

ON THE LAND AS NATIONAL PROPERTY.

BY EMERITUS PROFESSOR F. W. NEWMAN.

*With Special View to the Scheme of Reclaiming it for the Nation
proposed by ALFRED RUSSEL WALLACE, LL.D.*

THE question which I have to treat is not one for Political Economists, it belongs to Morals, Politics, and History. To make this clear, I must compare our movement to that against slavery. Wherever slavery exists by law, economists and lawyers regard slaves as chattels.

What articles shall be marketable, what not, the law decides, not economic science.

The abolitionists attack the law as unjust and immoral ; if the economists reply that the slave is better off in slavery, we rejoin, let *him* judge of that.

The argument is one about moral right, not about market prices. So here, our question is on the right of accounting land an ordinary chattel. We allege that it ought not to be, that it cannot be without injustice, that great injustice, not to farmers only, but to the whole nation, results from existing land tenure : that cultivators ought to have duties imposed and rights guaranteed, but over them should rule impartial law, not a modern landowner. Now, when we claim a change of bad law, we are met as slaveowners met abolitionists. Abolitionists said : " Let us have a compromise : let us buy you out." Slaveowners replied : " No thanks for the offer : we value *power*, we will not listen to you." Nothing was left but to preach the

immorality of slavery ; so now : landlords stick to their *power*. Land gives political influence, and makes the whole neighbourhood a virtual serfdom in many cases. While we see in the landlord class many whom we highly esteem, we are forced to make our first attack on their *power* as essentially unjust—nay, and in fact, acquired by an indefensible series of encroachments and misuse of the legislator's very important trust.

Among professed English economists, J. S. Mill was the earliest to proclaim a cardinal fact of our history, namely, that in old days the landlord's rent was fixed by *custom* not by *competition* ; that he had no legal right of ejection while his legal dues were paid ; that he was not a land-owner, but only the chief out of many who had joint interest in the land. It is wonderful how anyone can avoid seeing that our modern landlords claim more than Royal powers. No English *King* was ever the *owner* of the English soil, or ever dreamed that he had a legal right to drive the population into exile. A few economists have been our faithful instructors, but Ireland and Scotland have been to us far more forcible inculcators of truth.

When institutions violate justice, a nation has to learn not from economists, nor from moralists or preachers, but from most unwelcome and awful events.

Tenant-right was established by custom in Ulster, yet was vainly claimed in Parliament for the rest of Ireland forty years ago. Nevertheless, *now* the Prime Minister, with a decisive majority of the House of Commons, has avowed that a landlord *ought not to be a huge sponge to absorb a tenant's vitals, and has no right to reap where he has not sown*. So overwhelming to the conscience is this truth, that the House of Lords did not venture to resist the passing of a measure, which in hostile quarters is called *confiscation*. Public outcry and pressing danger teach the unteachable.

The landlord's power presses on the farmers directly ; but by squeezing them hard it impoverishes the labourers, and drives rustics into the towns, which become the sink into which the rural misery drains. Thus their competition injures the town-folk. Beyond all this, the towns have to pay enormous sums for crude materials, which the landlords claim as their own, and for every square foot of space which for any reason is needed. The landlords, as a class, hold *that* for which, as a

class, they never did anything except perhaps seize it by sword and spear, oftener by craft of law.

Naturally, everywhere chiefly the farmers are on the alert in all three kingdoms ; but the townfolk are awaking also.

The National Reform Society of Manchester last year put forth an ample address against the existing land-tenure. The remedy they propose seems to me quite inadequate ; but they show in one sentence their distinct aim. They say to us : "Sweep away the iniquitous presumption of law, that whatever is put into the freehold belongs to the freeholder"—that is, to the landlord. Here is the central position of Land Reformers. They deny that a landlord has any right to appropriate the fruit of his tenant's industry, or to cripple that industry by dictating its processes, or to enslave tenants by arbitrary rules of the estate.

To this, from the landlord's side, reply is made. "Then you wish to turn the landlords into mere annuitants?" Land tenure reformers are bound to avow, "*Certainly we do.*" No other reply is logical. To talk about *Free Trade in land* is a weak attempt to make political capital out of the phrase, "Free Trade." Land, like air and water, is essential to human life, and, being extremely limited in quantity, even on that ground is not an article in which trade *ought* to be free.

I cannot claim our esteemed President, Alfred Russel Wallace, as on my side when I say that in *my* opinion the very first thing to be desired is a vote of the Commons that it is against the public interest for any one person to hold more than 500 acres—nay, I wish that no commercial society be allowed to hold more than 10,000 acres. But that those who wish to pass as Land Reformers should desire to facilitate the buying up of land by wealthy merchants, manufacturers, and lawyers, Mr. Wallace and all of his Society regard with wonder and grave disapproval. We believe that Land Reformers in Manchester and Birmingham will ere long see the truth which J. S. Mill long since avowed to a Committee of the House of Commons. When asked what he thought to be the chief burden on the land, he replied : "Really, I am not aware of any burden on the land, except the landlord." In feudal times the landlord discharged needful duties to the State. He was a great political officer, who, in payment for his services, received revenues and rights proportioned to them. His only special

duty to the State now remaining is to act as sheriff when his turn comes.

Politically, the class has annihilated its own functions ; it ought simultaneously to have surrendered its revenues. Commercially, it has no duties, no services ; it is not only superfluous, but mischievous.

It is but the other day that a case of grievous iniquity from a landlord to an innocent, upright tenant was pressed on the notice of Sir W. Vernon Harcourt, Home Secretary. The public Press reported his reply to be : " He was sorry for the tenant, but the landlord had only used his extreme legal power." In other words, he condemned the law for granting him such power. And remember, it is a law *made by landlords* in their own interest, against tenants and against the nation. From the beginning of Parliaments landlords have had overwhelming superiority in both Houses.

Those who wish to see the terrible facts even of this century, and many recent, should read Mr. Wallace's treatise. The late Sir David Wedderburn, M.P., among his last words, I am told, declared that Mr. Wallace's summary is an unanswerable condemnation of the landlord's power. That power, having no tendency whatever to assist the production of food, has no commercial reason for existing at all. Nor is the landlord any longer an officer of State. Therefore, his power ought to be not lowered, but annihilated. Once annihilated, it will never trouble us again. Free-trade in Ireland has not mitigated the evil ; if you try merely to reduce their power, but leave the landlords in possession with all the remembrances and habits of the past, you will find the mischief perpetually growing up anew.

Allow me to digress for a moment in answer to an objection. A well-meaning friend said to me, " Of course, you can make an apparently strong case by laying stress on the scandalous frauds of the past : but such reasoning is fallacious. It will not do to rip up old histories. The past is awfully full of iniquity, but we cannot heal old wounds by tearing open new ones. We must not go back longer than, say, sixty years, just as in claiming an estate." I reply, Your argument is partly true and partly false, as is easily seen if you look below the surface. Our question ought never to be, *How many years old* is an injustice, but simply, *has lapse of time worn out its evil ?* Each separate case must be looked at separately.

Suppose that a hundred years ago a man fraudulently got possession of an estate, ejecting the rightful heir, and left it to his own heirs. Three generations may since have grown up; on one side descendants who know nothing of the wrong suffered by their ancestor, on the other an individual personally guiltless. To eject the present holder of the estate and divide it among the descendants of the injured man would not be the pedantry of justice, but a cruel and useless pedantry. If some person must hold an estate, a hundred years' possession ought to be as good a legal title as a thousand. The old injustice has worn itself out by time.

But now take a different case. A man has a number of slaves, and pleads that "they are his rightful chattels, because their ancestors were stolen from Africa more than sixty years ago—an old injustice which ought not now to be recalled to memory." We reply for the slaves, "That old injustice has not died out; you keep it alive month by month, in claiming the slave's labour and time as your own, and the free whip in your hand to terrify and unman him. The longer each has served you, the greater is your debt to each."

Very similar in principle is the case where serfdom exists instead of slavery, or where, as in Ireland and old England, conquerors, by stealing the land from the cultivators, compel them to buy the means of life under very iniquitous conditions. The evil of the original robbery is in that case perpetuated to this day, as in the case of inherited slavery.

I insist to my friend that in the case of a modern landlord's rent our first question must be whether the original injustice has worn itself out, or, on the contrary, has perpetuated itself.

The theft of cattle, a murderous deed, damage by fire, nearly every separate crime vanishes by mere lapse of time; but unjust law retains its vitality for ever. Age does not wear it out, does not make it sacred, but intensifies the mischief.

Old laws are laws made in barbarous times by rude conquerors, reckless of justice, and scornful of any right in the conquered. When institutions violently imposed continue active for injustice, the craft of evil conservatism pretends that the injustice is sacred because it is old. Robbery of men's bodies, and robbery of a nation's land have close analogies. The unjust origin of the claim, however ancient, absolutely needs to be "ripped open."

After thus justifying our right to deal with the landlord's power historically, I approach the history, and accuse the class collectively of injustice under five main heads.

The first great encroachment can be discerned as a fact, but cannot be assigned to a definite era. It consists in the enormous extension of claims for every lord of the manor. It is certain that wild land was not imagined to be a property in old days. The moors and bogs, the hillsides and the sea-coast, imposed on the baron the duty of maintaining the King's peace against marauders, but yielded to him no revenue. Of course, being a public officer, he took stone from the quarry, timber and fuel from the forest, gravel from the sea-beach, whenever the public service needed it. Supplies open to all ought never to have been made private property, but to be reserved to feed the local treasury, except where claimed for the Crown. I must leave to historians the question how far the Crusades, how far the French wars of Edward III. and Henry V., how far our intervening civil wars, facilitated inobservance of encroachment by lords of the manor. During or after the Wars of the Roses, many of these lords ceased to covet large bands of retainers, and tried to gather wealth instead, claiming for themselves all the minerals, the wild birds, the fish in the streams, the forests, except those which were royal, and every strip of neglected land. The King had something else to do than call them to account.

Now, as a simple illustration of what comes from this *at the present day*, I will read a statement from a pamphlet by Mr. S. Wellington of Liscard concerning the docks of Liverpool, of which I have received an early copy.

Close to Liverpool was a barren waste on the edge of the sea, called the Sands of Bootle. No value had been found in them; no money had been spent in them until Liverpool wished to enlarge her docks. Hereupon the lord of the manor stepped in, and exacted, according to the writer, about £200,000 for leave to turn the area into service. The burden, he says, of £8,000 a-year for ever is laid on the ratepayers of Liverpool. He asks, What have the Earls of Derby done to justify their claim to the docks, thereby extorting a huge sum, making the Sands of Bootle a gold mine to themselves, merely because an industrious town needed them?

Surely this appropriating of public sources of revenue ought not to go on for ever. Payments made for leave to exercise industry, whether in mining or quarrying, in hunting or fishing, or in raising structures in empty places, can have no moral ground, except as dues for protection,—that is, as a tax to the protecting *State*. All such revenues belong either to the central or some local exchequer—never justly to a private person. Even if the present holders could cite a Parliamentary Statute which had bestowed such revenues upon them and their heirs for ever, this would be no justification, but would simply prove a corrupt and guilty abuse of law-making. One thing only forbids an instantaneous resumption of such revenues, viz., that they have been innocently bought for large sums, which it is cruel to confiscate. Whatever sum has been actually paid down within 100 years for the seignoralty of mines, quarries, or fisheries would (no doubt) be repaid in any tranquil and reasonable settlement.

A *second* and still worse usurpation we charge against the landlord class, perpetrated in the reign of Henry VIII. His father saw the beginning of it, and acted vigorously against it. Certain landlords began to eject their tenants in order to make great sheep-farms and raise wool for export. The King threatened to imprison a landlord in the Tower for this offence, and (perhaps under his pressure) the Parliament enacted the Statutes of Tillage to prevent the turning of arable land into pasture. But under Henry VIII. the quarrel was literally fought out in local agrarian wars. I am told the Rolls of Parliament are not complete enough to make the detailed history certain. This defect cannot much concern us now, but it is probable that the Parliament sided with the landlords against the tenants and labourers, while the King was bent on keeping the great lords with him in his quarrel with the Pope. Foreign troops were called in to crush the insurgent farmers and peasants. In the words of Colonel Oavery of the Cobden Club, England was conquered a *second time*, not this time by a king, but by the landed aristocracy, which hereby established its claim to eject tenants at its own will, and change customary payments, which were of the nature of a publicly enacted tax, into a modern rent of competition, as in a local auction of private goods. *This is the critical change*, which enables the landlord to squeeze out, by increase of rent, the life-earnings of the tenant.

The evil of this violent overthrow of the previous tenure has not at all worn itself out. It subsists in greater force than ever, by reason of our increase in population, and the greater scarcity of land, and the need of larger revenues for good government. For any practical reform we must deny the right of landlords to "compensation" in any mercantile interpretation of the word. We must not forget that, however unaware, they are holders of stolen property.

If justice could be wisely and rightly separated from mercy, they might be treated as rudely and curtly as their ancestors under Henry VIII. treated the farmers and peasants whom they massacred and hanged by the roadside. But Mr. Wallace and his Society desire national harmony and universal welfare. While insisting on national rights, we wish to respect both the innocence of those who inherit a false position and their family affection. Even a Duke is aware that his great grandchildren may be poor plebeians. No one can tenderly love unborn descendants. If Government annuities are secured not only to existing landlords, but to such living children as they may select for their heirs, family *affection* is hereby tenderly considered. Only their family *pride* is sacrificed in the possible vanishing of a family name. I cannot believe that when the history is duly pondered, a wise nation will award to the landlord class anything beyond what *merciful consideration* dictates.

I proceed to a *third* scandalous act of the same party, under the evil of which we have been suffering for more than two centuries. It was a fraud on the nation, too gross to attribute to inadvertence. I refer to the settlement made by the aristocracy with Charles II. when welcoming him back to the Throne. No doubt they had been worried and harassed by the Royal power in all former reigns. The irregularity, arbitrary character, and vexatiousness of feudal demands, whether of the King from vassals, or of landlords from tenants, needed systematic arrangement. During the Commonwealth, the King's worst demands had vanished with the King. After 12 years of comparative freedom, besides the six of civil war, they were not disposed to put their necks under the yoke again. They had gradually shaken off the worst burdens from themselves. They now stipulated with the King for a sweeping annihilation of the old system, so far as concerned their own liabilities, while they retained as *private* property the revenues which had

been granted to their predecessors, as State officers, solely for public services. It may be asked, "Why did the King agree to this?" First of all, he was not in a hurry to quarrel with the party that was helping him back into the Throne. Next, they held out to him a bribe, greater than any which his father had been able to get. You will find it (if I must quote some history) in Charles Knight's "History of England," a writer who is never hard upon the powerful. "The Parliament (says he) made a bargain to relieve the landed proprietors, but made it at the expense of the commonalty." "Charles was rendered more independent of Parliament than his father or grandfather or Queen Elizabeth had been." But how so? They voted the subsidy of tonnage and poundage *for the term of the King's life*. They also granted to him and his successors the excise of beer and other liquors. "The two great sources of modern revenue (says C. Knight) were thus placed absolutely in the King's hands." I suppose he means *Customs and Excise*. This landlord Parliament cannot have been unaware that they were shifting their own righteous liabilities on to the industrious commonalty for whom they (as legislators) were trustées.

A *fourth* scandalous fraud admits of obvious remedy as soon as a majority in the Commons resolves on it. The profligacy of Charles II., and the expenses of his war with the Dutch, next the wars with Ireland and with France consequent on the expulsion of James II., again and again emptied the Treasury. The total exemption for which the landlords had hoped proved quite impossible. The State had largely rested on their payments and service. Excise was a new tax, Customs in those days were not profitable as now. The landlords were forced either to tax themselves, or let all go to ruin. They tried smaller votes, but the crippled Exchequer could not recover itself, and was unequal to the public services. At last, in 1692, the landlords in Parliament consented to pay one-fifth part of their revenue to the State—a small fraction indeed, when they had got rid of their feudal duties. It ought to have been honourably carried out. A valuation of the total rent was made in that year. Nearly 200 years have passed, and no new valuation has been made. When Mr. Pitt was taxing the industrious without mercy, because *they were helpless*, he allowed the landlords to redeem their land-tax on the old valuation

which he must have known to be a great fraud ; but they were too strong for him. The fraud is enormously greater now. I see it is believed by some who have inquired, that instead of bringing in eleven hundred thousand pounds, as the land tax does now on the valuation of 1692, a new valuation would raise it to thirty millions a year, some even think forty. Without danger of exaggeration, it seems that now, and for years past, the Chancellor of the Exchequer finds it prudent to wink at the landlords paying to the Treasury twenty-eight millions a year too little.

With such a fact in front of the nation—a fact so easy to understand—every prudent friend of the landlords ought to warn them how very dangerous is their position. Mr. A. R. Wallace (I take leave to say) comes to them as did the Roman Sibyl to King Tarquin. He proposes a mild and considerate compromise, which cherishes their family affection, and lets them off easily for the past. Behind this gentle voice louder and fiercer demands are made, that we must call on the landlord class “to pay up all of which they have cheated the nation,” for an excited multitude does not accept the excuse that the fault has lain with the Chancellor of the Exchequer. The longer the payment to the Sibyl is deferred, the heavier it is likely to be made. When gentle counsels effect nothing, stern violence presently rides on the storm. Mr. Wallace does not overlook the case of those who have purchased land recently ; and if we deal with mercy and equity as distinct from the market and Stock Exchange, allowance will be made for these cases, and I hope it will. But if the landlords assume the arguments which their unwise advocates make for them, the danger is grave of their provoking claims of justice severely painful and almost ruinous to them. Some calculate their fraud on the Treasury in 200 years to exceed the value of their estates.

A *fifth* accusation against the landlord class remains to be named, their voting of common land to themselves, besides manifold encroachment on roads and usurpation of public paths and lanes. Whatever was the benefit of commons to the poor was a benefit to each generation in turn. No poor man could claim to sell the inheritance of those who were to come after him. Even if the commons had been simply divided among the poor and made saleable, the measure would,

as its chief result, have enabled the rich man to buy up all the little plots to the loss of the next generation ; but, in fact, the poor have scarcely had a fraction of the land allowed them. The plea that the commons were wanted to raise food is hollow ; they might have been cultivated as public land, and the rent have been made the due of some local treasury. In fact, the landlords have taken nearly all. And what was the amount ? I find it stated that in 1845 the Royal Commission estimated that since 1710 above seven million acres had been appropriated by private Acts of Parliament. Also, it is estimated that since 1845, by what are called *public Acts* (a skilful device to prevent alarm being taken in a special locality), they have got about 800 thousand acres more.

Thus far I have spoken of *rural land*, but town-land and building-land generally is also a very great subject. Landlords cannot be forced to sell land except by Act of Parliament ; therefore they can always compel builders and the public to submit to *building-leases*, which not only reserve vexatious power in the hands of the landlord, but enable him to enforce that at the end of the lease the house shall be his absolute property. Leases of 99 years are thought liberal ; sometimes I hear of building leases for 63 years. So enormous and irresistible is the power which this iniquitous institution of private property in land makes over to an individual ! That the land over which our great cities are spread should not have been made the property of those cities while it remained unbuilt on is a testimony to the excessive folly of the institutions under which this intelligent and industrious nation is doomed to live and toil.

I have thus set before you the malversation of the landlord class, because without it justice cannot be done to claims vital to the nation. Two questions must now be answered. First, How are we to avoid the danger of jobbing, favouritism, nay, of despotism if the land be made the nation's property ? Next, on what principle are our life annuities to the landlord class to be settled ?

Mr. Wallace gives quite a list of names high in repute, who with us condemn and deplore the despotism which our law vests in landlords, yet dare not recommend nationalization. J. Stuart Mill was one of them. I confess that for long years back I looked on landlords as a deplorable necessity ; for I

thought we had to choose between despotism of the Executive (if not of the Crown, yet of a Bureaucracy) and the despotism of landlords. And looking to India, and perhaps old Egypt, I, on the whole, preferred a thousand petty despots under a Crown, to a despotic Crown. I am surprised at the simple, natural, and (one might have thought) obvious suggestion by which Mr. Wallace has dissipated all my fears; and I think that J. Stuart Mill, if he were alive, would be among his converts. What, then, is his solution? He would not allow the Executive Government any particle of influence over the possession, management, or rent of land; but would have every practical detail settled by Local Land Courts, which, under the sacred engagements of justice, should decide every case brought before them according to principles previously laid down. I can invent in my own mind cases puzzling to a Law Court, and I cannot undertake on the spot to clear up imaginary difficulties. Inquiring minds must read Mr. Wallace's details, and think them over. Be the difficulties what they may, lawyers when once set to the task will solve them, if general principles are fitly laid down.

Next, as to the principle on which the State Annuities for landlords are to be assessed. Mr. Wallace maintains that every rent can be divided into two parts, *first*, that which is paid for the area and site, independently of what cultivation has added; next, what is due to buildings, fences, drains, private roads, and culture of the soil. We cannot reclaim for dead tenants what ought to have been theirs. *His scheme leaves to the landlord all that tenants for eight hundred years have wrought into the soil.* It claims as taxable only that value which neither landlords nor tenants have given. For myself, I wait with interest to see the separation of the two parts of rent made. I by no means say that it is ordinarily impossible, but I have never overcome misgivings. So much I freely confess; we are all learners. But this confession does not for a moment damp my conviction that our problem is feasible as well as just, for I hold nearly by the doctrine of my friend already alluded to, who forbids our estimate to go back more than (say) sixty years. Well, we may argue, the nation has a right to reckon from the year in which our currency regained its normal state after bank-notes were again paid in gold, say, 1822. This is about sixty years. The nation has a right to

refuse to an expropriated landlord a higher annuity than the rent which was received on his fields in 1822, *plus* whatever *he can prove* that he or his predecessor since 1822 has spent on these fields and buildings. Whatever has been so spent in these years, it will, in general, be easy to prove; and we can fall back on this estimate if Mr. Wallace's method fails us.

I feel it important to have this alternative, because of the diverse theory of rent in different schools of economy. To discuss these I have no time now, yet I am tempted to a short statement. Opposite as are the two theories, English and American, they most curiously agree in representing the landlord to be a mere sponge, or a parasitical insect which fattens on other men's toil. According to Ricardo, no rent is possible until impoverishment of the community begins; after which, the greater the toil needed to raise food, the higher the rent rises. According to Carey, rent consists *solely* in the increased value which human labour has added to the soil; so that if a landlord expects anything more than the return of his own capital expended on an estate he is unjust. The contrast of the two theories is indeed grotesque. Ricardo formed his, I believe, out of his fancy, for he had no history of the *order* in which the various soils of China, India, Bactria, Media, Mesopotamia, Egypt were successively cultivated; but *he assumes* (apparently as an axiom) that men are sure to cultivate all the best soils of a country *first*, and have recourse to the worse soils at last only from necessity. That sounds natural, and is plausible. Even J. Stuart Mill accepted the theory, but with important modifications, which we all see it to need. This is pre-eminently the English theory, and it passes here as ascertained science. But in America economists are able to inquire on a larger scale into the *fact*, what soils do men first cultivate when occupying a new land; and the reply always is, "The only soils, good or bad, which they find it *possible* to cultivate"—namely, those which are not covered with swamp or brushwood, or unmanageable forest; and, practically, this means they begin on thin and dry soils *generally poor*; and only after population has multiplied are they able to drain marshes, and clear forests, and make roads on which heavy materials of the soil can be transported, and thus to get at the better soils, and so to treat them with manures as to bring out their high fertility. The induction which the American econo-

mist Carey makes from the vast American experience appears to me to shatter to pieces Ricardo's theory, which has no basis of fact. But to say this, is not to deny that savage men *ever* alight on soil at once eminently fertile, and to him quite accessible. Such apparently now is the soil of Manitoba. Such were Podolia and the Ukraine to the agricultural Scythians of whom Herodotus tells us. Such is the great plain of Hungary. But these are exceptional. Ricardo has added to Adam Smith concerning rent, but the addition is not a clear improvement. In any case, no theory of rent affects the assertion of this lecture, that the class of English landlords has grievously abused its power of legislation, using that power to commit enormous fraud on the *nation*—fraud for which it is high time to call it to account.

In moving for the repeal of the Corn Laws we acted according to our best light on that day. But we did not then know that the admission of food from abroad would postpone for another generation the just and necessary move against landlord despotism : much less did we imagine that after the admittance of foreign corn, and after the Irish famine, rents would continue to rise for 30 years ; such is the intensity of power which landlord-supremacy in Parliament for six centuries has achieved. If landlords had been only a little less than angels, no other result could have been expected from so long a career of supremacy, unchecked by farmers or labourers, by merchants or manufacturers. But the last buttresses of their power are falling. The farmers are no longer deceivable. The penny newspapers make even rustics think ; and all thoughtful friends of the landlords ought to see, that for a class which has misused high power a prompt and willing settlement is far wiser than proud contumacy and talk of its sacred rights.