

## A FEW FACTS.

"PAUPERISM is the concomitant of large holdings of land, and insecurity of tenure" (see page 103).

GERMANY had 2,282,103 holdings of land, under two and a half acres each, in 1887 (see page 80).

PRUSSIA.—"Pauperism is very rare, and beggars are unknown" (see page 115).

HESSE (DARMSTADT).—"The able-bodied pauper is a being altogether unknown" (see page 111).

1,038,643 parish paupers in the United Kingdom (see page 103).

About 30,000,000 acres uncultivated in the United Kingdom (see page 89).

THE REMEDY  
FOR  
LANDLORDISM  
OR  
FREE LAND TENURE

WITH  
*AN IMPERIAL LAND FUND AND  
PROVINCIAL GOVERNMENT*



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THE  
REMEDY FOR LANDLORDISM.

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INTRODUCTION.

LEGAL learning and literary skill are not needed in order that any one may see how the laws relating to PRIMOGENITURE, ENTAIL, SETTLEMENT, TITLE, and TRANSFER OF LAND artificially dam up the wealth of the nation, which would otherwise naturally flow and diffuse itself, ever increasing by contact with knowledge and industry.

These laws, which have been contrived for dealing with the landed property of this country, are confusedly intricate, and wasteful of time, labour, and intellect. Oliver Cromwell called them "an ungodly jumble." They are not only the cause of keeping a few thousand persons extravagantly rich and many millions miserably poor, but they are the

primary political hindrance to the increase of the wealth of the whole nation, while they cause such widespread and intense suffering among the poor, that, in the words of Lord Beaconsfield, "Penury and disease feed on the vitals of a miserable population."

These laws, as derived from the feudal system, allow property to be tied up by legal instruments, so that the property cannot possibly be dealt with or disposed of for the benefit of the person who has the income from it. The best interests of living persons are sacrificed to the idea of keeping property intact for some heir that is not born or may never exist. The object of the original feudal system, which was introduced at the Norman Conquest in 1066, has been long since superseded by the formation of a national standing army. These laws are now useless; they only prevent property from being sold or realized, however necessary it may be for a parent to use the capital profitably for himself, or to portion his family, or to have it divided among his children after his death.

The natural division of overgrown properties would multiply the number of smaller capitalists of the upper class, who, having received a polished and scientific education, would be fit to set on foot

and organize remunerative industrial enterprises, to the enriching of such capitalists.

By enriching the realm with a variety of industrial enterprises, in agriculture, manufactures, engineering, shipping, mining, and useful works which produce wealth, plenty of profitable employment would be provided for the whole population. The universal demand for labour would bring subsistence within reach of the abjectly destitute, and practically reclaim many of the idly dissolute.

Thus we see that, by breaking down the legal barriers by which owners are prevented from dividing excessively overgrown properties, the condition of the destitute and dissolute would be ameliorated, small capitalists would grow rich, and the whole country become more prosperous.

The accumulation of these excessively overgrown properties, by reason of the population increasing in compound ratio, while the quantity of land remains the same, becomes a national question of grave moment.

Let England pray that its land laws may be thoroughly reformed, before it is overtaken by some national calamity, such as drove Prussia after Jena in 1806, France after Waterloo in 1815, and Austria after the Revolution of 1848, to abolish

every remnant of the feudal land system, and this, not merely to save society from anarchy by removing the greatest cause of discontent, but to produce prosperity and patriotic loyalty among the people.

Sir R. B. D. Morier, C.B., in "Systems of Land Tenure in the Various Countries of Europe" (Cassell and Co.), describes the change of the land laws in Prussia in 1807 and afterwards. In Prussia, land is not allowed to be tied up by wills and deeds; it can be always freely sold and transferred, and mortgaged, by simple registration, quickly and cheaply; and that by any one, without professional assistance.

The national prosperity, resulting from the foreign land-law reform, is shown in the Government official reports on the land tenure of the several countries of Europe, obtained in 1869.

In the following scheme, it is proposed to divide the whole of the British Isles into provinces (not more than a score), for home government; the divisions to be as equal as possible. The Parliamentary representatives of the divisions of the kingdom will naturally form separate parties in the House of Commons, according to the interests of the divisions they represent. If the four nations—England, Scotland, Ireland, and Wales—were

made the divisions for home government, then the four national parties in the House of Commons would be most unequal, and the stronger party might oppress the weaker. But, by reason of the more equal balance of the voting power in provincial than in national parties, provincial party feeling is less likely to interfere with the freedom of votes of members of Parliament on imperial questions which affect the whole realm. The formation of provinces for home government is a middle course, which admits of perfect organization, on the principles of "EQUALITY, SIMILARITY, and SIMULTANEITY."

#### SKETCH OF THE SCHEME.

The object of this essay is the removal of legal hindrances to the natural diffusion of landed property. The plan proposed is: (1) To divide the United Kingdom into provinces. (2) Raise a Government guaranteed fund at 3 per cent. (3) Loan out the fund to each province at  $3\frac{1}{4}$  per cent. on the security of the taxes and property of the province. (4) For each province to advance money at  $3\frac{1}{2}$

per cent. on freehold landed security within its own province, on the system of building societies, whereby occupying tenants might be enabled to purchase their landlord's interest in the freehold at a fair price; but only by voluntary means for the first five years of the Act. (5) After the fifth year of the Act, *tenants, who have laid out more on the freehold than the value of their landlord's interest in it*, to have power to compel the landlord to sell the freehold at a fair price. (6) And after the seventh year of the Act, then *occupation for three years* to entitle a tenant to purchase his landlord's freehold at a fair price.

Thus the public would deposit money with the Government at 3 per cent. on freehold mortgage security, the Imperial and the Provincial Governments each deriving a  $\frac{1}{4}$  per cent. profit, to pay expenses.

The land would gradually pass into the ownership of the occupiers, who would then naturally improve it; and the people would become prosperous and patriotic.

## OCCUPYING OWNERSHIP.

Inasmuch as the FREEHOLD OWNERSHIP of landed property BY THE OCCUPIER is the strongest inducement to improvement in building houses, planting trees, cultivating land, and farming generally, if occupying tenants were enabled to purchase their landlord's interest in their holdings, the country would benefit by the change. A "Travelling Bachelor" of the University of Cambridge, in 1844, saw the thriving condition of Saxony through occupying ownership and education, contrasting most distinctly with the wretchedness and beggary in Bohemia through landlordism. When the eminent Professor Vehrli, at the training college near Constance in Switzerland, explained to him the cause of the success in those parts, he writes, "*I was extremely surprised, and asked, 'Is it true, that actual ownership is such a wonderful stimulant to self-improvement, self-denial, and exertion?'*" (*vide* "Free Trade in Land," by Joseph Kay, M.A., Q.C.; with Preface by John Bright, M.P. Kegan Paul, Trench and Co.) Likewise the Right Hon. J. Goschen, M.P., said in his speech in Parliament (*vide Times* report, February 26, 1886), "*It is de-*

*sirable that men should own their own houses, and that as large a number of the population as possible should be able to acquire their holdings.*" And at a meeting at the Mansion House in 1885, Sir Robert Fowler, M.P., then Lord Mayor, in the chair, a resolution was passed, "*That, in the opinion of this meeting, it is desirable to promote the growing demand of the people to become owners of their lands and dwelling-houses.*"

#### THE IMPERIAL LAND BANK.

In sketching a scheme whereby the Government could enable occupying tenants to purchase their landlord's interest in their holdings and become freeholders, the financial system of building societies, with nearly half a century's experience of the working of such societies, affords a safe guide. The return of building societies published in 1887 shows that the investments amount to £52,931,611, and the members are for the most part of the poorer classes. May it not therefore be reasonably calculated that the public generally (including the richer classes) would be induced by the Govern-

ment guarantee to invest ten times as much in an Imperial Land Bank Fund, especially if that fund be used only for advances, by way of mortgage, on freehold landed property, in the same way as the funds of building societies are used? A good law, for the administration of an Imperial Land Bank Fund, would probably attract more than £100,000,000 of deposits at 3 per cent. in the first year. If all the money that was advanced to occupying tenants on mortgage remained in the Provincial Land Bank as a deposit by the landlord, until one-third of the mortgage was paid off, the balance of the Imperial Land Bank Fund would be sustained. A large portion might be invested in the Land Bank permanently. New deposits would be continually increasing the balance of the fund. Such a fund, with the resource of Parliamentary aid—if ever needed—would be ample to meet all demands upon it.

#### PROVINCES.

The work of administering the proposed Land Fund could be carried out by local governments;

the whole of the United Kingdom being first divided into not more than a score of provinces, and each province subdivided into local land districts, the respective divisions being as equal to one another (of their own class) in all respects as possible. Provinces could be formed by grouping adjoining counties together, either adopting existing boundaries, or else altering them according to the instructions which guided the Boundary Commission of 1885 (see the Report). The provinces and the subdivisions within them should be distinctly shown on a map.

Provinces are preferred, because there is more of equality in them than in the four nations or in the numerous counties, and they would therefore work the whole Land Bank system better.

A Bill for Provincial Legislatures in Ireland, is published in "Home Rule and State Supremacy," by William Digby Seymour, Q.C., LL.D. (Kegan Paul, Trench and Co.).

#### COUNCILS.

Each province could be governed by a council, consisting of persons who have resided a certain

time in it, and who have been elected by all those who dwell there. The Imperial Parliament, constituted just as it is, could attend entirely to imperial affairs, and legislate only on matters that affect the whole of the provinces of the United Kingdom, but it should never interfere with the legislation of any particular province, but each should legislate for itself. A supreme committee of arbitration, fairly appointed by the imperial and provincial bodies, could decide all doubts as to which body questions should belong.

## FINANCLAL.

Each province then proceeds separately to obtain a money loan from the Imperial Land Bank Fund, at  $3\frac{1}{4}$  per cent.; the taxes of the province being liable for its repayment. The Provincial Land Office receives applications for advances of money, by way of mortgage on sound security of freehold landed property within its own province, repayable with interest at  $3\frac{1}{2}$  per cent., by periodical instalments. The full value of the property might safely be advanced, seeing that the security increases as

the debt diminishes ; the just and fair value of property, as between vendor and purchaser, at which the occupying tenant purchases his landlord's interest in his holding, being first ascertained by thoroughly competent experts, and finally fixed by a judge and jury. In order to guard against the least collusion, by which the Land Office might be defrauded, the landlord or vendor remains liable until one-third of the mortgage is paid off ; the Land Bank meantime holding the money on deposit, and paying 3 per cent. per annum, as interest on it, to the landlord or vendor. The Act of Parliament should provide means for the Land Office to protect itself against loss, in case of fraud or failure of the mortgagor.

The freehold title of ownership of landed property, when it has been once sold, should become absolutely indefeasible, and remain so afterwards, ready to be quickly and cheaply transferred by simple registration, never again to be entailed, nor settled, nor tied up by any legal means, beyond existing lives ; so that each generation may leave their landed like their personal property, and adapt their wills to the circumstances of their families. Freedom from every remnant of the feudal system would produce the same effect in

Britain as it has done in Prussia since THE EDICT FOR THE BETTER CULTIVATION OF THE LAND of 1811 (*vide* number of holdings and their acreage on page 80).

### LAND OFFICE.

The whole of the land business of the United Kingdom would be subject to the supreme control of the Chief Land Office in London, with its three distinct departments, viz.—

1. Land Titles Depository ;
2. Land Transfer Registry ;
3. Land Bank ;

and there would be a similar branch office, on a smaller scale, in each of the provinces, working there in connection with the Provincial Government. The branches should communicate direct with the Chief Land Office in London by telegraph, and the post-office should afford every possible assistance in the work.

In order to prevent the loss by fire of any documentary evidence relating to (1) the title of

the ownership of landed property, or (2) to its transfer, and for the purpose of facilitating reference, duplicate copies of all titles and transfers should be kept, one in London and the other in the province.

The branch Land Office in each province should publish a statement of account of all land business done in its own province; the Land Bank in London, a weekly balance-sheet of the Land Fund; and the Chief Imperial Land Office in London, a statement, as an annual summary, of the whole land business of the United Kingdom.

#### LANDLORDS SELLING TO TENANTS.

*(Hints for a Parliamentary Bill.)*

1. Each province to be subdivided into local land districts, as equal to one another, in every respect, as possible. All the local land districts in each province to be subject to the control of the Provincial Land Office, and governed by the same rules.

2. Each province to have a Chief Provincial Land Court, and subordinate local Land Courts, to

consist of seven members, elected by every householder in the district, and to have the assistance of the most competent experts in the locality.

3. Whenever any landlord is willing to sell, and a tenant willing to buy his landlord's interest in his holding, at a fair and equitable price, either through the State Land Bank or otherwise, both parties shall send a plan and description of the property, with a complete calculation of the value of the said interest, to the local Land Court, which court shall return its award to both parties within a month.

4. In case the vendor and purchaser cannot then agree as to the fair price so awarded, each party may refer the full particulars of the property, with the calculation of the value of the said interest, and the award of the local Land Court, to the Chief Provincial Land Court; and either party may demand to have a jury, to decide as to the facts of the case, in either court.

5. Moderate *ad valorem* fees should be fixed for every part of the business, viz. for the payment to courts, officials, and private professional assistance to the vendor and purchaser; and colourable bribery, or blackmail, should be punishable.

6. If the purchase price has to be borrowed of the State Land Bank, as soon as the necessary documents have been signed by the purchaser and vendor to complete the transfer, and the borrower has formally agreed to the terms of the State Land Bank, the ownership of the freehold will pass *conditionally* from the landlord who sells to the tenant who buys. The State Land Bank will then credit the landlord with the amount of money that the bank advances, of which an account should be kept in the bank ledger in his name, as if he had deposited the amount with the bank; and the interest at 3 per cent. per annum will be paid quarterly by the bank to the landlord, until the borrower has paid off one-third of the mortgage, or fails before he has paid off one-third of it.

7. If the purchaser who has borrowed of the State Land Bank shall fail to duly pay off one-third of the instalments of the amount borrowed of the bank on the mortgage of the landed or house property, then in that case the landlord shall take back the property which he sold *conditionally*; and the bank shall recoup itself for any loss, in the first place at the expense of the borrower, and afterwards (if that is insufficient),

at the expense of the landlord who sold *conditionally*.

8. Immediately one-third of the mortgage money has been paid off, the State Land Bank shall inform the vendor or late landlord thereof. If at any time afterwards the mortgagor fails, and is unable to pay off the remaining instalments of his mortgage, then in that case the bank, as mortgagee, shall sell the landed or house property by auction, and, after recouping itself for all expenses, hand back (without any further deduction) the balance belonging to the mortgagor whose property has been sold by auction.

9. After five years from the date of this Act, *any occupying tenant who has laid out on his holding more in value than the value of his landlord's interest in the holding* may, by giving written notice, compel his landlord and every other person who has any interest in his holding to sell such interest at a fair and equitable price, ascertained as hereinbefore mentioned. And the occupying tenant may borrow the full purchase price from the State Land Bank, on the usual terms.

10. After seven years from the date of this Act all tenants *who have held the landed or house property they occupy for three years previously,*

*without intermission*, may purchase the landlord's freehold, and all other interests in the said property, either through the State Land Bank or otherwise. And upon such tenants giving their landlords written notice of their intention to buy such property, their landlords shall be compelled to sell it at a fair and equitable price, ascertained in the manner hereinbefore mentioned. And such tenant shall have the right to borrow the full purchase price from the State Land Bank, on the usual terms.

#### PROVINCIAL RULE.

If such a scheme as this were adopted by the British Government, to allow the landed and house property of the country to pass into the possession of occupiers, they would, on becoming the owners of the freeholds, not only care more for the improvement of their own property, but they would feel that the ownership of it gave them loyal interest in their own country.

The landlords could still retain their parks and mansions, with any quantity of land they liked to farm themselves, and, by investing their money at

3 per cent. per annum interest in the Imperial Land Bank Fund, they would receive their incomes punctually, without the least trouble.

The cause of agrarian disputes would be removed and quiet would result.

If there were three provinces in Ireland, with governing councils sitting at Belfast, Dublin, and Cork, and if these provinces knew they had exactly the same lawful power of self-government as every other province in the United Kingdom, each province would then look within itself, and to its own council, for good rule. Local public opinion would be regarded, and the effect of the expenditure of the local taxes be closely watched. If each province appointed and paid its own police, the residents (whilst allowing freedom of opinion) would help to keep order, to spare themselves expense. By the restoration of public order in the Irish provinces (which would be sure to result from good rule), confidence in the security of capital would be created. Instead of money being sent from America to resist landlords, it would be sent to buy out landlords, and (in some instances) the capital which the landlords realized by land sales would be used to start industrial works and give employment to the poor.

## NATIONAL PROSPERITY.

If it be asked, How is Britain to recover from its present agricultural and commercial depression? the answer is—In the same way that Prussia recovered from that state of prostration which followed the battle of Jena in 1806, described by Alison the historian. Prussia raised itself by abolishing every remnant of the feudal system of land tenure, and establishing free land laws and free education. How the old system of landlordism began to break down in Prussia in 1807 is mentioned by Sir R. Morier in "Systems of Land Tenure in Various Countries" (Cassell and Co.); and Mr. Kay, M.A., Q.C., in his "Free Trade in Land," describes the change of the law in Prussia that followed, in these words: "My belief is that the 'Edict for the better cultivation of the Land,' which was promulgated in Prussia in 1811, and mainly brought the free trade in land now existing in that country, is the right principle. The edict allows the owner to give, sell, or devise his land, or any part of it, to any one he pleases, but it does not allow him to tie it up by any instrument, so as to prevent it being sold after his death. The land is always

saleable; it is always changing hands. Some estates subdivide, some increase in size, and the consequence is that, while there are a considerable number of large estates, there are vast numbers of yeoman farmers, peasants, and market gardeners, who own and cultivate their own land. If an owner cannot make his farm pay, or finds a more prosperous career open to him, or becomes a bankrupt, or for any other reason wishes to enter into some other business, he sells to some one who has capital and enterprise and knowledge enough to make the land a profitable investment. The land is never tied up in the hands of men who have neither the capital nor the industry to cultivate it profitably."

If British laws, like Prussian, allowed all owners to sell their land, such freedom would permit capital to find the employment most congenial and profitable to its owner. A life tenant of an entailed or settled estate in Britain, who is competent to increase capital by embarking in an industrial enterprise, is now prevented by the "*dead hand*." He cannot sell the property; he can only encumber it by raising money on it, which process wastes it by needless expense. No action of the past dead or for the future unborn should prevent the present

living generation from dealing, as they think best at the time, with their own landed and other property. The laws of primogeniture and entail are ill adapted to these modern times of steam, electricity, and education. Why should not Britain take advantage of the experience of Prussia and other foreign countries?

The reports of her Majesty's representatives in foreign countries in 1869 state:—AUSTRIA (Mr. Lytton): "In 1848 the feudal system was completely abolished. The peasant was invested with free and unconditional ownership of land. Since which the value of land has risen 100 per cent." HESSE (Sir R. Morier): "The creation of freeholds has been enforced by the legislature." . . . "The one ruling idea has been to extirpate tenancy, and substitute full rights of proprietary possession." . . . "A country of small proprietors." . . . "An able-bodied pauper a thing unknown." FRANCE (Mr. West): "To the small proprietors may be attributed the agricultural progress of France, so remarkable between 1815 and 1847." DENMARK (Mr. Strachey): "Constitution of 1849 forbids fresh entails, and promises conversion of those existing into free property."

## LEASEHOLD TENANCY.

The writer of this is himself a lessor or landlord, but he heartily deprecates the gross injustice of legalized landlordism, which gives the landlord the house that the tenant has built, and seizes everything in it to pay rent before other debts. Debts for food and clothing should have an equal, if not a prior claim, as those things are more necessary to life than house shelter. Besides this, there are the other evils of the leasehold system, with the landlord's abuse of power under *restrictive covenants*; which power should only be used by local authorities elected by the residents in the neighbourhood. By the leasehold system, the landlord is not content with taking the house that he did not build; he also takes the good-will of the trade attached to the house, and, on renewing a lease, extorts a heavy payment for allowing the tenant to continue to enjoy his own business which he has brought to the house, under the hard penalty of being turned out of the house altogether. The landlord's lawyers and agents are also allowed to make the burden heavier, by adding new *restrictive covenants* to a new lease,

with fees to be paid to them for the tenant asking permission to use the premises in any way that these *restrictive covenants* may prohibit. It is all cant to talk about *freedom of contract*, where a tenant would be ruined if he did not submit to his landlord's terms. The writer of this was concerned in a case in which, after a tenant's family had occupied some premises on a duke's estate in London for above sixty years, one out of thirty-six new *restrictive covenants* which were added by the duke's lawyer in a new lease, prohibited (amongst many other trades) that of wine, beer, and spirits, so that an eminent firm of wine-merchants, who wished to take an under-lease and use some extensive vaults connected with the premises as wine-vaults, was refused permission by the caprice of the duke's agent. The consequence was that the premises, which cost £9000, were sold for £4000, and the duke's lessee lost £5000. Many other cruel cases have come to the knowledge of the writer. By the substitution of STATE MORTGAGES for landlords' leases, the abuse of *restrictive covenants* in leases would be obviated. Locally elected COMMITTEES OF SURVEY, whose acts were open to public scrutiny, would best control the class, character, and condition of houses in their

own neighbourhood. For example, the residents who occupy a row of houses ought to have the right to choose what sort of houses should be allowed in the row, and not the landlord, for the matter most concerns the residents. The opinion and preference of the residents of a neighbourhood with respect to the general appearance of buildings and roads ought to be consulted, and this opinion cannot be anticipated before the houses are built and occupied; therefore it is impossible that the *restrictive covenants* of a lease or deed can adequately provide suitable control to protect the rights of the residents. A landlord and his agent may like one thing, and the residents who live in the houses may like something that is directly opposed to the landlord and his agent. Is it to be allowed that the arbitrary will of an unreasonable landlord, or the pecuniary interest of his agent, should cause painful suffering to a whole neighbourhood? If so, after the tenants have expended their money on building, and virtually tied themselves to the spot, the landlord might basely abuse the power given him by the lease or deed. He might defy his tenants by receiving a large sum of money for letting or selling land to some public body, who might build a small-pox hospital in

their midst. The residents in a neighbourhood ought to have the power to protect themselves; the majority of them are the best judges, and the COMMITTEE OF SURVEY elected directly by them is likely to be most reasonable.

### BUILDING LEASES.

The usual British building lease differs from that of all other civilized countries. It is worse for the builder, the tenant, and the public. It causes *jerry-building*. If the builder could buy the land—through the State Land Bank—before he built on it, he could profitably expend more in building in a better manner, because a freehold would be a more saleable property than a leasehold. Expensive sanitary plumber's fittings, which would last a long lease and become the landlord's, might be bought by a freeholder, but not by a lessee. This affects the health of all classes.

The law, as regards landlords' rights, is different in all other countries. In several European countries, the tenant who builds may take away every brick of his building at the end of the lease. Why

should not the owner of £100 worth of land, who is paid 3 per cent. per annum as ground rent for its use, be as content to take back his £100 of land alone, as the owner of £100 of consols is to take his £100 of money alone? As the builders should not steal the land at the beginning of the lease, so the landlords should not steal the houses at the end of the lease.

The British system of building leases is unjust, inequitable, and opposed to public policy.

The following extract, which appeared in a leading article of the high-class London newspaper, *The Observer*, on September 23, 1888, fairly reflects the general opinion of the best-informed classes of society on the subject of the London and suburban SYSTEM OF BUILDING LEASES:—

“It is, in the first place, evident that the system in question, however convenient for the parties prominently concerned, is one which leaves the interests of the public entirely out of view, for the sole concern of the public in the terms of a building, as of an agricultural lease, is that the land which is the subject of the lease shall be turned to the best account; or, in other words, that as, in the latter case, it is desirable that the contract between the parties should be one cal-

culated to develop to the utmost the productive capacity of the soil, so in the former case it is to be desired that the contract should insure the provision of as many well-built and durable houses as possible for the occupation of intending tenants. Now, it is obvious that a contract which associates the business of house-building not with the freehold, but with a mere terminable interest in the land, is on the face of it but ill-adapted to the attainment of this last-mentioned end. As it is the object of the lessee to secure as large a margin as possible between the ground rent which he has to pay and the annual return upon his invested capital, it is clearly his interest to expend, relatively to the rent he looks to receive for his house, the smallest possible sum of money on its erection. So long as it will hold together for the term of his lease, and be technically in a tenantable condition when handed over at the expiration of that term to the lessor, he need not trouble himself about it further. This temptation to sacrifice solidity to cheapness in house-building is, of course, theoretically held in check by the lessor's interest in the reversion; but, unfortunately, this, like many other theoretical checks, is not to be relied upon in practice. It may be, and often is, worth the

lessor's while to content himself with the reversion of an inferior house in consideration of receiving a higher ground rent, for which the lessee can in his turn recoup himself by passing on the loss to his tenant in the form of an ill-built and highly rented house. As to the tenant himself, whose term is merely carved out of the lessee's, he is manifestly under no sort of inducement to improve. Thus, what with the landlord, who need consider nothing but the ground rents; the jerry builder, whose only object is to turn over his capital at the best advantage and in the shortest time; and the occupier, who is here to-day and gone to-morrow, the whole series of influences to which the house is exposed under our English system makes steadily for its deterioration. In London these tendencies are accentuated, for in London the occupier population is more continually changing than is the case in the country, while the constantly growing demand for houses as the population increases enables the builder to pay, and in his turn compels him to demand, a progressively increasing rent in proportion to his expenditure on the house. The whole system operates, in short, as a discouragement to thrift and good workmanship, and to that wholesome pride of possession which law and

usage in every country ought above all things to encourage.

“The economical objections to the system, however, do not stand alone. It is open to serious political disadvantages also. A method so fraught with advantages to the freeholder in dealing with urban land has, of course, a direct tendency to keep such land out of the market, while at the same time the peculiar advantages which he derives from the retention of the freehold are of that precise nature which it is least desirable on political grounds that he should enjoy. We do not desire to revive old controversies about the right to ‘unearned increment;’ and, indeed, we are willing to admit that it is logically impossible to dispute a landlord’s right to such accretions of value except by arguments which, if valid, would impugn the title to many forms of property which have hitherto passed unchallenged. But the fact remains that this peculiar variety of the wealth which ‘increases while its owners sleep’ is the most obnoxious to popular prejudice of all forms of property, the most difficult for the statesman and legislator to defend against attack, and therefore the least proper to be enlarged and extended by the operation of an artificial system of dealing with landed property

which prevails in no other country but our own. It would be easy to conceive a state of circumstances under which the development of the system might become a source of grave danger to the community. We are far from saying that such a condition has arisen at present, but it is impossible to shut our eyes to the fact that every year which passes brings such a contingency nearer, and hastens the approach of the time when the questions which would be raised by it will come distinctly within the range of practical politics. The rapid growth of the metropolitan population presents many serious problems for the consideration of statesmanship, and since some of these belong to the category of the inevitable, it becomes the more urgent to prevent any avoidable addition to their number. No doubt the legislative proposals which have hitherto been made with a view to the abatement of the evil are crude and unsatisfactory; but unquestionably legislation in some form will be necessary to reform a system under which nine-tenths of the inhabitants of the metropolis have no interest in their own houses, and the soil of London is rapidly passing into the hands of a few millionaires."

## LEASEHOLD ENFRANCHISEMENT.

A just law to facilitate this change of investment would work such immense good for the country, that an Act of Parliament for the purpose should be passed as soon as possible. The lawyer and land-agent class would have a harvest of work during the change, and afterwards sales and purchases of house property would be very much more frequent than they are at the present time, and the monopolies of that description of business would be spread amongst the whole of the profession.

But the most important improvement that would result from this change of tenure from leasehold to freehold would be in the effect on the health of the whole population, through the sanitary state of dwelling-houses, stables, manufactories, schools, theatres, and assembly-rooms of all sorts. It would cause a more free expenditure on the costly work of draining, ventilating, warming, artificial lighting, fitting up baths, and otherwise rendering buildings more healthful. A man who will hesitate to spend money on his landlord's house will readily spend money on his own house, if he knows that his family will reap the whole of the benefit in the

future, and it is a well-known aphorism that "A nation's health is a nation's wealth."

Leasehold enfranchisement need involve no injustice to landlords, for the fair rent can be capitalized and the value of the reversion calculated. The proposed State Land Bank would be a ready and safe means of investing the money realized by landlords, without incurring the risk of loss of income through houses and land being unlet.

This subject is explained in "Leasehold Enfranchisement," Imp. Par. Series (Swan, Sonnenshien and Co.).

#### LAND TITLES.

Lord Beaconsfield draws a graphic illustration, in "Sybil," of a lawyer misappropriating a title-deed, and selling the deed for a fortune to a peer who is in wrongful possession of the estate, worth forty thousand pounds a year. It may be presumed that Lord Beaconsfield thoroughly understood what he was writing about, as, when he was a young man, he had been articled to a lawyer and worked in a lawyer's office in London. Whether the saying that "Half the land of England is held by the

wrong people" be true or false, certain it is that title-deeds may be lost, and such losses are naturally kept secret. The deposit of title-deeds to obtain an immediate advance of money, perhaps a comparatively small sum, and only for a temporary purpose, may lead to the loss of the title-deed and the property it refers to. An instance is mentioned in a London newspaper, the *Observer*, of December 5, 1886. It is the claim of a pauper to an estate worth £4,000,000. In 1757 John Mobbs, a silk manufacturer of Kingsland, owned 200 acres of land at Hoxton, which cost £525. He deposited the title-deed for £50, made a will, and at his death on June 19, 1791, left two infant sons. The will was lost, and the sons grew up in poverty and ignorant of their inheritance. The lost will, containing a description of the property, was ultimately found and restored to its owner, and probate of the will was obtained in 1856 by the grandson, Joshua Mobbs. But the title-deed which had been deposited for £50, and which was wanted in order to obtain possession of the estate, was lost irretrievably. The land has been built over; it extends from the City Road to Kingsland, and from Old Street to Highbury. It appears by a trial reported in the *Times* of May 17, 1888, that the

Mobbs family have now entirely lost the estate through the loss of the original title-deed. Disasters arising from the loss of title-deeds cannot occur in other countries where the Government keep the titles of land, and where all transfers are made publicly by the simple registration of the transaction.

By a "Table of Epitomised Abstracts from the Reports of Her Majesty's Representatives respecting the Tenure of Land in the several Countries of Europe, presented 1870," to be found in the *Fortnightly Review* for April, 1871, it appears that in Austria, Bavaria, Belgium, Denmark, France, Greece, Hanse Towns, Hesse, Holland, Italy, Prussia, Russia, Saxe-Coburg-Gotha, Sweden, Switzerland, Turkey in Europe, and in the United States of America, the titles of all landed property are held by the Government, and the transfer of titles is effected simply by registration or public notarial act in a Government office or court.

Every person who has purchased freehold property in this country must have felt astonished at our clumsy and costly system of transfer. The title, however elaborate and intricate it may be, must be investigated over and over again every time the property is sold, in order to know for certain that the vendor has a right to sell it. A

new parchment deed, with a plan of the property and a full detailed description, must be made for every successive purchaser.

Compare the following charges with those of Prussia, mentioned on page 45, and those of the British Colonies, on page 47.

EXPENSES OF LEGAL TRANSFERS.

(From a list of Purchasers' expenses prepared by the conveyancer to the Commission for Registration of Titles.)

Purchase Money.						Legal Expenses (not including Stamp Duty).		
	£					£	s.	d.
100	..	..	..	..	..	23	14	3
225	..	..	..	..	..	15	7	0
230	..	..	..	..	..	39	13	3
500	..	..	..	..	..	15	6	8
600	..	..	..	..	..	31	10	0
746	..	..	..	..	..	48	12	6
956	..	..	..	..	..	23	19	0
1,000	..	..	..	..	..	46	12	0
1,800	..	..	..	..	..	24	0	10
4,667	..	..	..	..	..	54	5	4
2,300	..	..	..	..	..	52	0	4
1,260	..	..	..	..	..	17	2	8
2,662	..	..	..	..	..	39	0	0
1,310	..	..	..	..	..	40	9	2
1,695	..	..	..	..	..	21	10	0
1,835	..	..	..	..	..	32	0	10
1,248	..	..	..	..	..	46	12	2
1,895	..	..	..	..	..	54	8	0
2,274	..	..	..	..	..	72	4	6
<u>£27,333</u>						<u>£698</u>	<u>8</u>	<u>6</u>

Average cost of transfer  $2\frac{1}{2}$  per cent., and the Stamp Duty  $\frac{1}{4}$  per cent., makes it 3 per cent. Imagine this on any other commodity than land.

An old book on Land and Building Societies, by James Henry James, a Barrister of the Inner Temple, mentions that the aggregate cost of investigating and transferring titles is estimated to amount, every fifteen years, to one-third the value of the land of the whole country. The wasteful expenditure of this immense sum, on the totally unnecessary work of title-deeds, prevents the enjoyment by the whole nation of the much larger amount of benefit derivable from **FREE TRADE IN LAND.**

To simplify the title and transfer of landed and house property, the first step is to register, in the names of **OWNERS**, the full particulars of copyholds, mortgages, charges, rights, and whatsoever else affects titles, and afterwards clear off all these encumbrances, except mortgages, as opportunity arises. By waiting until properties are sold, before registering their titles, the register will remain incomplete and never be quite perfect. The compulsory publication of titles, like that of wills, is necessary for the public good, and cannot reasonably be objected to; it is customary in other countries, and it will put an end for ever to all disputes as to the lawful ownership of land and house property. With sound title and simple transfer, landed pro-

perty would be bought and sold as often and as easily as the same amount of stocks and merchandise.

The existing maps of the Ordnance Survey, the Tithe Commission maps of boundaries, and the reports of the Boundary Commission of Counties and Boroughs of the United Kingdom for 1868 and 1885, are sufficient to enable draftsmen to show all local divisions and every holding of landed property in the British Islands.

Experienced and practised lawyers, faithfully deciding disputable points, could overcome every difficulty as to ownership.

Less injustice is likely to result from doing the work at once than if it is deferred. This country is as well able to do the work as other countries that have done it. Interested persons exaggerate the trouble and expense of making all land titles indefeasible; but, however great it may be, it will be insignificant, compared to what must result if the present plan is continued for an indefinite time.

Compulsory registration of all titles would not be likely to disturb owners who are now in possession, but it would give perfect titles to those persons who have none, or who have no title-deeds.

Claimants who have hitherto been unable to evict owners in possession would be less able to do so under an Act passed for the purpose of registering titles.

Although the collection, investigation, and registration of every land title in the United Kingdom would cost labour, yet, if it were once done, it would be the base on which the most perfect and simple system of land title and transfer could be built up, and it would facilitate all future reforms in regard to land tenure.

That the proposition is perfectly practicable, that there is no insuperable difficulty in it, and that no injustice need be done by it, is shown by the following

*Hints for a Parliamentary Bill*

to facilitate the transfer of land and house property, by making all the titles of the owners thereof absolutely indefeasible in two years after passing the Act, and for making all such titles that are not so registered void and invalid :—

1. Divide the whole of the United Kingdom into not more than a score provinces, with subdivisional districts, by grouping counties together, generally adopting some existing divisional boundaries accord-

ing to the instructions that guided the Boundary Commission of 1885, and show the exact divisional lines on a map. The provinces to be as equal to one another in all respects as possible.

2. Form a Chief Land Office in London, with a branch office in each province, as described on page 13.

3. The (25-inch scale) Ordnance Survey map of the United Kingdom is to be completed forthwith, and every freehold is to be delineated, tinted, and numbered on the map, or on an enlarged plan of the property, if necessary.

4. Within THREE months after passing the Act, all existing title-deeds, or, in cases where deeds are lost and none exist, then a statement of particulars, are to be deposited at the provincial branch Land Office, and a receipt, descriptive of the documents deposited, is to be given in exchange.

5. Neglect to deposit title-deeds or statement of particulars at the Provincial Land Office appointed to receive them within three months after date of Act, is to be evidence that those persons who do not so deposit such deeds or statement believe they are not the rightful owners of the property they hold. And after the titles of such property shall have been advertised for one year as DOUBT-

FUL TITLES, the Land Court can determine who are the lawful owners, and each owner shall repay the costs of his case.

6. Within NINE months after passing the Act, all title-deeds and statements of particulars are to be fairly copied out and bound up into books, with indexes separately bound up, so as to enable the public to refer to and read them, and have copies made; or, if the title-deeds are voluminous, then abstracts may be made of them and copied out, and the original title-deeds can be referred to and copies of any portions of them can be made, if they are ever required. The Chief Land Office should see that all the provincial branches carry this out perfectly.

7. Claimants who dispute the titles of owners in possession of property are (within one year after the date of the Act) to deliver to such owner (through the Provincial Land Office), together with a sum to cover the owner's expense of replying, a statement of claim; and within a month after he has received it, the owner is to return a full reply (through the Provincial Land Office) to the claimant, who may, if he is not satisfied, send the statement of claim and reply thereto, together with a sum to cover all possible costs and expenses of

both parties (through the Provincial Land Office), for the judgment of the Land Court.

8. Thus, titles will be divided into four classes, viz. :—

CLASS A, UNDISPUTED titles of properties, being those which owners HAVE HELD FOR TWENTY YEARS, and which will now become indefeasible titles ;

CLASS B, UNDISPUTED titles of properties, that is to say, those which owners HAVE NOT HELD FOR TWENTY YEARS ;

CLASS C, DISPUTED titles ; and

CLASS D, DOUBTFUL titles.

9. Two Land Courts, consisting of three judges each, might first try if every one of Class B could be placed in Class A, and next adjudicate upon Classes C and D ; giving the benefit of any doubt to landlords in possession of premises, or in receipt of ground rent. Should any person be dissatisfied with the decision of either of the Land Courts composed as aforesaid, they might appeal for a final judgment to a court of seven judges, composed of the six judges of the two lower courts, and the Lord Chancellor presiding ; and if the appellant be a claimant not in possession, he should first deposit with the Provincial Land Office a sum to cover all possible costs and ex-

penses of both parties. Thus, in two years after passing the Act, all titles down to that date would become absolutely indefeasible, and the Land Court for disputed titles would then dissolve.

10. The old system of transfer would continue for two years from date of Act; after which transfers of landed and house property would not be valid, unless they were registered at a Government Land Office.

11. All fees for registering transfers should be *ad valorem* (say one-eighth per cent.). Tracings of maps or plans, by a scale of square inches or by acreage, and copying deeds at the usual rate; but charges in all cases should be very moderate, especially in the case of small properties. In case a vendor or purchaser choose to employ an attorney, the charge of the attorney to his client should be limited and inclusive, and not to altogether exceed one per cent. on the value of the property transferred, and less for very large amounts.

12. As soon as possible after all the original title-deeds of the landed and house property in every part of the United Kingdom shall have been given up into the care of the branch Land Office in each province for the purpose of registration, and after the Land Courts shall have made every

title in the United Kingdom indefeasible, then the whole of such original title-deeds shall be brought to the Land Office in London, and be methodically arranged in the Land Titles Depository there, and kept in fire-proof chambers, for safety and easy reference.

#### REGISTRATION IN PRUSSIA.

The following is from a pamphlet, entitled "Registration of Title in Prussia," by C. Fortescue Brickdale, Lincoln's Inn, Barrister (London: Stevens and Son, 119, Chancery Lane, 1888):—

"The practical results of the Prussian registry system are that parties habitually conduct sales and mortgages without legal assistance in the space of an hour, and for fees that are in many instances below even the Australian scale. A few of the fees charged are subjoined. The vendor pays no costs. A notary is only necessary where some complication is intended—such as that possession should not be given at once, or that part of the purchase money shall remain on mortgage, or the like.

Value of the Land or Amount of the Mortgage.	German Fees (these fees include all parties).			Compare English Fees for Sale or Mortgage (two parties only).
	Office Fees.		Notary's Fee (if one is employed).	
	Mortgage.	Sale.		
£ s.	£ s. d.	£ s. d.	£ s. d.	£
3 15	0 0 4½	0 0 9	0 0 9	6
30 0	0 3 2½	0 6 0		6
100 0	0 5 10	0 9 9		10
150 0	0 6 6	0 10 6	0 14 0	10
300 0	0 8 0	0 12 0		10
1,000 0	0 14 7½	0 18 9	1 12 0	30
50,000 0	37 15 0	37 19 0	2 10 0	340

“The office fee includes (1) the making of an extract from the cadastral survey—a short verbal description of the property with a reference to its number on the public map. (2) Search of the register, and examination of the vendor's right to convey. (3) Drafting the instrument of sale—usually a short printed form—and completion of the transfer by entering in the register. (4) Notifying the sale to the office of the cadastral survey. All this the registry officials do for the landowner without any extra charge. It appears nevertheless that there remains a surplus for the State after all working expenses have been paid.

“The extent to which the small proprietors avail themselves of the facilities afforded by the registry, may be judged from a specimen of a cancelled

Prussian mortgage that the writer has in his possession. The mortgage is for £6: it is the nineteenth in order of priority. Five of the prior charges have been paid off; the remaining thirteen are all for odd amounts, varying from fifteen shillings up to £15. It may safely be said that *not one of these mortgages could have been made in England except under circumstances so exceptional as to be quite outside practical consideration.*"

"An Essay on the Transfer of Land by Registration," by Sir Robert Torrens, K.C.M.G. (Cassell and Co., Limited), says on page 26:—

"Probably the best mode of conveying to my readers a clear perception of the manner in which dealings in land under this method are conducted, will be by quoting the evidence given to the House of Commons Committee of 1879 by Sir Arthur Blyth, Agent-General for South Australia, in which colony he had resided over twenty years, holding a high political and commercial position. He says (pars. 1778 to 1867 of his examination): 'Registration of title is almost universal; for one transaction under deeds now there are a thousand under the Real Property Act; it is a curiosity if

you get a person with deeds. To a person wanting to borrow money of me I should say first, "Real Property Act, I suppose?" Then the next thing would be, "You do not want a lawyer, I suppose?" He would probably say, "No." I should accordingly say, "Come with me to the Registry Office; you have got your certificate with you." I should draw out a mortgage on the counter at the Registry Office, where printed forms are provided, and have it witnessed, and hand it in to the clerk, and say to him, "It will be ready to-morrow afternoon, I suppose?" When the mortgage is paid off the transaction is even simpler. Supposing you were the mortgagor and I were the mortgagee, before you gave me the money, I should sign this receipt before a well-known person, a credible witness, and give it to you, and let you go and clear your title. There is no necessity for the intervention of a lawyer; such a thing is never heard of. Marriage settlements are as common in the colony as here. In such cases as drawing wills and settlements the lawyers are called in; but in ordinary transactions they have very little business except as brokers. They get a commission on that business, but not in respect to services connected with registering, transfer, mortgage, etc. The Torrens

Act is just as popular in the other colonies as it is in ours. I notice in the Sydney papers, just at foot of advertisements for sales of land, that "Torrens's Title" is always put. It seems to me that there is so great an advantage in the holders of property having a simple, intelligible, indefeasible title, as far as it can humanly be made, that no difficulties ought to stand in the way of carrying out such a wonderful reform. That is all I can say."

Also on page 50:—

"Doctor Hancock, during his labours of thirty-three years to amend the land-laws of Ireland, has consistently put forward the view that a radical reform in our conveyancing system is an indispensable condition for creating a peasant proprietary.

"Mr. Umlin (draftsman of the Bill referred to), in a paper read before the Social Science Congress, held in Edinburgh in 1880, gave his opinion on this branch of the subject, as follows:—

"The general result, so far as Ireland is concerned, is that admirable opportunities have been thrown away, and several thousands of titles, after passing through the renovating process of the Land Court, are now year by year deteriorating, fast losing the signal benefit which was conferred,

and becoming as cloudy and confused as titles were a quarter of a century ago. It is very unfortunate at the present moment that opportunities of this kind have been lost, and that land transfer is fast becoming almost as difficult and as costly in Ireland as it is elsewhere. For there are large numbers of Irish tenants ready to purchase their holdings, and the unhappy events of the last few months have rendered many landlords willing to sell at a reasonable price. The delay and cost is, however, such as to impede these transactions. I strongly recommend that existing methods be simplified in favour of such purchases by occupying tenants, and that the expense of them be reduced, as it might be, by two-thirds. Of course, an effective and compulsory registration of title should form part of the scheme, for it would be almost a mockery to subject these small freeholds to all the vexatious incidents of the ordinary system of conveyancing and real-property law, a branch of law which, it may be remarked, is, except in a few minor details, the same in Ireland as in England. It is of high moment to the peace and welfare of the empire that discontented tenants should be turned into satisfied and industrious freeholders; and if the legal process be simplified

(as it might be), the operation might in numberless cases be carried through on terms satisfactory to the present landlords. From what I have endeavoured to express in the fewest possible words, it follows that simplification of existing methods, supplemented by a general registration of ownership, is especially important at the present moment. And what is required for Ireland at a critical time like this is equally suited for, and would be warmly welcomed by, small proprietors of land in other portions of the empire.'

"Mr. Henry Dix Hutton, through whose valuable assistance (as I have already acknowledged) I was enabled in the Bill of 1863 to modify the provisions of the Australian Act to meet the conditions existing in Ireland, has contributed a valuable paper on Peasant Proprietorship to the recent Congress of the Social Science Association in Dublin.

"The following extracts from that paper bear with special force on this branch of our subject. Mr. Hutton says:—

" 'Since the year 1870 Irish Church lands have been sold to about 7000 purchasers. Of these purchasers, it is estimated 5000 were *bond fide* occupiers engaged in farming operations, and converted by sales under the Irish Church Act into

peasant proprietors. By an omission, which is strange and regrettable, no provision was made for enabling the Church Commissioners to grant, either directly or through the Landed Estates Court, a Parliamentary title, which might have been entered on the Record of Title. The same remark applies to purchasers under the Bright clauses of the Land Act of 1870. Consequently these small landowners are left under the operation of the old system of conveyancing, although the practicability and importance of registration of title for peasant proprietors is not contestable or contested.”

And on page 54:—

“OFFICIAL REPORTS ON THE WORKING OF THE SYSTEM IN THE COLONIES, IN REPLY TO LORD KIMBERLEY'S CIRCULAR (see Blue Book, May 10, 1881).

“Mr. Henry Gawler, for twenty years Examiner of Titles in Adelaide, in reply to the questions put in Lord Kimberley's circular to the several Colonial Governments, states as follows:—‘Up to the present time (October, 1880), no difficulty whatever has occurred in carrying out the ordinary transactions in land, such as transfers, mortgages, and leases; and there can be no question, as regards such transactions, the Torrens system is a complete

success, land in fact being as easily and as securely dealt with as stock in the funds.

“As to trusts, it appears to me that the question is, Do we by virtue of the machinery of the Real Property Act place *cestui que* trusts of land in a worse position than they are placed under the ordinary system? In my opinion *cestui que* trusts of land under the Act are, if anything, in a better position. The power of caveating, whether by the Registrar-General or others in their behalf, is ample, and, in addition, the words “no survivorship” in a certificate of title issued to two or more persons as trustees has been found a most valuable protection to beneficiaries. As to indefeasibility of title, this important result of the Torrens system of registration of titles has not yet been upset.’

“The Registrar-General of Queensland replies:— ‘About 15 per cent. of the lands alienated from the Crown before the Real Property Act came into force is now brought under the operation of that Act. The amount so alienated since that date is 3,826,634, which, being all under the Real Property Act, if added to the quantity brought under it by application, gives 3,913,947 acres under the Act, being about 98 per cent. of all the lands alienated.’

“From the reply of the Registrar-General of New

Zealand, I extract the following:—‘There are few questions incident to conveyancing with which the Land Transfer Department is not called upon to deal. Titles complicated by wills, settlements, etc., are not unfrequent, and the system of caveats is found sufficient for the conservation of trusts, whilst life estates, and estates in reversion or remainder, are fully capable of demonstration on the register. In fact, the system so far has been found equal to all purposes of conveyancing.’

“The Registrar-General of Victoria replies:— ‘The proportion of land under the Act is now about 7,557,715 acres, or nearly one-eighth of the whole land of the colony. Titles of every sort and kind, simple and complicated, have been registered, and from the value of £5 to £100,000 and more. The facilities for carrying out mortgages and paying them off are very great, and thoroughly appreciated by the public. The expense of either transaction is comparatively trifling.’

“The reply of the Registrar-General of New South Wales contains the following:— ‘Although the Act has been in operation eighteen years, no compensation has been made for the deprivation of property, nor has any claim been sustained against the Assurance Fund, which at the present time

amounts to £38,060. The popularity of the Act is so well secured, and the public generally have become so accustomed to our certificates, and have such faith in their undoubted value, as in many instances to decline accepting a property unless the title is registered under what is universally styled Torrens's system.'

"The Registrar-General of Tasmania, in his reply, states:—'The Real Property Act has now been in operation in this colony for more than eighteen years, during which time 13,714 dealings, all sorts included, have been registered, and I consider that indefeasibility of title has been practically secured, inasmuch as I am not aware of any case in which a registered title has been upset upon reference to the law courts. More than one-sixth of all the lands alienated from the Crown in this colony are now under the Act. It may, therefore, I think, be predicated that the majority of transactions in real property will soon be conducted through the Lands Titles Office, which may now be considered the statutory conveyancer of the colony.'

"The Registrar-General of British Columbia sums up the results of the measure in that colony thus:—'The title to real property has been greatly

simplified, without radical changes in the general law. Stability of title, with safety to purchasers and mortgagees, has been secured. The ownership of property, both in town and country, is shown by the register at a glance, and whether encumbered or not. It increases the saleable value of property. It enables both vendors and purchasers to accurately ascertain the expense of carrying out any sale or transfer. It protects trusts, estates, and beneficiaries. It prevents frauds, and protects purchasers and mortgagees, and has operated so as to almost entirely dispense with the investigation of prior title. Loans on mortgage are effected, and transfers of the fee are made, with as much ease as the transfer of bank stock is made in England, a search of from five to ten minutes being all that is necessary to disclose the state of any registered title.'

"Lest it should be supposed that the highly favourable testimony given above may be coloured by official prejudice, I will quote briefly from a letter recently addressed to me by the Hon. Thomas Holt, many years a distinguished member of the Legislative Council of New South Wales, and from a recent work, 'A Glance at Australia in 1880,' by Mr. J. Franklyn. Mr. Holt says: 'The working

men of New South Wales are almost all becoming landed proprietors; but hardly one of them would ever attend a sale of land if it were not announced in the advertisement "that the title was that of Torrens's Act." Mr. Franklyn, page 126, writes thus: 'Nor must we forget to remind our readers in England that under the Land Transfer Act (New Zealand), which is almost a transcript of the admirable measure introduced into South Australia by Sir Robert Torrens, and afterwards adopted by the Legislature of Victoria, real estate can be bought, sold, or encumbered by a very simple and inexpensive process. The Government guarantees an indefeasible title, and all transactions relating to land are so expeditiously and cheaply effected that, in the year ended the 30th June, 1879, the cost of each of 17,422 registration sales and mortgages, covering property to the value of £7,585,291, was only 22s. 9d. Let any one who knows anything of conveyancers' bills in the mother country, ponder well upon the full force and meaning of these highly significant statistics.' 'Land can be dealt with as easily as a share in a ship or a joint-stock company, and with the same security as regards title. Trusts are not registered; but instruments declaring trusts may be deposited with

the registrar for safe custody and reference. These deeds are binding between the parties to them, but they in no way affect persons dealing with trustees who are registered proprietors. Under the Land Transfer Act it is not necessary to examine the deeds in the abstract of title; these no longer exist. They have been delivered up to the registrar, and when a certificate of title is granted they are cancelled. An investor, therefore, does not run the risk of a mistake or blunder of his solicitor. Every transaction has its finality and complete security.'

"In fine, the benefits which have attended this measure wherever it has been adopted in its integrity, as proved on the foregoing evidence, may thus be summed up:—

"1st. It has substituted security for insecurity.

"2nd. It has reduced the cost of conveyancing from pounds to shillings, and the time occupied from months to days.

"3rd. It has substituted clearness and brevity for obscurity and verbiage.

"4th. It has so simplified ordinary dealings that any person who has mastered the three 'R.'s' can transact his own conveyancing.

"5th. It affords protection against the largest

class of frauds, such as those practised by the notorious Down, and recently by J. F. Cooper.

“6th. It has restored to their natural value many estates held under good holding titles, but depreciated in consequence of some blot or technical defect, and has barred the recurrence of any such defect.

“7th. It has largely diminished the number of Chancery suits, by removing the conditions which afford grounds for them.

“The foregoing pages have been written with a twofold object. First, to demonstrate that there is no exaggeration in the estimate of the Royal Commission of 1858, backed by that of John Stuart Mill and others of experience and authority on such subjects: that the application to land in this country of a safe, cheap, simple, and expeditious method of transfer, such as that adopted for property in shipping, would have the effect of adding five years' purchase, some will say ten, to all the land in this country. Second:—that there exists no insurmountable object, or even serious difficulty, in applying that system, by the duplicate method, to estates and interests in land in this country.’

## SMALL FREEHOLDS.

J. R. Green, M.A., in his "History of the English People," on page 2, says that in the fifth century "THE BASIS OF THEIR SOCIETY WAS THE FREE LANDHOLDER." This continued until the Norman Conquest in the eleventh century; and we read of the yeomen of England as a large and important class in the country for many centuries afterwards. At length, in the eighteenth century, when fields opened up for emigration, and yeomen farmers wished to sell their small freeholds in England, many small capitalists would have been glad to have bought them at a larger price than they were sold for, had not the costly process of the English land laws introduced hindrances, attended with ruinous expense and risk of litigation, without affording facilities for purchase. Had there been "*Free Trade in land*," such small capitalists as village tradesmen would have purchased small freehold farms, situated near the village where they carried on their business; and whilst cultivating and improving their own little farm, they would have been able to attend to their village trade at the same time; thus providing for

themselves a double resource against the risks of weather and trade. This plan has been carried into practice in many instances with great success. It is explained and advocated in an essay on "Small Farms," by Lord Wantage, who, as chairman of the SMALL FARM AND LABOURERS COMPANY, LIMITED, has experience of its working. With "Free Trade in land" that company would flourish, but it cannot without.

Likewise, the best class of agricultural labourers would have been able to purchase small freehold farms with the aid of a State Land Bank on the system of building societies; but no such aid could be obtained; whilst, in addition, the want of facilities for simple, cheap, and quick transfer of indefeasible titles proved an insuperable barrier against small capitalists. Consequently the territorial lords of manors, who could afford the legal cost and risk, bought the small freeholds adjacent to their estates, and enclosed them within their ring fences. This period in our history is depicted by Goldsmith in his poem, "The Deserted Village," thus:—

"One only master grasps the whole domain,  
 And half a tillage stints thy smiling plain.  
 \* \* \* \* \*  
 Ill fares the land to hastening ills a prey:  
 Where wealth accumulates and men decay:

Princes or lords may flourish or may fade ;  
 A breath can make them as a breath has made ;  
 But a bold peasantry, their country's pride,  
 When once destroy'd can never be supply'd.

\* \* \* \* \*

A time there was ere England's griefs began ;  
 When every rood of ground maintain'd its man ;  
 But times are alter'd, trade's unfeeling train  
 Usurp the land, and dispossess the swain."

In 1845 Lord Beaconsfield, in "Sybil," drew a description of the state of rural England at that time, and he shows it was the result of the sort of landlordism he refers to. He remarks in his preface how very little it is that people generally know of the real state of their own country; and in the beginning of the fifth chapter he describes a distant view of a rural town in England, which, he says, "was one of the most delightful, easily to be imagined," and he adds the words, "Beautiful illusion! For behind that landscape, penury and disease fed upon the vitals of a miserable population."

Later on, a modern M.P., the author of a novel entitled "Strictly Tied Up," was reported in the newspapers as having said in the House of Commons, "*Land is a rich man's luxury.*" That remarkable idea may apply to the parks, but not to the farms; for an income of one thousand a year derived from uncertain rents cannot be so great

a "luxury" as one of a thousand a year derived from sure Government securities. It cannot be a "luxury" to know that, under existing land laws, nearly half the cultivable land of the country is uncultivated, when it might be as productive as the land generally is in Jersey and Guernsey, or Switzerland and Saxony, under small proprietors, who carefully and profitably cultivate their own land with their own hands. It was the industrious and thrifty peasant proprietors of the small farms in France who found nearly the whole of the £100,000,000 to pay the indemnity after the Franco-German War in 1870. The present prosperity of the numerous peasant proprietors of France is shown in an article in the *Fortnightly Review*, written by M. Betham Edwards, and published in August, 1887. Its title is, "French Peasant Proprietors."

Contemplate, then, what England might become in course of time, under free trade in land, with compulsory free education, technical teaching of agricultural science, and free local libraries. The prisons and poorhouses would not cost nearly so much as they do, for they would then be in a happy state of emptiness. Contrast such a condition of things in the country with that miserable

state of the poorest class as described by Lord Beaconsfield.

If landed property is made a mere investment for money, public policy is sacrificed to private interest. There is an instance of a modern duke who borrowed money, with which he purchased such extensive estates, that the rents he received would not amount to the interest he paid, so that, notwithstanding his immense fortune, he utterly ruined himself!

The infatuated proceeding of buying land and tying it up by settlement and entail in deeds and wills, so that it cannot be sold, is unprofitable and inconvenient to those persons who do it; it is also opposed to the public interests of the country, and it might cause calamitous consequences in the event of war, as shown further on.

There is a curious but not uncommon instance of this foolish practice, referred to in "Free Trade in Land," by Joseph Kay, M.A., Q.C., in Letter IV., on page 44. We quote the following extract at length, as it enforces our argument and has legal and statistical authority:—

"Now, let us consider SOME OF THE CONSEQUENCES OF THESE DEEDS AND WILLS WHICH BIND AN ESTATE FOR SO MANY YEARS.

“1. It is unquestionable, as I have already said, that they prevent many estates being sold which would otherwise come into the market. I gave one instance of this in letter No. 2, in the case of Lord A——’s estate, of which I myself was trustee. That estate would undoubtedly have been sold at least forty years ago, either in one or more lots, if it had not been for the deed which was made upon Lord A——’s marriage. I myself, within my own limited sphere of observation, know several other estates which would undoubtedly have been sold, if it had not been for similar deeds or wills. Indeed, there can be no doubt whatever that there are many estates in all parts of the country which are only kept out of the auction-room by similar deeds and wills. They are overburdened with charges and mortgages. Everybody concerned would be a gainer by a sale. The land would pass from impoverished owners to men who would buy because they had the desire and the means to make good use of what they bought. Besides this, in many, many cases, where the owner was on the turf, or gambled as Lord A—— did, or was a mere spendthrift or reckless manager, the land would be sold. And the greater the number of estates that thus came to the hammer, the less inflated would

the price of land become, and the more necessary, in order to realize the best price, would it become to sell an estate in single farms, rather than in one lot. This is abundantly proved by the course of sales under the Encumbered Estates and Church Acts of Ireland, where, instead of the properties sold going solely to great owners or great capitalists, more than four thousand small farms or plots have been sold to small farmers or small capitalists. If any fair number of great estates in England and Scotland were to come into the market as in Ireland, similar results would follow, and, as in Ireland, men of business, shopkeepers, small farmers, and small village tradesmen would buy. Similar results have followed similar causes in all foreign countries where the feudal laws have been done away with."

"The London *Times* of the 29th of December, 1877, published a most remarkable piece of evidence of the truth of what I have just written, so remarkable that I am sure your readers will thank me for citing it *in extenso*, especially as Mr. Caird and other eminent men are eagerly asserting just now that, if the great estates came into the market and were divided, no people but rich capitalists would buy. Your readers will bear

in mind that this extract is taken from a paper which has always shown itself most hostile to 'free trade in land.'

“Our Dublin correspondent writes under date December 28th:—

“Mr. Shaw-Lefevre, M.P., has pursued his inquiries as to the operation of the clauses of the Church and Land Acts, which enable tenants to buy their holdings, beyond the committee room of the House of Commons to the lands themselves, and has communicated the result of his observation to the *Journal of the Statistical Society*. In the forthcoming number a paper will appear giving an account of visits paid to two glebes in the neighbourhood of Newry. One of these has been sold to the tenants, and the other is only now about to be offered for sale, some technical difficulties having caused delay. The lands which were sold consisted of 250 statute acres, on which there were twenty-one small farms, let at an average rent of £1 4s. per acre. All the tenants purchased these farms at about twenty-four years' purchase of the rental. The district is purely agricultural, and the land is light and undulating. He states the results of his inquiries in nine cases. The first bought twenty acres for £516, the whole of which he paid down.

He had been an engineer in the merchant service for some years, then inherited a small farm of eight acres, and afterwards bought the tenant's interest in an adjoining one of twelve acres, for which he paid £350, or thirty times the rent. Since he bought the fee, he has built a range of superior farm buildings at a cost of £500, tiled the floor of the house, put up an excellent kitchen range, and drained and reclaimed some of the land. His testimony as to the other tenants is that they felt satisfaction in having become owners, but those who had to borrow the balance of the purchase money had a hard struggle. They got a loan of money at 5 per cent., and were paying it off by degrees. The next farm consisted of only two and a half acres, held at a rent of £2 15s., which was bought for £73, of which £39 had been paid down. In this case the money had to be borrowed from different persons, one of whom got £1 for a loan of £10 for ten months, and the buyer's sister 10s. for the loan of £11 for a year. He is a labourer, and his wife is a laundress. They are glad to have the land and expect that it will be free before they die. They never could save before, they say. The next tenant bought a farm of five and a half acres for £164. He is ninety-two

years of age, has nine sons and two daughters. Seven of the sons are at sea, and one of them gave the purchase money and a further sum to erect an additional farm building. The next farm, containing seventeen acres, which was held at a rent of £27, was bought by the tenant for £648, of which he paid down £226. The money had been saved at sea. Since the purchase he paid £87 for building material, and converted the thatched cottage into a two-storeyed slated house. He has seven children, too small to be any help, and lives altogether on the labour of the farm. The next tenant, an able seaman, had a farm of ten acres, for which he gave £273, paying down £73, which he had borrowed from friends. His reason for buying was lest he should be turned out of the farm. No improvement has been made, but he hopes to pay off the debt. The next tenant was a widow, who had bought nine and a half acres for £314; she paid down £79, of which £75 had been borrowed at 6 per cent., and all except £15 had been repaid. Last year she had a good bit of flax, which enabled her to pay off £10. She has two daughters and a boy fifteen years old, and the whole family work on the farm and have no other means of support. She bought the land lest she

should be "thrown out" and have to "go lie behind a hedge." The house is thatched, clean, neat, and comfortable. The next farm contained fifty-one acres, which was bought for £1583, which the tenant paid in full. He handed it over to his son to work, and lives himself on an adjoining property. The eighth tenant who was visited bought fifteen acres for £422, and paid down £106, leaving the remainder on mortgage. He died soon, and left the farm to his widow in trust for his son, a lad of fifteen, who was at sea. The father, who was a Scotchman, had sold the tenant-right of a farm in Fermanagh for £600, and preferred to buy the small farm to renting a greater one. The house had been greatly improved. The last case was that of a farm of eighteen acres, bought for £508, of which £168 had been paid down. The purchaser died, leaving the lands to his widow for life, and then to his youngest son. She is "laying by" for him, and is well pleased with the purchase of the farm. Mr. Shaw-Lefevre admits that it might be dangerous to draw conclusions from these limited cases, and one property, if they did not confirm the evidence laid before the committee. In every case great benefit had resulted from the purchase. It had been "a spur to industry and thrift," and the

increased industry and activity required to pay off the loan will, he thinks, establish a habit for the future. He remarks that many of the families were partly supported by contributions from members who were at sea, and that he has always contended that small landowners are not necessarily to be expected to derive the whole of their subsistence from the land. He feels confident that many of the older people he saw would in England be in the workhouse. Under the English system the whole of the nine small farms which he visited, containing 150 acres, would be thrown into one, and, instead of nine families, there would be one farmer's family superior in social position, but not superior in intelligence, to those whom he saw; and four or five families of labouring men, with a quarter of an acre for a garden, without any hope of bettering their condition, and with no prospect for their old age but the poorhouse. He visited a second glebe, which was still to be sold.

“As I have said before, it is really ridiculous to assert that these deeds and wills do not keep great numbers of estates out of the market; but if they do not, if their object is not specially to effect this, of what good are they? Is it to be supposed that the landowners tie their own hands, limit

their powers over their own estates, and subject themselves and their successors to all the many inconveniences which necessarily attend the limitation of their powers over their estates for no prospect or hope of advantage? Such a supposition is absurd. These deeds and wills are notoriously framed for the express purpose of preventing the great estates dividing or coming into the market. They do most successfully accomplish the end for which they are so framed. They very greatly diminish the number of sales of land that would otherwise take place. They thus raise the market price of land very considerably, and by this means make it more and more difficult for small capitalists or tradesmen to purchase."

Those laws which allow people to prevent the freehold of small farms from being sold separately are opposed to public policy: for although the cultivation of agricultural land cannot be made to produce a large profit, sufficient for several classes of persons to share it between them, in proportion as they may happen to be (1) labourers, (2) farmers, (3) landlords, (4) lawyers, (5) land-agents; yet the cultivation of land would pay the labourers alone, who work it themselves, so very well, that, if they could only make the small farms their own free-

holds, by means of State mortgages, and not, as they now do, merely sell their labour, then the whole of the country would soon be under profitable cultivation. If, on the other hand, land be held simply as an investment for money, and for letting out in large farms, then it will go out of cultivation more and more, as it pays less profit and especially in proportion as the imported supplies of foreign food increase with the development of population, colonization, and steam conveyance (both by land and sea), all over the world. These foreign supplies of food cannot be dispensed with; they are a boon to the vast majority of the people of this country, and therefore should be encouraged by every means.

If the land be allowed to go out of cultivation, then, in the event of war, foreign supplies of food will be cut off, and the population will starve for want of it. Such a catastrophe may possibly result from allowing land to be legally tied up, so as to prevent its being sold separately in SMALL FREEHOLDS. Could not an Act of Parliament be passed to release all landed and house property, at least from instruments for tying it up by wills and deeds, so as to allow it to be sold by the owner; also, to prevent *money and movable property* from being

tied up *beyond existing lives*? Could not this be done at once? Cannot some patriotic statesman cut the Gordian knot of legal red-tapeism?

Whilst the thorough reform of the laws of primogeniture, entail, settlement, title, and transfer would facilitate the acquisition of small freehold farms by farmers, separately, it would also bring about the combination of agricultural labourers for the formation of co-operative companies, to work very large freehold farms, and thus apply the principle of co-operation (which has proved so successful at Rochdale and elsewhere) to the purposes of agriculture. The essence of the success of such a scheme as that of co-operative agriculture would necessitate the *direct participation of the labourers in the freehold ownership* of the land.

Inasmuch as landlordism is alien to the hereditary instinct of the English race, who form by far the largest part of the nation, might not that old instinct, which originally led their ancestors to make "FREE LAND-HOLDING" *the basis of their society*, be now used to awaken in them the love of law and order through patriotic loyalty for their fatherland. Germany, the country from which the English race sprung, has at this moment no less than 2,293,200 separate owners of land, who hold between one and

twenty-five acres each, and 2,282,103 who hold less than two and a half acres each (see M. Tisserand's report on page 80).

The enjoyment of small freeholds depends on the facility of transfer without the need of professional assistance. If this advantage can be enjoyed entirely through the law in Prussia and other countries, as before mentioned, why should it not be enjoyed in Great Britain and Ireland? Until the transfer of land and buildings is done simply by registration, the multiplication of small freeholders will greatly increase the aggregate cost of examining and conveying titles, and this cost, by impoverishing the widows and orphans *when their property comes to be sold*, will constantly create fresh cases of ruin and distress. Such cases must in course of time add to the number of the poor to an appalling extent, unless schemes for the multiplication of landowners be accompanied by a law to facilitate transfer.

#### TYING UP PROPERTY.

With reference to the legal instruments by which estates are tied up, Mr. Kay, Q.C., says—

"2. But let us look at another consequence of these deeds and wills.

"The son constantly knows that, do what his father will, he (the son) is sure, under one of these deeds or wills, to succeed to the estate. The son is, therefore, to a very great extent rendered independent of his father. The parental control and authority are lessened just in those very cases in which they are most needed, and in which they ought to be increased rather than diminished.

"As soon as the young man is twenty-one he finds himself surrounded by money-lenders, who make it their special business to devote themselves to the wants of such heirs, and who are always on the lookout for them. The father has no power to save the son from these harpies. He is deprived of a great check upon his son. If the father threatens to cut off the son's allowance, unless his misconduct is discontinued, the son can, and often does in such a case, laugh in his father's face. The money-lenders are only too happy to relieve present wants, and to lead on to further loans. And in this way the heir often comes into the possession of his estate with such a weight of debts and liabilities around his neck, that during the remainder of his life there is no owner who has either capital or virtue enough to

manage the estate decently. In such a case, would it not be an unalloyed good to all concerned if he could sell the land? Who is there who, among his acquaintances or neighbours, cannot recall many instances of this kind? If it were not for these deeds and wills, in all these cases a part or the whole of such an estate would come into the market."

Under no circumstances should the law allow property of any kind to be legally tied up, either by entail, settlement, or otherwise, BEYOND EXISTING LIVES. Every generation should be free to leave their property as they like to the succeeding generation. If property is left, settled on a parent for life, to pass to the child afterwards, and the parent cannot dispossess the child of the property, the child may be less likely to be obedient and dutiful (under all circumstances) than if it was entirely dependent on the parent. This practice of settling property is as imprudent as it is unnatural; for it is impossible to foresee what changes may occur in the future. Such settlement may defeat its own object, and prevent the application and use of the property in such way as might be for the benefit of its owner as originally intended. At the beginning of this

century, no one had any idea that before its close the country would be covered by a network of railroads. Many estates were so settled that nothing short of an Act of Parliament could bring it about that a railroad should pass through them. The absurd fear of allowing railroads to pass through estates situated near some old towns, in which the owners of the land could prevent them, is illustrated in a book entitled, "The Engineers of England," by Dr. Smiles. Through the railroads being thus obliged to avoid those towns, the trade of some of them is now entirely ruined; for instance, the woollen trade of Lutterworth. It is against public policy to tie up any property beyond existing lives, except charitable trust property. An instance occurred in the case of Thellusson, the merchant, who tied up his property to accumulate for three generations; the consequence was that an Act of Parliament had to be specially passed to prevent a recurrence of this, such an immense amount of litigation having been created between contesting claimants. As we cannot see into the future, nor can we know the circumstances of unborn persons, would it not be better to leave them perfectly free to deal with their own property?

## NUMBER OF LANDOWNERS.

Notwithstanding the immunity from invasion which insular Britain (with its volunteer army and no conscription) enjoys, as compared with inland Prussia and its heavy military burdens, it is nevertheless so handicapped by its land laws of primogeniture, entail, settlement, title, and transfer, as to suffer severely from agricultural depression and decreasing cultivation; whilst, on the other hand, Prussia, under its free "EDICT FOR THE BETTER CULTIVATION OF THE LAND," is generally fertile.

Mr. Arthur Arnold, President of the Free Land League, 18, Cockspur Street, S.W., says in his pamphlet entitled, "The Land and the People," "In this country there are fifty million acres, or nearly four-fifths of the land, in the hands of seven thousand persons. There are people foolish enough to believe that this is the consequence of economic laws, and that it represents an inevitable destiny. It is the direct consequence of our laws and practices of settlement and primogeniture, which are closely bound together."

The following statistics show that the result of the operation of the land laws in this country has

been to *diminish the number of owners*, whilst in other countries *their number has been increasing*.

## STATISTICS OF LANDOWNERS.

From the *Times*, May, 1888.

“LAND TENURE IN FRANCE.—Among the many interesting particulars with regard to the agricultural condition of France which are furnished by M. Tisserand, the Director of Agriculture, in his valuable report, only just published, the most important chapter is, beyond all doubt, that which relates to the number of persons employed in agriculture and the size of the holdings. . . . To show into what small holdings the soil is divided, M. Tisserand states that out of every 25,000 acres, with an average number of 1144 holdings, there are 437 of less than two and a half acres; 532 of from two and a half to 25 acres, 147 of from 25 to 100 acres, and only 28 of over 100 acres. In other words, the holdings of from two and a half to 25 acres are the most numerous, forming 46 per cent. of the whole, while the holdings of not over two and a half acres make up 38 per cent., the

holdings of from 25 to 100 acres being only 6 per cent. The following table shows, however, that this is not peculiar to France, M. Tisserand making the comparison with Germany:—

Acreage of Holdings.	Number of Holdings.	
	France.	Germany.
Under 2½ acres .. .. .	2,167,667	2,282,103
From 1 to 25 acres .. .. .	2,635,030	2,293,200
From 25 to 125 acres .. .. .	783,641	633,143
From 125 to 250 acres .. .. .	56,866	42,439
From 250 to 500 acres .. .. .	20,644	11,501
From 500 to 1250 acres .. .. .	7,942	9,814
Over 1250 acres .. .. .	217	4,144
	5,672,007	5,276,344

Thus it will be seen that the soil is almost as much divided in Germany as it is in France, the number of holdings under two and a half acres being rather greater in the former country than it is in the latter, though, upon the other hand, there are 217 really large farms (over 1250 acres) in France as against over 4000 in Germany. The total number of owners of land in France was 4,835,246, in 1862."

From the Financial Reform Almanac.

"From the Domesday Returns of 1874 (which, as we have pointed out, very greatly understated the

facts as to the size of the large landed estates, having altogether omitted London, and unenclosed woods, etc., and leases reputed to be for 99 or more years) the main facts appeared to be that in ENGLAND and WALES—

12 persons own	1,038,883 acres.
66     "     "	1,917,076     "
100    "     "	3,917,641     "
280    "     "	5,425,764     " (or about one-sixth of the enclosed land).
523    "     "	one-fifth of all England and Wales.
710    "     "	one-fourth of all England and Wales.
874    "     "	9,267,031 acres.
10,207   "     "	two-thirds of the whole of England and Wales.

“In Northumberland County, which contains 1,220,000 acres, some 26 persons own half the county.

One man owns over	186,397 acres in England.
Another     "     "	102,785     "     "
A body of 4500 men own	17,498,200     "     or more than half England and Wales.

“In SCOTLAND, where the total area is 18,946,694 acres—

One man owns	1,326,000 acres, and has besides
	32,095     "     in England.

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1,358,095 acres.

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Another has	431,000 acres.
Another     "     "	424,000     "

Another has	..	306,000	acres	
12 owners have	4,339,722	„	about a quarter of Scotland, and more than the whole area of Wales.	
			Equal to 8 entire English counties: Beds, Berks, Bucks, Cambridge, Cheshire, Derby, Cornwall, and Cumberland.	
20	„	hold more than	120,000 acres each.	
24	„	„	4,931,888	„ (a fourth of Scotland).
70	„	hold about	9,400,000	„ (a half of Scotland).
171	„	„	11,029,228	„
330	„	„	two-thirds of all Scotland.	
1700	„	„	nine-tenths	„ „

“In IRELAND, where the total area is 20,159,677 acres—

1 person owns	170,119	acres.
12 persons own	1,297,888	„
3	„	over 100,000 „ each.
14	„	50,000 „ „
90	„	20,000 „ „
135	„	10,000 „ „
452	„	5000 „ „
292	„	6,458,100 „ (nearly a third of the island).
744	„	9,612,728 „ (nearly half of the island).
1942	„	two-thirds of the whole island.

“In the UNITED KINGDOM there are altogether 77,799,793 acres of land, and out of 72,119,961 acres included in the returns it appears there were 12 great owners who possessed 4,440,467 acres. Well may the late Mr. Kay, Q.C., in his excellent letters on the Land Question (Kegan Paul, Trench and Co.)

exclaim: "*We have been cutting away the base of our social pyramid, while nearly all other civilized countries have been pursuing an exactly opposite policy!*" In France, Switzerland, Germany, Austria, Holland, Belgium, and Italy feudalism has been suppressed, and in all these countries small estates long since began to multiply. Here, not only are they decreasing, but the very class of yeomen is all but extinguished. What were the laws by the abolition of which on the continent the people broke up the landed monopolies? They were the same laws which now in this country allow owners to make deeds and wills, that for many years prevent the land from being sold, or the estate from being divided, no matter how expedient it may be that it should be sold, or no matter how foolish or extravagant the owner may be. They were the same laws which now in this country (if a landowner leaves no deed or will) give all his land without diminution or charge in one undivided estate to his next heir. The same laws which here allow leases of 99 to 999 years, subjecting land to all kinds of antiquated covenants that go on affecting society for generations after the death of the grantor, and after all the circumstances have been changed. The

consequence of such laws, leases, deeds of settlement, and wills are manifold, being every way unjust.

“1. They prevent the sale of estates which would otherwise come into the market.

“2. They lessen due parental control.

“3. They induce careless landowners to be ten-fold more careless than they otherwise would be about the education of their sons.

“4. They maintain in influential positions men unworthy of those positions.

“5. They deprive many landowners of the means of properly managing their estates.

“6. They tend very greatly to retard the progress of agricultural improvements.

“7. They render it necessary to make deeds and wills very long and expensive.

“8. They render it often very difficult and costly for a purchaser to ascertain the state of title to a plot of land he may wish to purchase.

“9. They often leave actual titles to large plots of land uncertain, in spite of all the labour and expense bestowed on their careful investigation.

“10. They deprive the small farmers, the shopkeepers, and the peasantry of almost all chance of buying land.

“11. They aggravate all these evils in Ireland by the additional curses of absenteeism and agent-management.

“12. They create and perpetuate a class of land monopolists so strong and united as to be able to control both Houses of the Legislature, the result being that all our laws are tinctured with some concession or other to them—be the concession just or unjust.

“13. They drive out and decimate the rural populations, forcing these to emigrate to foreign soil or take refuge in already overcrowded towns, congesting the labour markets, aggravating social evils, and lowering the moral and physical stamina of the masses generally.

“14. They are a main cause of the oppressive taxation of the trading and operative classes, for, by means of the Parliamentary power secured by ages of undisturbed monopoly, the landholders have shaken off their own liabilities to the Crown, and devolved nearly every fiscal burden upon those beneath them in social position.

“15. They give a short, easy, and summary right of seizure to landlords, to the unjust deprivation of other classes of creditors, who have to be content with what the landlord chooses to leave of a

debtor's estate, and in most cases have legal charges to pay which he has escaped the necessity for.

"16. They confiscate the property of tenants by giving fixtures to the landlord. Even trade fixtures were for centuries appropriated in this way. Agricultural improvements were only admitted to consideration a year or two ago, and then in very partial fashion.

"17. They lead to the game laws, which sacrifice the productive powers of the soil, rob the agriculturist of results rightfully earned by the sweat of his brow, and drive into crime thousands of men and boys that in any other country would rise to honourable careers. Moreover, the judicial power in such cases is retained for the game-preserving class of county magistrates, the most prejudiced and incompetent administrators of justice in the country.

"18. They encourage an ingrained selfishness of views as to the rights and duties of landed property which lead to the curtailment of public rights of way and of common, to the immuring of nature generally, and thereby grievous loss to the national taste and appreciation of many pure and exalting pleasures.

"19. They create a class of men fabulously rich,

the effect of which stimulates a striving to be as rich in the next classes, and so on until it has come to be the case that in England, where the necessities of life are cheapest, the cost of living is unduly increased. It is much more expensive to educate children, to start them in careers, to provide them with a home—than in any country where such land laws as ours do not exist.

“From the Consular Reports of 1869, upon the tenure of land in Europe, it appeared that in 1858 there were in Prussia 800,000 day labourers (working for wages) who *owned* plots of land and were cultivators of vegetables and fruit; that only 108 landowners had estates sufficiently large to be rated at £1,500 a year, and that in the whole kingdom there were but 18,197 properties exceeding 400 acres each, while there were

Between 200 and 400 acres.....	=	15,048
„ 20 and 200 „ .....	=	389,823
„ 3½ and 20 „ .....	=	609,828
and under 3¼ acres each.....	=	1,087,081

These figures do not include residential sites or house-gardens.

“In Belgium there were in 1846 only 758,512 landowners. In 1865 these had increased to 1,069,326, under the operation of a land system only partially free.

“In the Channel Islands, under a free system and

peasant proprietary, the average rent of middling land has risen to £4 and £6 per acre. The same figure in Switzerland. Whereas in England 30s. an acre would be thought a fair and rather a high rent.

“In France, according to M. Lavergne’s “*Economie Rurale*,”

50,000	proprietors	hold	an	average	of	750	acres	each.
500,000	”	”	”	”	”	75	”	”
5,000,000	”	”	”	”	”	7½	”	”

#### “THE SETTLED LAND ACT OF 1882.

“This measure of the late Earl Cairns makes no change in the law of settlement, and under its provisions a testator has all his old liberty of tying up his landed property. The difference introduced briefly amounts to this—that after his death his successor may, under certain conditions, convert the land into money or securities, if content that the limitations should still apply. This is to lock up property in consols and debentures, or in freshly-acquired land, and it is but a tinkering reform after all. The scope given by this measure for the discharge or redemption of incumbrances

affecting the inheritance of settled land has not been largely availed of, but some 183 applications have been made in the first two years under its improvement clauses."

UNCULTIVATED AND UNUSED LAND.

"In the Statistical Abstract the cultivated area of Great Britain and Ireland is given, in 1884, as 32,465,861 acres for Great Britain, and 15,242,837 acres for Ireland, making a total nominal acreage of cultivated land in the United Kingdom of 47,708,698, out of 77,606,146 acres. The agricultural return for 1885 gives total area of land and water, including Isle of Man and Channel Islands, at 77,799,793 acres, of which 47,895,770 is given as the cultivated area: England, total area, 32,597,398; cultivated, 24,844,490. Wales, total, 4,721,823; cultivated, 2,809,558. Scotland, total, 19,466,978; cultivated, 4,845,805. Ireland, total, 20,819,847; cultivated, 15,242,837.

"Roughly, 30,000,000 of acres are thus given as not under cultivation. In 1870 it was estimated by Admiral Maxse, in an article in the *Fortnightly Review* for August 1st, that the space occupied by

towns, villages, water, road, and rail traffic was 3,898,839 acres."

In the return, the cultivated and uncultivated acreage in the separate counties is given. There are altogether, as nearly as can be estimated from the various sources of information, about 30,000,000 out of 70,000,000 acres of cultivable land, uncultivated and wasted. Why is this ?

In Prussia, the law considers the rights of the INHABITANTS of the land, as well as those of the OWNERS.

If the full use of the land would afford abundance of profitable employment for its poorer inhabitants, and the owner has neither capital nor inclination to use it, in that case the State buys out the unprofitable owner at a fair price, and sells the land to an enterprising owner for the purpose of affording employment to the poorer inhabitants. The State assists the new enterprising owner, by mortgage on buildings, by a concession for minerals dug out, and otherwise. The old unprofitable owner, who has been paid out at a fair price, can generally derive a larger income than he had before, by investing the money in Government stock.

Land being limited in quantity, unless FREE

TRADE IN LAND becomes the law of the United Kingdom, the question of wasting cultivable land by keeping any part perfectly uncultivated or unused, will grow graver as the population increases.

## PRIMOGENITURE.

The law of primogeniture, which gives all the land of intestates to the eldest son, is a relic of the feudal system and is of no use now. So far from the principle of primogeniture having divine right in it, as some persons affirm but fail to prove, it does not accord with either nature, reason, or Scripture. It is not natural to prefer one child to another. Reason would choose the fittest, not the eldest if unfit. And in Scripture, Jacob, Benjamin, David, and Solomon are instances as opposed to the principle of primogeniture. In feudal times, primogeniture was necessary and unavoidable in the case of the feudal lord, as it is in the case of the king, where only one person can succeed to the position. As an example of the incongruity of this law, imagine two wealthy

widowers, who have invested their money, one in freehold, and the other in leasehold property, both dying intestate, and leaving large families of children. In one case the eldest son takes the whole of the property, while all his brothers and sisters are left paupers. Now, in the other case, all the children divide the property equally between them. Which is the best plan? Why should the law make any difference between real and personal estate in this respect? The law of primogeniture is quite unnecessary. Any one may leave all his property to his eldest son if he wishes to do so without the law of primogeniture. This law seems to work much evil and to be devoid of good.

#### HOUSE OF LORDS.

An essay by the Right Hon. W. E. Baxter, M.P., entitled, "Our Land Laws of the Past" (Cassell and Co.), says on page 6, "Mr. Arthur Arnold writes: 'When the House of Lords was crowded prior to the most memorable division on the Irish Land Bill, a friend who was with me, looking down upon

the august assembly, whispered, "And these men own three-fourths of the United Kingdom." "Would to God they did," I answered. "I doubt if there are a dozen men there who have an acre of land that they can call their own. Their families, not they, are the owners of the kingdom. Years ago, in their hot youth, when they were neither statesmen nor practical agriculturalists, as many of them are now, they signed away to their sons, and failing them, to a long line of brothers and cousins—even when they had not a thought of marriage—the freehold of their inheritance." "

It has already been demonstrated that the laws relating to the land of this country are generally more favourable to the landlord than to the tenant. The landlords have had most power in making those laws, and the largest of those landlords are in the House of Lords. The hereditary privilege of a seat and vote in the House of Lords—enjoyed by some peers—would not be altered in the least by the transfer of their wealth into Government securities, under Lord Cairns' Settled Land Act of 1882. Tying up land by entail or settlement gives no strength or lustre to the hereditary privilege of an English peer. But inasmuch as wisdom, and not wealth, should be the qualification for a seat

in the House of Lords, and as wisdom cannot be bequeathed or inherited with wealth, the hereditary privilege of English peers to sit and vote in the House of Lords detracts from that confidence which the nation should repose in the cultured and ripe opinions of a SECOND CHAMBER.

Lord Brougham says in his work on the Constitution, "GOVERNMENT BY REPRESENTATION is the *grand invention of modern times.*" If then, after every general election, the new members of the House of Commons were to select a certain number from the whole list of the Peerage to form the House of Lords, and if eminent men of moderate means, who had retired from public life and professional business, were made life-peers, and were eligible to be selected for a seat in the House of Lords, the opinions of the SECOND CHAMBER on the public questions of the day would be more in harmony with the opinions of the country. By abolishing hereditary legislative privilege, and substituting selected representative power, the House of Lords is likely to last as long as the monarchy. But by retaining the abuse of hereditary privilege in the constitution of the House, that institution, through being open to attack, may be abolished altogether. Is it not time that hereditary legis-

lative privilege was abolished? Past history shows the evil of it. Let us glance at one instance. In the reign of Charles II., the House of Lords rejected Lord Coke's resolution, which had first been introduced by Lord Coke in the reign of James I., and which proposed to tax land per acre to keep a standing army, instead of the landlords keeping retainers to form one, as they had done during the times of the Plantagenets and Tudors. The unscrupulous peers of the profligate court of Charles II. induced the King to threaten the House of Commons with a notice of dissolution, unless the Commons consented to raise the money for the army through the excise, instead of from the landlords; and by thus shifting the incidence of taxation, remove the burden off the rich landed class on to the poor consuming class. Also, beer that was sold in public-houses to the poor people was made to pay the tax, whilst the large quantity of beer brewed in the mansions of the rich landlords was exempted.

Selfish class legislation, such as taints the land laws of the United Kingdom, will naturally continue as long as hereditary legislative privilege lasts.

## NATIONALIZATION OF THE LAND.

If nationalization does not involve confiscation, but only graduated taxation of excessively large holdings of cultivable land left waste, it is not unreasonable. But if all landholders were tenants of the State, the strongest stimulant to improvement, viz. that of occupying ownership, would not exist; and if no one could leave their landed property to their own children or family, there would be no inducement to make any very costly permanent improvements on it; and thus the land of the British Isles, which might improve under free land laws, occupying ownership, and smaller holdings, fertilized as in Jersey and Guernsey, would deteriorate under nationalization, as it has done under landlordism.

Is it possible to buy out the landowners of the United Kingdom? Would the millions of persons who have purchased their small freeholds through land building societies willingly part with their holdings at any price? You might as well think of offering a mother a price for its child. There is an instance on record of a poor man who bought a piece of land through a Building Society for £30,

at the rate of 2*d.* a day, by giving up his daily beer for ten years.

Suppose, however, it was determined to buy out the landlords, then the object would be to apportion economic rent equitably, and to raise revenue by rent instead of by taxes. But would that object be attained? A stupendous loan must first be raised in order to purchase all the land and house property in the country. Government official administration of landed and house property is always the worst and most costly, and it is often corrupt. The exposure of the corruption in the Metropolitan Board of Works is a proof of this. Imagine the temptation that nationalization of the land would afford to an army of official land-agents spread all over the country. Under such a system the rent on the land would not pay the interest on the loan that had been raised to buy the land with. A constant deficit would in time bring about national bankruptcy. It is simpler and cheaper to raise revenue by taxes than by rent.

The late Mr. Fawcett, the eminent professor of political economy, published a pamphlet in 1833, to prove that Mr. George's idea of nationalization of the land was both impracticable and impolitic.

The following quotation, from a philosophic

writer of the present day, concisely shows the injustice and confusion involved in Mr. Henry George's idea of nationalization of land:—

“Henry George and the Socialists have given the peers a new lease of life, which lease will terminate when the rights threatened—the right of individual property in the raw material of the earth and the right of private property in capital—are the one beyond defence and the other beyond the need of it. That the many will continue to maintain the few in levying on them a toll for the use of that which they—the few—did not make, and which no man made or can make, is, to me, incredible. As soon as the real state of affairs is distinctly realized by the masses, private property in land, apart from improvements made in it, will become untenable. This is tacitly confessed by the attempt of Bastiat, and those who follow him, to prove that the value of land consists entirely of such improvements.

“The day of reckoning for the landlords is put off by the stupid violence and injustice of the remedy proposed by the Henry George school and the confusion between land and capital which is one of the chief corner-stones of economic Socialism. To say that landowning by individuals is incon-

sistent with political justice and must cease is one thing. To say that this change shall be carried out at the sole expense of those who happen to be landowners at the time of the change is a very different one. For good or evil, the nation has become implicated in the maintenance of the institution, and takes a commission on the transfer of land every time such transfer is effected. It is the nation, therefore, and not individuals who should bear the burthen of the change, as in the more aggravated case of the abolition of slavery. This conclusion can be parried only by repudiation of responsibility for the action of the State, and Mr. Henry George is so far consistent in this matter. He would repudiate the engagements of the State not only with regard to land, but in the matter of national debts. But his reasoning is confined within very narrow limits. If it were pushed as far as it would legitimately go, Mr. George would find no rest for the sole of his foot till he arrived at sheer Anarchism.

“And Anarchism itself is a doctrine whose differentia is its somewhat muddle-headed theory of property. That theory, so far as I have been able to gather it from the statements of its chief expositors, is that, if it be said that a product

should belong to him who produced it, it is impossible to trace, and still more quantitatively to appraise, the various contributions which have been made to the production of any one thing. Let me state a case; and, in order that the point at issue may be isolated, let me suppose the conditions on which an Individualist would insist in order that the proprietary right may be duly established, have been fully carried out. Let me suppose that A rents a piece of land of the State, grows some corn, and makes a loaf of it. The Individualist would say that A is morally entitled to the use of that loaf, and that the violation of this right constitutes the crime of theft. The Anarchist would say that A did not really make the loaf, that his knowledge how to grow corn and make bread, his skill in making that knowledge practically available, and various other circumstances connected with the production of the bread, were the result of the thoughts and labours of an indefinite number of persons living and dead, and that the part which they took in bringing about the final result is beyond the power of human valuation.

“Now what does such a contention amount to? *Ex hypothesi*, A has ‘squared’ the account with

the community, so far as the *objective* conditions for the production of the loaf are concerned. This is what is meant by the payment of rent, which equalizes the conditions of production to different producers, by making that portion of the produce due to superior external conditions the property of the community. It is on the *subjective* conditions of production that the attack of the Anarchist—and of the Collectivist too—is really made. The contention of both is that *A himself* is what he is because of what others have done for him, and that therefore they—*i.e.* an indistinguishable multitude—are entitled to share in the results of his labours.”

## CONCLUSION.

The evils resulting from LANDLORDISM, socially and politically, are manifold; and from them arise difficulties to the United Kingdom as great as was the problem of slavery to the United States.

LANDLORDISM prevents the spread of capital, diminishes the demand for labour, and produces pauperism. By discouraging expenditure on dwell-

ing-houses, the homes of the poor are rendered unhealthy and uncomfortable, with the result that places are resorted to which tend, in the main, to drunkenness, vice, and crime.

LANDLORDISM leads the rich class to despise the political rights of the poor class. Let us take, in proof of this proposition, the following instance from "The History of Landholding in England," by Joseph Fisher, F.R.H.S. (Longman, Green and Co: 1876):—

"The lords of the manor, with a landlord Parliament, asserted their claims to the commonages, and these lands belonging to the people were gradually enclosed, and became the possession of individuals. The first enclosure Act was passed in 1709. The enclosures in each reign were as follows:—

	Acts.	Acres.
Queen Anne .....	2 .....	1,439
George I. ....	16 .....	17,660
George II. ....	226 .....	318,784
George III. ....	3446 .....	3,500,000
George IV. ....	192 .....	250,000
William IV. ....	72 .....	120,000
Total	<u>3954</u>	<u>4,207,863</u>

"These lands belonged to the people, and might have been applied to relieve the poor. Had they been allotted in small farms, they might have been made the means of support of from 500,000 to 1,000,000 families, and they would have afforded

employment and sustenance to all the poor, and thus rendered compulsory taxation under the poor law system unnecessary; but the landlords seized on them, and made the tenantry pay the poor-rate.

“The British poor law is a slur upon its boasted civilization. The unequal distribution of land and wealth leads to great riches and great poverty. Intense light produces deep shade. Nowhere else but in wealthy England do God’s creatures die of starvation, wanting food, while others are rich beyond comparison.

“The evil has intensified in magnitude, and a permanent army of paupers, numbering at the minimum 829,281 persons, but increasing at some periods to upwards of 1,000,000, has to be provided for; the cost, about £8,000,000 a year, is paid, not by landlords, but by tenants, in addition to the various charities founded by benevolent persons.

“PAUPERISM IS THE CONCOMITANT OF LARGE HOLDINGS OF LAND, AND INSECURITY OF TENURE.”

If the attempted enclosures at Epping and Wimbledon could be prevented because they interfered with the pleasure of the rich class, it is hard to understand how the poor class could have been deprived of their ancient right to the use and pastorage of millions of acres. There appears to

have been a conspiracy. The lords of the manor took the land themselves, created copyholds, and gave a portion to the freeholders in the manors to silence their opposition. The Crown and the people were powerless. The power of landlordism was paramount.

The operation of class land laws at the present time aggravates the danger to society of class retaliation at a future time.

The difficulty of LANDLORDISM exists in all parts of the United Kingdom; its details may differ, but its principle is the same everywhere. Dealing with the Irish part of the question alone does not reach the root of the evil. Ineffectual legislation will not only defer the difficulty, but will rather increase it.

## APPENDIX.



EXTRACTS FROM OFFICIAL REPORTS OF REPRESENTATIVES OF  
THE BRITISH GOVERNMENT IN FOREIGN COUNTRIES:  
RETURNED 1869, 1870, 1871.

Copied from "A Catechism on the English Land System," by C. Wren Hoskyns, Esq., late M.P. for Hereford. Third Edition. Cassell and Co. 1880.

### AUSTRIA.

"It was not till the year 1848 that the feudal system was completely abolished throughout the Austrian Empire. Previous to that period it was by the forced labour of the peasants that the estates of the great proprietors were cultivated. . . . But the peasant was also a proprietor, and legal owner of the land he held; he could sell, he could mortgage, he could transfer, or bequeath it. By the Land Laws of 1848-9 the conditions of forced service were removed, and he was

invested by the State with free and unconditional ownership. The great proprietors admit that the change has been decidedly beneficial to themselves, as well as to all other classes of the population, from an agricultural no less than from a social point of view. Many of them have doubled, some trebled, the value of their properties since 1848; while *the value of land has risen 100 per cent.*, and in some provinces still higher. The system of tenant-farming has never at any time been prevalent, and is practically unknown in Austria. . . . My personal impression is that the two classes of large and small proprietors have mutually and greatly benefited by their co-existence, and that the annihilation of either would involve a material disadvantage to the other.

“(Signed)

RT. LYTTON.”

#### BAVARIA.

“The system under which land is held in Bavaria is almost universally that of occupation by the proprietor. Occupation by tenants, or sub-tenants, is a rare exception. Practically, land occupation is almost synonymous with ownership. . . . Out of a population of 4,824,421, the number of landowners is about half a million. . . . The law draws no distinction between real and personal property. . . . The proprietors, farm-servants, and day labourers are well fed, well clothed, and well housed; and, in general prosperity and well

being, compare favourably with any State in Europe. . . . The general feeling in the country is decidedly favourable to the system so widely spread over it.

“ (Signed) H. P. FENTON.”

## BELGIUM.

“ Properties are very much divided. There are many small proprietors, who cultivate their own properties; the others are let for a term from nine to twelve years. If a small cultivator possesses a bad piece of land, he will endeavour to improve it by constantly digging and turning up the soil; he will labour to overcome its defective qualities, and render it productive; whereas land of a similar quality in the hand of a large proprietor, is in general neglected, and will remain uncultivated. There are few, if any, who cause their land to be cultivated by other persons. . . . Public opinion does not ask for any change.

“ (Signed) J. SAVILE LUMLEY.”

## DENMARK.

“ Danish legal practice grants the tenant-farmers something like a concurrent ownership in the soil. The outgoing tenant, or his *heirs*, may claim compensation for all improvements whatever, which have added to the marketable value of the farm. If the two parties cannot agree, two arbitrators compare the

previous report and inventory with the actual state of the farm, giving in a valuation of the improvements, taking into account what the tenant has himself derived from his expenditure. No claim after ten years for small, or after thirty years for great improvements. A tenant intending to make large improvements must give notice to the landlord, that a survey may be held for future compensation.

“The Constitution of 1849 forbids fresh entails, and promises that estates of this class shall be converted into free property. By a recent law the lands of entailed estates may be converted into trust-moneys. . . . Danish legislation shows a disposition to encourage the great landowners to sell the farms held on life-tenures to their occupants. . . . The improvement of the moral and material condition of the Danish freeholders may in part be ascribed to the repeal of English duties on foreign produce. That the conversion of tenures has contributed to this result may be accepted as an ascertained fact. In a preamble to an old Danish law, the legislator declares that the feeling that a man is *bestowing his labour on his own land is the best spur to agricultural industry and progress.*

“ (Signed) G. STRACHEY.”

#### EGYPT.

“Out of 5,100,000 acres of arable land, 3,800,000 are considered State property, and are occupied by tenants who pay about 30s. per acre in the Delta, and

8s. in Upper Egypt. These holders (or 'fellahs') have lately obtained the privilege of bequeathing the land to their heirs. According to the new project of law, the tenant, on payment of six years' rent, will, in a way, purchase the land he occupies as a freehold, without, however, the power of entailing it. It is evident that the 'fellah' who cultivates land on his own account will derive a greater benefit from the operation of the new project of law than the landowner who lets his land at a fixed rent. In Egypt it is the landowner, and not the tenant, who pays the taxes.

“(Signed) L. MOORE.”

## FRANCE.

“The land is chiefly occupied by small proprietors, who form the great majority, throughout the country. . . . It is said that such a condition of property conduces to political as well as to social order, because the greater the number of proprietors, the greater is the guarantee for the respect of property, and the less likely are the masses to nourish revolutionary and subversive designs. I have heard this argument strongly insisted upon. . . . The small proprietor is seen under more advantageous circumstances in France than in any other country in Europe, for he has, in fact, been the creation of a system which, whatever may be urged against it, has reconstituted the rural economy of the nation, and more than *doubled the produce of the*

*soil*. . . . The prevalent public opinion as to the tenure of land by small proprietors is that it has been advantageous to the production of the soil, and has tended to the improvement of the material condition of the agricultural population.

“ (Signed)                    L. S. SACKVILLE WEST.”

#### GREECE.

“The Greeks as a rule do not take any interest in agricultural affairs. Barely one-seventh of the whole kingdom is under cultivation, though it contains large plains the soil of which is extremely fertile. . . . Anything more primitive than the mode of cultivation can hardly be conceived, and there are few signs of improvement. . . . A tenant can, however, remove the materials of buildings erected by him on giving up the lease, if the proprietor refuses to indemnify him for them. . . . Tenants holding under large proprietors and paying cash rent are very rare. The proportion of small proprietors to large may be estimated at about thirty of the former to one of the latter. . . . It has been remarked that the properties cultivated by the peasants themselves are generally less encumbered than the rest.

“ (Signed)                    E. M. ERSKINE.”

## HESSE (DARMSTADT).

“ A country of small proprietors, with just a sufficient number of large farms to facilitate a comparison between the two systems of cultivation. The system of land registration, and of the transfer of land connected therewith, enjoys a deservedly high reputation for its efficacy and cheapness. . . . The creation of freeholds has been enforced by the Legislature on a very large scale: the Government has taken steps to increase the number of owners, and assistance by law and by public credit has been given to tenants in their endeavours to become proprietors of their holdings, and such endeavours have been general. . . . With very few exceptions, the labourer owns the cottage he lives in, with a garden, and land enough to raise the vegetables he requires for his family, and his pig; and at a comparatively early date, usually between thirty and forty, he obtains a lot in the *Almende* (public land). If he cannot keep a cow, he at least keeps a goat or two, so that he is housed and warmed, and produces his meat, his potatoes, his milk, and his vegetables independently of his weekly wages. . . . I need hardly observe that *the able-bodied pauper is a being altogether unknown*. I even found some difficulty in describing this sort of person.

“ (Signed) R. B. D. MORIER.”

## HOLLAND.

“The law gives the landlord no legal right to the improvements made upon the farm by the tenant. On the contrary, the tenant may, on leaving his farm remove and take with him all that he has erected at his own expense, provided no injury be done thereby to the property. . . . The law of succession requires the division amongst the children or next of kin. But there exists a very prevalent desire to avoid unnecessarily splitting up the paternal estates. . . . The same rules apply to the descent and division of landed as those which regulate other kinds of property. Although the Law of Entail is not expressly referred to in Dutch law, it is not in any way recognized or allowed. . . . Public opinion in Holland has not been specially directed to the condition of the proprietor-farmers, as distinguished from that of tenant-farmers—a satisfactory evidence of the smooth way in which both the systems have been found to work.

“ (Signed)                      SIDNEY LOCOCK.”

## ITALY (NORTH).

“The recent sales of State and Church lands tended to the subdivision of landed property. In the hill region the land is chiefly in the possession of small and medium proprietors. In the fertile plains large estates are the rule, generally leased out to farmers. . . . The permanent labourers are hired by the year,

but often remain a long time on the property. The system existing—and which may not be unworthy of attention—is to interest the labourer in the results of his work, by confiding to him a portion of land for cultivation, of which he shares the produce. The small mountain freeholds are always cultivated by the proprietors themselves. An *owner* alone will give the *loving labour requisite to render the rocky mountain slopes productive*. . . . The system of small proprietors is reputed to be an excellent barrier against Communistic doctrines. The proprietor feels that he has a stake in the country, and may advance in prosperity; while the mere labourer, especially when not sharing in the produce, is condemned to see his children unable to rise higher than himself. Improvements made by the farmer, with consent of the proprietor, are entitled to compensation. Those made without the landlord's consent are at his own risk.

“(Signed) D. E. COLNAGHI, *Consul*.”

## ITALY (SOUTH).

“Since the year 1812, when the feudal tenures which had their origin in the Norman conquest in Sicily were abolished, the tendency of legislation has been to favour the alienability and division of property. In 1819 entails were put an end to. In 1824 encumbered estates were required to be sold for the payment of debts. . . . Remarkable eagerness is displayed for

the acquisition of land ; it is common to see persons who have gone out to foreign countries, come home and buy bits of land as soon as they have scraped together a little money in the exercise of their trade.

“(Signed)            EDWARD HERRIES.”

#### PORTUGAL.

“The laws in force tend directly to favour the dispersion of land. Entails, which were of the strictest character, and which had tied up the lands in bands of iron, were absolutely abolished by the law of 1863. The Restoration of 1834 brought into the market a large quantity of real property belonging to the religious houses ; and the subsequent Mortmain Laws, in 1861-2, have set free another considerable extent of land, which will all be sold by public auction. More than 10 per cent. of the population are landholders, and their number is nearly three times as great as the whole number of tenant-farmers. . . . An intelligent interest is now being steadily developed in all questions of rural economy. . . . The tenant has a legal right to execute necessary repairs at the cost of the landlord, if the latter fails to execute them when required to do so. A tenant for less than twenty years' lease can claim the value of them, even where they have not been made with express consent, unless there be a stipulation to the contrary.

“(Signed)            GEORGE BRACKENBURY.”

## PRUSSIA.

“The laws providing for free traffic in land begin with the Edict of 1807, which aimed at facilitating the acquirement of absolute ownership. Its principle was to remove whatever had hitherto hindered the individual from obtaining that degree of well-being which he was capable of reaching by exertions according to the best of his ability.

“The 9th clause enacts that feudal entails can be cut off by a family agreement. The delivery of the full and complete title is alone permissible in the bequeathal of a landed estate. It is held that the State cannot have a special interest in the wealth of a few families, but must regard the welfare of the whole nation. The principle of division is as fully applied to land as to other kinds of property. . . . The carefully protected existence of a yeomanry and peasantry in past centuries is the antecedent reason of the great success of the agricultural legislation in Prussia, whose policy has been to give absolute ownership to all persons. The law runs counter to any custom of primogeniture, or other form of singular succession. There are about 15,000 large proprietors, 405,000 middle, and 1,400,000 small proprietors. *Pauperism is very rare, and beggars are unknown.* The prevalent opinion is decidedly in favour of small proprietorship, of which the advantages are held to outweigh the disadvantages.

“(Signed) J. HARRISS-GASTRELL.”

## RUSSIA.

“Although the accession of the present Czar, in 1855, was considered by all his subjects as the dawn of a new era, in which serfdom would be abolished, the news of the contemplated reform had given rise to a panic among the landowners. From its promulgation they expected disturbances; from its execution, the loss of all their property. Measures were taken to quiet these apprehensions; and it was shown to them that the *danger consisted in the procrastination, rather than the introduction of the reform.* Gradually its necessity became acknowledged. . . . It is a significant fact that the plan finally adopted—that of permitting the peasantry to purchase, in addition to their homesteads, certain fixed allotments of land—originated with the landowners themselves. . . . *Civil liberty without a certain quantity of land* would have been accepted by the agricultural population of Russia *as no liberty at all.* . . . Those who have purchased their allotments are freed from dependence, and become *de facto* proprietors of the soil. . . . The results of the Emancipation Act prove the entire rejection of Communistic principles by the peasantry.

“ (Signed)                      ANDREW BUCHANAN.”

## SPAIN.

“The population of Spain is sixteen millions; of these 3,612,000 possess land as proprietors. The custom

among them is to let out their lands either to single tenants or to a *company of labourers*, for a term of three or four years, free of taxes. The absence of statistics, the immense difficulty of procuring any information, the extraordinary conditions, races, habits, and customs, more varied than in any other country, would make it necessary to study each province separately, for a considerable time, before any adequate information could be compiled.

“(Signed)            PERCY FRENCH.”

## SWEDEN.

“The private landed property is divided among about 290,000 owners. The large majority cultivate their own estates. Land is inherited in the same manner as personal property. Entailed estates exist, but no new entails can be formed. Tenancies are not numerous, and are by lease for term of years, or during the *life of the tenant and his wife*. The owner possesses legal right to appropriate tenants' improvements; but it is the established practice that the tenant is at liberty to remove buildings executed with his own materials. The laws in force contain no restrictions with regard to the accumulation of land; and have a tendency, within certain limits, to promote its dispersion. Public opinion is favourable to the system of tenure, and the Laws of Inheritance, Transfer, and Mortgage.

“(Signed)            AUDLEY GOSLING.”

## SWITZERLAND.

“All land here is freehold, and can be disposed of with the same facility as any other description of property. A purchaser can always know what an estate is, its exact limits, and what charges exist upon it, by means of the Cadastre, or Land Register, where every parcel is mapped and numbered. The laws favour the dispersion of land. Hardly any labourers emigrate. They are pretty well fed and clad, have good soup and vegetable food every day, and pork or butcher’s meat three or four times a week. Public opinion is favourable to the existing system.

“(Signed) ARUNDEL MACKENZIE.”

## TURKEY.

“The relations and customs prevailing here between landlord and tenant are generally defective in principle, but much more so in practice. Landed property is classed under five heads:—1. Freehold, which is transferable by sale or gift. 2. Crown property, held by life-tenants. 3. Ecclesiastical lands, leased in perpetuity, by a rent-charge, over the purchase-money, but descending to the heirs-at-law. 4. Common lands, granted in free use to the neighbouring towns or villages. 5. Waste lands, which on being reclaimed are held as (2) Crown tenancies. The succession is the same to real and personal property. The laws in force tend to favour the dispersion of land.

“(Signed) LIONEL MOORE.”

## UNITED STATES.

“The system of land occupation may be generally described as by small proprietors. The theory and practice is for every man to own land as soon as possible. Prior to the late war, land in the Southern States was owned by large proprietors; but now estates in the South vary from 5 to 250 acres. The average number of acres to each estate throughout the Union decreased, from 1850 to 1860, from 203 to 199 acres. The land-owner has entire freedom to devise his property at will. If he die intestate, his land is divided equally among his children, with dower to his widow. The sale and transfer of land are conducted with about the same ease as would be the sale of a watch. While any one may acquire as much land as he can pay for, the tendency and effect of the laws are conducive to dispersion and multitudinous ownership.

“ (Signed) FRANCIS CLARE FORD.”