

The Freeman, March, 1940

*Letters to
The Editor*

Correction From London

I notice in the November issue of *The Freeman* a paragraph headed "England's War Saboteurs" which indicates that the British government has ex-cepted land from the things which it may take for the prosecution of the war. No doubt this impression has arisen from journalists' failure to appreciate the effect of the legislation which has been enacted here.

What the statute, the Emergency Powers (Defence) Act, does actually say is that "Defence Regulations may authorise (i) the taking of possession or control, on behalf of His Majesty, of any property or undertaking, (ii) the acquisition on behalf of His Majesty of any property other than land."

The effect of this is that in regard to property generally the Government has two alternatives: it may either take possession (i. e. take the use for as long as need be), or it may acquire (i. e. purchase the property outright). In the case of land, however, it has only the first alternative of taking possession of the land and using it for whatever purpose it pleases.

There is thus no power of compulsory purchase of land for emergency purposes during the war. The object of this no doubt is to enable the Government to avoid paying large capital sums by way of compensation for land bought.

Where the Government takes possession of land, it will naturally have to pay some rent for the use of it and compensation for any damage actually done.

It is a precedent in legislation which should be borne in mind. The effect of it is that the owner of land remains the owner, and would therefore be liable to pay any tax which might be imposed upon the value of his land. Whereas, if the State buys the land, the land-owner is freed from any contingent liability to the State, and the public is left to carry a debt equal to the value of the land acquired.—F. C. R. Douglas, London, England