which was so largely due to their behaviour they were content if only it could be removed to some place where it could not offend the fastidiousness of their tastes, or perchance excite the compassion of their eyes ; that they have habitually looked down with pride and conscious superiority on the meanness and degradation of those whom they have depressed, and frowned and trampled upon the efforts of those who would endeavour to rise and escape from their oppression ; that in short every page in the history of landlords in the past furnishes a record of the injustice of their conduct to the rest of the people ; and that without attempting to consider whether the present existing landlords are less selfish and unjust than the line of their predecessors, it is manifest that they are quite unable, even if they were ever so well-disposed, to undo the evils which have resulted from the pernicious system of the past ; that in basing their claims to a lenient consideration upon the fact of their inheritance from their ancestors, they must perforce be accounted in a measure responsible for the many misdeeds and acts of injustice which their forefathers committed, and of which the present landlords by virtue of their enjoyment of the inheritance have allowed themselves to become sharers in and to benefit by ; that they are now possessed of immense wealth which ought rightly to have passed as rental values into the common treasury in past years, and which would have prevented the growth of the heavy national and local debts with which the community is now and must

continue perhaps for generations to come still burdened ; that there is no sufficient evidence to shew that they will be really injured by the proposed change which they so affect to dread ; that if indeed they should be injured to some extent, they would still possess much capital in houses and personal property, and would remain more than sufficiently wealthy and well provided for ; that throughout the many centuries during which the landlords, by their continuous policy in legislative matters and by their repeated acts of oppression and spoliation towards their weaker neighbours and dependents, were depriving the community of their rights in the land, there is no single instance on record to shew that at any time any proposal of compensation emanated from them for the benefit and relief of those whom they thus disinherited ; that even if any such a proposal of compensation had ever been made, it is not too much to say that it would not have been seriously entertained by them, even for a moment ; that even if the resumption of the land by the community should involve some real hardship to some few landlords, it could yet be excused as being only a necessary and unavoidable concomitant in making a strictly just and much needed and most beneficial change for all other members of the community, whereas the wrongs done by landlords to the community had been recklessly and ruthlessly inflicted for their selfish gains ; that there is in fact no source from which compensation to landlords could be provided except at the expense of the community which has been for so many generations, and is now so greatly defrauded of its rights by the landlords, who might

rather, if strict justice were to be insisted on, be called on to refund to the community a large portion of their ill-gotten gains; and finally, that to impose a tax on the community's earnings in order to provide compensation for the landlords would be precisely equivalent to allowing them to continue to receive the rental values of the land, only substituting for it the slightly changed form of interest on debt, and thus would in effect perpetuate the present evils, and entirely nullify the beneficial effects which the change of system is designed to produce.

Would not the landlord, as he heard all this, and much more which might be urged to the same effect, be constrained to adopt the words of the miserable Shylock, and to exclaim :

“ I pray you, give me leave to go from hence,
I am not well. Send the deed after me,
And I will sign it.”

The tables
turned upon
the landlords.

323 Could there remain any doubt in the mind of any one as to what the decision of the Court must be on hearing such pleadings in equity? Would it not be made manifest that, instead of the community being compelled to provide compensation, it is the community that has been the poor suffering victim of the pernicious landlord system, and whose accumulated wrongs, so long borne with patient endurance, would justify it in asking and fully entitle it to receive an ample compensation from those who so long oppressed them, were it not that their oppressors are now passed beyond where the bar of any earthly tribunal can reach them. And would it not justify the community (if it were so minded) in calling upon the present landlords as trustees and executors, and now the

legatees of their predecessors' estates, to recover for them out of the estates as they now exist an equivalent for the loss and damage suffered by it, to the extent that would be certainly awarded to the community if it brought suit against the landlords in any impartial court of equity?

324 We do not need to enter on the question of the direct complicity of the present generation of landlords in inflicting or perpetuating these wrongs upon the community in our own generation. We may allow it to be said without challenge in excuse for them that it is the system not the individuals that should be blamed. We only point out that if they will persist in regarding themselves as aggrieved parties, when ousted from their present privileges, they will perceive, if they can but see with clear eyes and unbiassed judgment, that it is their forefathers' doings that have been the ultimate origin of any loss which may now befall them, and upon their ancestors, therefore, should they lay the blame of their now occupying an untenable position, and to them should they look for compensation, if they will really continue still to demand it. When, however, they recall the fact that they owe all that they have hitherto possessed and all that they will be permitted now to retain to their ancestors' steady and unwearying though unscrupulous and unprincipled efforts in building up and enlarging their estates; and when they remember also the extraordinary pains and care they took, and the ingenious legal devices which they invented in order to secure their perpetuation for the benefit and enjoyment of their children and descendants from generation to generation, and to prevent the

If any one must be blamed for the past the landlords must charge it against their ancestors.

possibility of any portion of the estates slipping back into the hands of the community from whom they had wrested them, why surely the present landlords must be constrained to extend a forgiveness to their ancestors, as having at least intended kindly towards them, though to them truly must now be traced the origin of their present impending loss and disappointment.

It is the system mainly that is now responsible for the evils, not so much the individual landlords.

325 In bringing our task to its conclusion it is fitting to say some word respecting landlords as individuals. It may be thought that in some of our remarks we have passed some severe strictures upon the behaviour of landlords in the past. This we must admit is true. We have, however, in so doing, referred to them as a class, and not individually, and the faults we have attributed to them we recognise now as having been long inherent in an oppressive and unjust system, and for which the present generation of landlords is, comparatively speaking, only in a small measure responsible. It is their misfortune that they should have inherited an utterly untenable position, gained by their forefathers by indefensible means, and unscrupulous trampling on the rights of the weaker elements of the community; and no benevolence or well-intentioned purposes of individual landlords at this day can any longer avail to hide the robbery and oppression, and oft-times naked brutality, which marked the origin of their claims and the history of their holding; nor can they in any degree reconcile the masses who are the victims of this system of oppression to its longer continuance.

Some noble exceptions among landlords.

326 This should not, however, prevent us from recognising the many noble instances of landlords who have risen superior to the noxious influences of their environment, and have used

their influence and power to do good and to benefit those whose unfortunate circumstances and pitiable condition excited their sympathy and compassion, and aroused them to make chivalrous efforts to bring about some amelioration of their miseries. Such a life of Christian philanthropy, aiming to relieve the sufferings and hardships of the poor, was that of the late Lord Shaftesbury within living memory.

327 And we do not yet despair of finding amongst living landlords some who will exhibit a true nobility of character, and reveal to the world a capacity for judging honestly and impartially of their position in reference to the community, in spite of their own personal interests being involved, which shall lead them to remember and act upon the golden rule "Do unto others as ye would have them do to you." When once they shall have permitted the unwelcome and unpalatable truth to find an entrance into their minds, and to make a permanent lodgment among the better impulses of their hearts, there will be begotten in some of them, let us hope, an irresistible conviction, an all-compelling power, urging them to follow in the self-sacrificing path of duty, and to lead the people onward in the great impending struggle for the land that is now seen to be inevitably approaching. A revolutionary epoch it must certainly be; but whether the struggle be won by peaceful methods and praiseworthy perseverance in lawful agitation, or whether it be by arousing angry and hateful passions, leading perhaps to civil strife and bloody war, depends on them and their attitude more than on any others.

The appeal
to the land-
lords.

The hour and
the opportunity
are now at
hand.

328 Surely there is now an opportunity for some noble hearts amongst landlords to kindle a flame of lofty patriotism amongst their fellows which shall light up with a celestial halo the expiring days of this giant of bygone times, and cause a grateful posterity in time to come, looking back upon the history of this landlord system inherited from barbaric days, and transmitted to us through all the gloom and darkness of the Middle Ages, to declare that no chapter in its long annals was so illustrious in its noble names, and no deeds done in all the plenitude of its power, so worthy to be remembered and held up to the admiration of future ages as those which marked the closing years of its existence, and the last days of its transition, as it passed into a new and glorious era, whose characteristic feature shall be the universal recognition of the everlasting dogma that proclaims for every human creature equally and alike "the Fatherhood of God and the Brotherhood of Man."

BOOK III.



STATISTICS.

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STATISTICS.

329 We append here, for the purpose of reference some statistics which may be helpful to the reader, in the course of his perusal of the book. Most of them are taken from the Almanacs for 1888, but some are added from other sources. The figures are usually given in round numbers only, for the sake of clearness of conception and comparison. Usually they are expressed in millions and fractions of a million. The letter "m" is sometimes used as an abbreviation for "millions."

Explanation.

AREA.

330 The area of the British Isles is about 121 thousand square miles; of England and Wales 58, Scotland 30 and Ireland 32.

Area

In acres, we have in the British Isles $77\frac{3}{4}$ m.; in England and Wales $37\frac{1}{4}$ m., Scotland 19 m. and Ireland $20\frac{1}{4}$ m.

POPULATION.

331 The population of the United Kingdom is now about $37\frac{1}{3}$ m. In England and Wales, 26, in Scotland $3\frac{3}{4}$ m. and in Ireland 5 m. according to the census of 1881.

Population.

Every year 400,000 is added.

The emigration ranges from about 300 thousand to 400 thousand a year, of whom about $\frac{1}{2}$ proceed to the United States, the other half to the Colonies.

NATIONAL REVENUE.

National
Revenue.

332 For the year ending March 31st, 1887.

The total revenue is 91 millions.

It is made up thus:—Customs 20, Excise 25, Death Duties $7\frac{1}{2}$, Stamps $4\frac{1}{2}$, Land Tax 1, House Duty 2, Income Tax 16, Post Office $8\frac{1}{2}$, Telegraphs 2, Crown Lands $\frac{1}{2}$, Interest on Loans and Suez Canal 1, Miscellaneous 3.

NATIONAL EXPENDITURE.

National
Expenditure.

333 For the year ending March 31st, 1887.

The total expenditure is about 90 millions.

The non-producing items comprise about 80 millions of it, being Interest on National Debt 28, Army 18 and Navy 13, together 31, Civil List 18, Miscellaneous $1\frac{3}{4}$.

The other items are for the collection and management of the Revenue, for Customs 1, Inland Revenue 2, Post Office $5\frac{1}{2}$, Telegraphs 2, Packet Service $\frac{3}{4}$ of a million.

NATIONAL TAXATION.

National
Taxation.

334 That part of the Revenue of the United Kingdom that is raised by taxation amounts to about 76 millions. More than half of the gross revenue of 91 millions is raised by customs and excise duties on articles of general and common consumption.

Thus, from Customs duties on Tobacco, $9\frac{1}{3}$; Tea, Coffee, Chicory and Cocoa, $4\frac{1}{2}$; Spirits, 4; Wines, $1\frac{1}{5}$; Fruit, $\frac{1}{2}$. Total, 20

From Excise duties on Spirits, 14; Railways, $\frac{1}{3}$; Beer, $8\frac{1}{2}$; Licenses, 3. Total, 26.

Thus from Customs and Excise together, we obtain from Spirits, 17; Tobacco, $9\frac{1}{2}$; Beer, $8\frac{1}{2}$; Tea, $4\frac{1}{2}$; from Wine, $1\frac{1}{5}$; and other duties making a total of 46 millions.

The taxation per head, per annum, is in England and Wales £2 2s. 3d.; in Scotland, £2 5s. 7d.; and in Ireland, £1 11s. 3d.

CUSTOMS.

335 These are simple import duties collected on cocoa, coffee, chicory, tea and fruit, and on tobacco and wine. In order to countervail the excise duties, customs dues are collected also on beer and on various kinds of spirits. To countervail the stamp duties, customs are collected on gold and silver plate, and on playing cards, &c.

Customs.

Out of one shilling paid over the counter, the tax is as follows: for Cocoa, $1\frac{3}{4}d.$; Coffee, $2\frac{1}{2}d.$; Currants, $3\frac{1}{2}d.$; Raisins, $2\frac{1}{2}d.$; Tea, $6d.$; Wine, $3d.$ Also for one shilling's worth of spirits we have to pay $3s. 6d.$, and for one shilling's worth of tobacco, $5s. 3d.$

336 PUBLIC INCOME AND EXPENDITURE SINCE 1800

Public Income and Expenditure since 1800.

| <i>Total Income</i> | m. | m. |
|--|-------|-------------|
| Customs | 1,700 | } 3,600 |
| Excise | 1,900 | |
| (This is the total burden on Trade, Industry, and the Poor.) | | |
| Other sources | | 2,100 |
| | | <hr/> 5,700 |

| <i>Total Expenditure.</i> | m. | m. |
|---|-------|---------|
| Interest on Debt | 2,420 | } 4,720 |
| Army | 1,410 | |
| Navy | 880 | |
| (This is the total for War debt and War.) | | |
| Civil Services | | 1,150 |
| | | <hr/> |
| | | 5,870 |
| | | <hr/> |

Excess of expenditure over income about 170 millions.

Thus to every £ of income customs and excise gave 12s. 7¼d.

Thus to every £ of expenditure war took 16s. 0¾d. leaving 4s. for every other purpose.

The gross revenue in 1887 from taxes proper (*i.e.* excluding post office, telegraphs, crown lands, interest and loans, and miscellaneous) was 76 millions, and customs and excise contributed 45 of it.

TRADE.

Trade.

337 For the year 1886, the real value of the merchandise imported was 350 m., being at the rate of £9½ per head of the population.

The value of the British produce exported was 212 millions, being at the rate of £5¾ per head. There was also foreign and colonial produce re-exported to the amount of 56 m. making the total of exports 268m.

Hence we see the total value of the trade, imports and exports, was 618 m., being nearly £17 per head of population.

The capital of the United Kingdom has been estimated at 10,000 m., and the national

income at 1,200 m. For the United States, the amounts are 7,000 m., and 1,500 m. respectively.

RAILWAYS.

338 The total sum invested is 828 m., and the mileage about 20,000 miles. The receipts for passengers are 30, and for freight 36, total receipts 70 m.

Railways.

The working expenses are $36\frac{1}{2}$ m., and the net receipts 33. The net receipts vary in proportion to the paid-up capital from 4 to $4\frac{1}{2}$ per cent.

The London and North Western has about 105 m. invested, and the Midland 81 m.

INCOME-TAX ASSESSMENTS.

339 The annual value assessed under the five schedules is as follows:—

Income Tax Assessments.

Schedule A. Lands, Tenements, Tithes not Commuted, Manors, Fines, &c., 200 m.

Schedule B. Occupation of Land, Tenements and Hereditaments, 63 m.

Schedule C. Annuities and Dividends from Public Revenue, 42 m.

Schedule D. Professions, Trades, Railways, Canals, Mines, Gas, Waterworks, 300 m.

Schedule E. Pensions, Salaries from Public Offices, 40 m.

Total Annual Value Assessed, 630 m.

Each penny in the £ would produce about $2\frac{5}{8}$ m., or £2,625,000, except that Schedule B is taxed at a lower rate than the others, and there are some other reductions.

LOCAL TAXATION AND EXPENDITURE.

RECEIPTS.

Local Taxation and Expenditure.

340 From Rates (including Gas and Water) 38 m., Government contributions $4\frac{1}{2}$, from Loans 13, and other sources making a total of 67 m.

Of this total there belongs to England and Wales 55, to Scotland $7\frac{1}{2}$, and to Ireland $4\frac{1}{4}$ m.

EXPENDITURE.

For Poor Relief 12, School Boards $6\frac{1}{2}$, Police, Sanitary Matters, &c., in Towns 33, in Counties 7, Harbours 5, making a total of 67 m.

The indebtedness of cities, counties, and other local divisions now exceeds 200 m. In 1875 the outstanding loans of local authorities were about 93 m; in 1886 they had grown to nearly double that amount, being 181 m., and in 1888 Mr. Goschen transferred $26\frac{1}{2}$ m. from the national liabilities to the total of local debt.

COST OF MONARCHY.

Cost of the Monarchy.

341 During the reigns of George III. and George IV., from 1760 to 1830, a period of 70 years, the cost of monarchy amounted to 100 m. William IV.'s reign averaged a million a year.

Queen Victoria's Civil List was settled in 1837 at £385,000 a year. The President of the United States receives £10,000 a year, and a residence. The President of the French Republic receives £24,000 and his household ex-

penses. The President of Switzerland receives £600 per annum.

The cost of the Monarchy during the present reign, from 1837 to 1887 may be estimated thus :—

Cost of 16 individuals of the Royal Family, now deceased, 10 m.

Cost of 11 individuals of the Royal Family, surviving, $4\frac{1}{2}$ m.

| | | |
|--|-------------------|------|
| Queen's Civil List, £385,000 for 50 years | = $19\frac{1}{4}$ | } 29 |
| Duchies of Lancaster and Cornwall Revenues | $1\frac{3}{4}$ | |
| Royal Yachts | 1 | |
| Windsor Castle and Buckingham Palace | 7 | |
| | | |

Thus, adding 27 individuals, our Royal Family have cost over 40 millions, and if the maintenance of some of the private parks, &c., be included, the cost will amount to 50 millions, that is, on an average, one million a year.

NATIONAL DEBT.

342 In 1688, the year of the Revolution, when William III. was called to the throne, the National Debt was incorporated at $\pounds\frac{2}{3}$ m. At accession of Anne, it was 12m.; of George I. 36 m.; George II. 52; George III. 102; George IV. 834; William IV. 784; Victoria 787. It is now, in 1887, 738 millions, shewing a decrease in the last 50 years of about 50 m., that is, about a million a year.

National
Debt.

It is interesting, also, to note its growth and magnitude at the close of the different wars since the Revolution. After Marlborough's

wars it stood, in 1714, at 36 m.; after the wars of George I. and George II.'s reigns, terminating in the treaty of Aix-la-Chapelle, it stood, in 1748, at 78. After the Seven Years' War it stood, in 1763, at 133. After the American War of Independence it stood, in 1783, at 273. After the wars with Napoleon, closing with Waterloo, it stood, in 1815, at 900 m. This growth, it should be noted, was in spite of the sums paid off during the intervening years of peace.

It is to be noted, also, that the actual capital of British Debt does not represent, by any means, the sums really received by the State. During the past and the early years of the present century, enormous sums were borrowed at a price far below par, the difference adding many millions to the actual burden of the debt.

The interest per head of population of the British debt is now 15*s.* 2*d.*; in Russia it is 7*s.* 6*d.*; in United States 3*s.*; in Australia 31*s.* 9*d.*, and in Egypt 18*s.* 4*d.*

Professor Foxwell has shewn that by the fall in the value of money since 1873, this enormous debt of 740 m. has been practically increased in its weight on the community, 25 per cent. The effect is the same as if some 180 m. of fresh debt had been incurred.

WARS SINCE 1848.

Wars since
1848.

343 With the exception of the Indian Mutiny, these were wars of offence more than defence. Their cost is beyond calculation, but if we estimate the war votes only (deducting cost of peace footing) and exclude the increases

of Debt charge, Half Pay and Pensions, we may still see how national money goes.

| | | | |
|---------|-------------------------|-------|----------------|
| 1848-53 | Kaffir War | . . . | cost 2 m. |
| 1854-56 | Crimean War | . . . | 70 |
| 1856-61 | Second China War | . . . | 7 |
| 1856-57 | Persian | . . . | 1 |
| 1864-65 | New Zealand | . . . | $3\frac{1}{4}$ |
| 1866-68 | Abyssinian | . . . | $8\frac{1}{2}$ |
| 1874-75 | Ashantee | . . . | 1 |
| 1879-80 | Zulu and Transvaal | . . . | 5 |
| 1880 | Griqualand | . . . | $\frac{1}{2}$ |
| 1883 | Egyptian | . . . | 4 |
| | Vote to India on Afghan | | |
| | War Account | . . . | 5 |
| | Soudan (Gordon Relief) | . . . | $\frac{1}{3}$ |
| | | | Total 104 m. |

WAR BURDENS OF EUROPE.

344 Estimate for January 1st, 1887. Ex-pressed in millions. War burdens of Europe.

| | United Kingdom. | Austria. | France. | Germany. | Italy. | Russia. | Total for all Europe. |
|------------------------------|-----------------|----------------|----------------|----------------|----------------|----------------|-----------------------|
| Population | 35 | 40 | 38 | 47 | 30 | 104 | 331 |
| Standing Army | $\frac{1}{10}$ | $\frac{1}{10}$ | $\frac{1}{2}$ | $\frac{1}{2}$ | $\frac{1}{10}$ | 1 | 4 |
| Standing Army and Reserves | $\frac{1}{10}$ | 1 | $3\frac{3}{4}$ | $2\frac{3}{4}$ | $2\frac{1}{2}$ | $3\frac{1}{4}$ | 17 |
| Annual Expenditure | 92 | 97 | 147 | 128 | 68 | 130 | 773 |
| Army and Navy Estimates | 39 | 14 | 34 | 22 | 14 | 37 | 187 |
| Interest on National Debt | 23 | 23 | 50 | 15 | 21 | 39 | 200 |
| National Debt | 748 | 523 | 1,435 | 400 | 450 | 600 | 4,862 |

LAND TAX.

Land Tax. **345** Since 1798 the Land Tax of 4 shillings in the pound has been fixed at the amount of £2,037,627. About £50,000 of this is collected from land in Scotland, the remainder from England and Wales. The total amount of land tax which has been redeemed is about £860,000 leaving an amount still unredeemed of less than £1,200,000, which is the sum now collected annually.

The annual value of lands as given in the Income Tax Assessment, Schedule A, is for England 151 m., for Wales 6 m., and for Scotland 20 m., making a total of 177 m. The land tax of 2 m., is therefore on an average of only 3d. in the pound on this total.

If to the total assessment in Schedule A, we add the annual value of quarries, mines, railways, &c., charged under Schedule D, estimated at one half the amounts assessed, that is 27 m., we obtain a total of 204 millions. If we calculated the amount of the Land Tax on this sum at 4s. in the £, it would be 41 m., instead of which it is only 2 m.

The present product of imperial taxes on land, as distinguished from houses, buildings, tithes, &c., cannot be estimated with accuracy (no distinction being drawn in the statistics of the Land Tax and Death Duties) and we are therefore compelled to state the totals derived from these classes as a whole. We have, therefore these items. Income Tax Schedule A at 8d. in the £, gives 6 m. Annual value of quarries, mines, railways, &c. 1 m.,

Land Tax 2 m., Inhabited House Duty 2 m., Succession Duty 1 m., Legacy Duty 1 m., Crown Lands $\frac{1}{2}$ m., making a total of 13 m. Taking the gross annual value of the properties subject to the above duties at 204 m., this is equal to a tax of 1s. 3d. in the £.

LANDHOLDERS.

346 No reliable returns of the number of landholders, of the extent of their holdings, or of their annual rental value have yet been obtained. The Domesday Book of 1874 is acknowledged to be incomplete and untrustworthy. It excludes returns of the metropolis, and omits the vast area of woods, plantations, wastes and unenclosed commons over which manorial rights extend, and it also classes leaseholders for 99 years or more as landowners. Its results must therefore be received with caution. From it, it appeared that (excluding plots of under one acre)

Landholders.

$\frac{1}{4}$ of total acreage is held by 1,200 owners, averaging 16,200 acres each ;

Another $\frac{1}{4}$ of total acreage is held by 6,200 owners, averaging 3,150 acres each ;

Another $\frac{1}{4}$ of total acreage is held by 50,770 owners, averaging 380 acres each ;

Remaining $\frac{1}{4}$ of total acreage is held by 261,380 owners, averaging 70 acres each.

There are 12 landowners who, together, own $4\frac{1}{2}$ m. acres. The Peers, in number about 600, hold rather more than $\frac{1}{5}$ of all the land in the kingdom. We see also that $\frac{1}{2}$ of the whole territory is in the hands of only 7,400 individuals; the other half is divided among 312,500 individuals.

Its totals shew that in England and Wales about one million landowners hold 33 millions of acres at a rental or valuation of £100 m. and that in Scotland and Ireland 200 thousand landowners hold 40 millions of acres at a rental of £32 m. As regards the United Kingdom, then, we have $1\frac{1}{5}$ m. landowners holding 72 m. acres at a rental of £132 m., leaving the metropolis &c. out of account.

As regards England and Wales only, we find that 280 persons own about $\frac{1}{6}$ of all the enclosed land, 523 own about $\frac{1}{5}$, 710 about $\frac{1}{4}$ and 10,000 own about $\frac{2}{3}$.

Comparing these results with those relating to continental countries, we may remark that in Prussia 800,000 day labourers own land, cultivating vegetables and fruit; in Belgium, having an area of less than $\frac{1}{5}$ of England and Wales, there are more than a million landowners; and in France there are 5 m. proprietors averaging $7\frac{1}{2}$ acres each, and $\frac{1}{2}$ m. averaging 75 acres.

The indebtedness of English landed gentry (by way of mortgage and otherwise) has been estimated at £250 m.

The losses of farmers' capital during the years 1875-1883 are estimated at £150m.

Sir. James Caird has estimated that for the last 30 years the landlords have expended on their agricultural land at the rate of £2 millions per annum, a large portion of which was for mere renewal of buildings, roads and drains, and as the total rental of these lands is 67 millions, it appears that the total sum spent in 30 years on improvements is less than one year's rental. The capital value of the soil of the United Kingdom is estimated at £2,000 m.

In reference to the subject of "enclosures,"

we may note that between 1845 and 1877 nearly 600,000 acres of common and commonable land had been partitioned among 26,000 separate owners, on an average proportion of $44\frac{1}{2}$ acres to each lord of the manor, 24 to each owner of common rights, and 10 to each purchaser of land sold to cover part of the expenses where they were not wholly raised by rates. Of course the allotments received by lords of manors 620 in number, mostly contributed to swell the acreage of large estates, and even those received by the 22,000 common-right owners would often form appendages to existing freeholds. But it may fairly be presumed that of the 3,500 purchasers among whom the residue of 35,450 acres was distributed, chiefly in small lots, a large proportion became landowners for the first time.

RENT

347 "About 1850, Mr. Porter estimated that with scarcely any exception the revenue drawn in form of rent has been at least doubled in every part of Great Britain since 1790. The rent of cultivated land per acre which in 1770 averaged but 13s. reached 27s. in 1850, and 30s. in 1878. The income tax returns show this cultivated 'land' of England and Wales assessed at $44\frac{1}{2}$ millions of pounds in 1863, and at 52 millions in 1877. The annual value of lands alone in 1814, was 37 millions and in 1868 $47\frac{3}{4}$ millions. A progressive and continuous rise in rental of land has taken place within the last 20 or 30 years preceding 1880, though checked in 1878-9 by effects of bad seasons. The increase of rent in England and Wales alone between 1857 and 1875 is nearly 9

Rent.

millions according to income tax returns. The landed interest of England is estimated to have received a sum exceeding the national revenues from railway companies alone over and above the market price of the land thus sold. One nobleman is known to have received $\frac{3}{4}$ of a million sterling for the mere site of docks constructed by the enterprise of others. The soil of England may have little more than doubled its agricultural rental in a century, but it must assuredly be worth many times its value in the days of our great grandfathers, if we include in the calculation all the land which then sold by the acre and now sells by the yard."

New leases recently made of Crown lands in Piccadilly and Piccadilly Circus shew that in the last 21 years property has increased in value from 80 to 100 per cent.

Mr. Samuel Laing M.P. shewed that landlords have received 50 m. over market value from the people through Railway Companies' purchases. Their landed estates have been increased thereby 150 m. in value, not to speak of the relief afforded by the large share of local taxation borne by these railways, estimated at one-half.

Thus we may compare the per-centages paid in 1814 with that in 1884.

| | In 1814. | In 1884. |
|----------------|--------------|--------------|
| Land paid | 69 per cent. | 23 per cent. |
| Houses " | 28 " | 53 " |
| Railways " | 0 " | 14 " |
| Other property | 3 " | 10 " |

In the Channel Islands, under a free system and peasant proprietary, the average rent of middling land has risen to £4 and £6 an acre. In Switzerland it is at about the same figure.

But in England 30s. would be a fair and rather high rent.

The rental value of all the land in the United Kingdom (as gathered from the schedules of the Income Tax assessment), is about 204 millions per annum, that is, nearly £28 per annum for every family, supposing it to consist of the average of five persons.

The value of all the land in London is about 418 m., and of the buildings, 212 m. The taxes on the land in London amount to half-a million; the taxes on the buildings to 7 millions.

If a man pays 4s. for rent, he pays to the builder 1s., to the landlord 2s., and for rates and taxes 1s.

The rateable value of the Metropolis within City limits was, in 1801, $\frac{1}{2}$ million, in 1856, $1\frac{1}{4}$ m., and in 1884 had increased to $3\frac{1}{2}$ m.

The inhabited house duty is collected on houses not below £20 a year rental. The number of houses assessed in 1882 was, in England and Wales, 1 m., unassessed, 4 m. Of the latter, 3 m. were even below a £10 limit.

The population of New York City is now about $1\frac{1}{2}$ m., and its present annual rental value of the bare land, without including the buildings on it, is about 20 m.

AGRICULTURE.

348 It has recently been stated in Parliament that there are 700 thousand persons now idle owing to paralysis of agriculture.

Agricultural.

America exported breadstuffs to England last year worth 32 millions of pounds, and provisions worth 20 millions.

Last year (1887) England imported butter, cheese, living animals for food, eggs, lard,

potatoes, poultry and game and vegetables to the value of about 27 millions of pounds, all of which it might have been supposed could have been produced at home under improved conditions as to the land. She also imported corn, etc., to the value of 46 millions, and meat, 14 millions.

The following table shows *the amount of the annual consumption of agricultural produce* in the United Kingdom, in millions of cwts.

| | Home Growth. | Foreign. | Total Amount. |
|--------------------------|--------------|----------|---------------|
| Corn - | 177 | 136 | 313 |
| Potatoes - | 111 | 9 | 120 |
| Wool | 1¼ | 3½ | 4¾ |
| Animals, Bacon, and Pork | 24½ | 8 | 32½ |
| Cheese and Butter | 3 | 3¾ | 6¾ |

The *value* (in millions of pounds) of this annual consumption is as follows :

| | Home. | Foreign. |
|----------------------------|-------|----------|
| Corn and Vegetable Produce | 125 | 65 |
| Wool and Animal Produce | 135 | 60 |
| | <hr/> | <hr/> |
| | 260 | 125 |

The total value of the annual consumption of agricultural produce is therefore 386 m.

Food supply. The corn land of the Kingdom, by the application of nitrate, might be made to produce an additional wheat crop, instead of the usual four-course system of wheat, turnips, barley, and clover. If all Europe were closed to us, $\frac{1}{10}$ of such double-cropping would suffice to neutralize the effect.

The corn lands, as now sown, produce 26

bushels to the acre, but with improved tillage they might be easily rendered more productive. Mr. Lawes' crop is 36 bushels, and Canon Stubbs states that the allotments' average is 40. The maximums reach as high as 60, 55, and 57 bushels to the acre.

Apart from the corn lands, of 10 million acres, we have 25 million acres of pasture lands, an immense reserve of cereal production, and more than sufficient to keep us for generations in the event of altogether impossible calamities.

The large farm system embraces nearly *twice* the proportion of corn and *half* the proportion of green crops and grass. In other words it is doubly dependent on the price of corn as compared with the middle class farm system which relies to a far greater extent on its dairy produce, its fat cattle, its vegetables, and its hay. The result is, that the latter pays more rent or surplus for the use of the land, and a higher rate of wages to the labourer.

Common Lands. The area of England and Wales includes about 37 million acres. According to the estimates of the Tithe Commissioners in 1843 there were then 8 millions of common and waste. From returns made to Parliament in 1873 there were of commons capable of cultivation $\frac{7}{8}$ of a million acres, of commons apparently mountain or otherwise unsuitable for cultivation $1\frac{1}{2}$ m. and of common-field lands $\frac{1}{4}$ of a million, giving a total of acres subject to common rights of $2\frac{1}{2}$ millions. This is known, however, to be much below the real amount. A more correct estimate would probably be about 4 m. acres.

The area of the United Kingdom is about $77\frac{3}{4}$ m. acres, and only about $50\frac{1}{2}$ are accounted

for (in corn, green crops, grass, &c.). Upwards of 27 m. acres then remain for land covered by orchards, nursery gardens, market gardens, buildings, bogs, moors, lakes, mountains, and waste lands, much of it capable of reclamation and cultivation, and which would undoubtedly be reclaimed if there were free trade in land.

WAGES OF AGRICULTURAL LABOURERS.

Sir James Caird gives the following:—

| | In 1770. | 1850. | 1880. |
|-----------------------|----------|---------|-------|
| Rent of Land per acre | 13s. | 27s. | 30s. |
| Wages of Labourer | 7s. 3d. | 9s. 7d. | 14s. |
| Rent of Cottage | 8d. | 1s. 5d. | 2s. |

Another comparison of wages may be given between the wages paid to an agricultural labourer in Cheshire, England, and Massachusetts, United States.

| | 1850. | 1870. | 1880. |
|-------------------|---------|-------|----------|
| Wages in Cheshire | 9s. 7d. | 15s. | 17s. 6d. |
| „ „ Massachusetts | 16s. | 20s. | 25s. |

The Comparative Importance of Agriculture as compared with other industrial interests in the United Kingdom may be shewn thus:—

| | AGRICULTURE. | Shipping and Merchandise | Textile and Hardware Manufactures. |
|-------------------|--------------|--------------------------|------------------------------------|
| Capital Revenue - | £2,290 m. | 470 | 370 |
| Population - | 263 m. | 600 | 6¼ |
| Wages - | 3 m. | 1 | £47 or 32 and in mines 15. |
| | £75 | | |

TITHE-RENT CHARGE.

349 The amount per annum devoted to the maintenance of the Clergy is about 3 millions. The amount paid to lay Impropriators is 800 thousand, and to Schools, Colleges, &c., 200 thousand.

Tithe-Rent
Charge.

GLEBE LANDS.

350 The area of Glebe Lands is 650 thousand acres, producing an annual rental of 900 thousand pounds.

Glebe Lands.

HOSPITAL COLLECTIONS.

351 The total amounts of the collections on Hospital Sundays during 13 years past have been, by the Church of England, 300 thousand pounds in London and 400 thousand in the provinces. By other denominations, in London, 100 thousand, and in the provinces, 200 thousand ; making in all a total of one million pounds.

Hospital
Collections.

TRADE UNIONS.

352 Mr. John Burnett gives statistics respecting six of the principal Trade Unions, shewing that during the last quarter of a century they paid to their members for unemployed benefits $2\frac{1}{8}$ millions, for special strike benefits $\frac{1}{3}$ of a million, and for general benefits $4\frac{2}{3}$ m.

Trade
Unions.

CO-OPERATION.

353 The reports of the Societies for 1884 shew the following results :—

Distributive Societies. $\frac{3}{4}$ m. members, capital 10 m., reserve $\frac{1}{3}$ m., annual sales 31 m., profit $2\frac{3}{4}$ m., for education £20,000.

Co-operation.

Retail Productive Societies. Capital $\frac{3}{4}$ m., buildings, &c. $\frac{3}{8}$ m. Annual production 4 m.

Wholesale Productive Societies. Capital 1 m., sales $6\frac{1}{4}$ m.

TEN YEARS (1877-1887) IN ENGLAND AND WALES.

Ten Years,
1877-1887, in
England and
Wales.

354 The average number of scholars attending primary schools has increased from $2\frac{1}{8}$ millions to $3\frac{1}{2}$ m.

The number of prisoners convicted has decreased from 12 thousand to $10\frac{1}{2}$ thousand.

The capital of Post Office and Trustee Savings Banks has increased from 63 m. to $83\frac{1}{2}$ m.

The number of paupers has increased from 742 thousand to 817 thousand, and the amount spent on relief of paupers from $7\frac{1}{2}$ m. to $8\frac{1}{4}$ m.

During this same period the population in England and Wales increased from $24\frac{7}{10}$ m. to $28\frac{1}{4}$ m.

The weekly returns of Metropolitan pauperism in December 1888, shew a total of 100 thousand paupers, of which 60 are Indoor, and remaining 40 in receipt of Outdoor relief. The population of the Metropolis in 1881 was 3,815,000.

THE DEPRESSION OF TRADE.

The Depres-
sion of Trade.

355 Dr. Wallace suggests four causes to account for it.

I. The excessive amount of foreign loans made about fifteen or twenty years ago.

II. The enormous increase of war expenditure by all the countries of Europe about the same time.

III. The vast increase of speculation as a

means of living, and the consequent increase of millionaires in this country.

IV. The most important result of our vicious land system, as seen in the depopulation of the rural districts and the over population of the towns.

The new debts created between 1863 and 1875 were by France 500 m., Italy, 200, Russia 400, Turkey 200, Egypt 80, Tunis 7, Central and South America 73, making a total of about £1,500 m. England probably lent half of this amount, besides an enormous sum in railways and other foreign investments or speculations.

During the years 1874-1883 the increased war expenditures in Europe were in Great Britain from 24 m. up to 30, Austria from 7 up to 13½, France 18 up to 35½, Germany 17 up to 20, Italy 9 up to 19, Russia 20 up to 30. The total of these shews that whereas up to 1874 these six great nations spent 96 m. a year on their warlike material and expenditure, in 1883 they spent 150 m. Here was an increase of 54 m. sterling, all newly added to the taxation of these countries, the most utterly unproductive taxation that it is possible to conceive.

The European armies have increased since 1870 by 630 thousand men. The present total is more than 3½ m. of men, and this is a peace establishment. Probably another 3½ m. are engaged in the service of the actual army, making 7 m. These six great powers have increased their annual expenditure by £266 m. from 1870 to 1884.

As England supplies goods to almost every nation in the world, it does not matter where the war is, one thing is certain, that a considerable number of our customers are killed and a much

larger number are impoverished. Just consider. In 1872 we had the great Franco-German war ; in 1875, the Ashantee war ; in 1878 the terrible Russo-Turkish war ; in 1879, and 1880 the Transvaal and Zulu wars ; in 1881 the Afghan war ; in 1883 the Egyptian war ; in 1884-85 the Soudan war ; and since then the French Tonquin war, and then the Mahdi war. Since then we have had the Burmese war, and the renewal of the Soudan war. Every one of these wars kills or impoverishes our customers.

With regard to the fourth cause, it is a very low estimate to consider that what may be called the normal increase of people dwelling in the country was 17 per cent. during the ten years from 1871 to 1881. The diminution of inhabitants in the rural districts amounts to 300 thousand. Taking into account the increase of 17 per cent. the effective diminution amounts to nearly one million. Add to this the people who have emigrated, and the result is that $1\frac{1}{4}$ m. have migrated out of the county districts into the towns. The consequences of this migration are seen in the increased importation of articles of food which the rural inhabitants would have supplied. Thus, from 1870 to 1883, the imports of bacon and pork rose from $\frac{7}{8}$ of a million cwts. up to 5 m. ; of potatoes, $\frac{1}{8}$ of a million cwts. up to 4 m. ; of eggs, 430 m. up to 800 m.

From the reports of the Registrar General for London, it is found that the average number of deaths in workhouses and hospitals each year, has increased to 30 per cent. more in 1881 than it was in 1872, and this increase of the destitute in these ten years means the addition of 107 thousand to the destitute poor of London.

It is estimated that, for every hundred acres of land converted from arable into pasture, two labourers must be discharged ; and as at least a million acres have been so converted between 1873 and 1884, that means that 20,000 labourers and their families were discharged for this one cause alone. The average produce of arable land is £10 5s. per acre, of pasture land £1 9s. per acre ; consequently there was a loss of £8 16s. on every acre converted. The change means profit to the landlord, but it also means ruin to the country. It means nearly £9 m. of annual loss to the country by this million acres converted.

Lord Carrington has stated that the average produce of his allotments in the hands of labourers is £33 an acre more than the produce of the same land in farms. A Government Commission in 1868 reported that the average produce of such allotments all over the country was £14 an acre more than that of farms. A clergyman in Buckinghamshire has let out his glebe lands in allotments of an acre or half-acre to labourers, and an experience of nine years shews that they produce £4 10s. an acre more than the surrounding farms. If only twenty of the fifty millions of acres of cultivable land—a considerable part of which is now going out of cultivation—were thus cultivated by poor men in this minute and careful manner, and they obtained on an average £10 an acre of increased produce, that would give us £200 m. a year of extra wealth produced by poor men, and which would be spent in sustaining the manufactures of the country.

