A CATECHISM
ON THE
ENGLISH LAND SYSTEM.

BY
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M.P. FOR HEREFORD.

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THE ENGLISH LAND SYSTEM.

N 25.
TO THE

RIGHT HON. W. E. GLADSTONE,
FIRST LORD OF THE TREASURY, ETC. ETC. ETC.

DEAR SIR,

For special reasons, I deny myself the pleasure of asking your special leave to inscribe you these pages. For the views they advance or defend, I am alone answerable; and though they are here conveyed in a form which some will think too light for the treatment of a subject so important, it is not without reflection or due cause that I have deserted the path of serious treatise, where, for so many years past, the most learned writing, the most profound reasoning, the most eloquent speaking, and the most pro-
longed personal experience of the Land Systems of other States, have apparently spent their force of argument in vain, until, of all unexpected combinations, the revolt of the agricultural labourer under his hard life-destiny, has touched a chord of national feeling, and precipitated inquiry and attention upon a subject that might possibly have still remained, as it has ever been in my remembrance called, a question 'some day surely coming to the front,' yet ever, by some mysterious influences, kept carefully in the back.

During each session since I have been a member of the House of Commons, I have endeavoured to call attention to the Land Question (as it is now familiarly named); not solely for its admitted importance in the development of our home food resources, now so strikingly inadequate; not alone for its questioned, though demonstrable, relation with the condition of the agricultural
labourer;—these are its immediate and physical results,—but also for its deep-seated connection with the elements of that portentous movement that is agitating the wage-paid classes of this kingdom.

Given the problem of a country where, inflated by the immense and rapid results of free trade, commercial wealth has risen by leaps and bounds, to a head never witnessed in the world before; yet, where the wage-paid masses, who regard this wealth as their creation, are isolated from those proprietary ties and responsibilities that bind men by mutuality of interest, modify their pretensions, control their selfishness, correct the over-assertion of that independence which rests in the potential sense of wage-paid labour-power,—where, of classes so circumstanced, ninety-nine hundredths are rootless in the soil upon which they were born. Given, I say, a country which thus realises the maximum of wealth with the minimum
of that distribution of all others the most humanising, and to me it seems as if the very terms of the statement are enough to justify inquiry into the phenomena of the question which these pages attempt to examine.

There is, as no one better knows, Sir, than yourself, an ignorance of the rich, as well as an ignorance of the poor; and, in consequence, there are subjects on which it is as vain to talk to rich men in this country, as it would be to hold converse in a foreign tongue with the poor. Never have I been more penetrated with this reflection than when I have seen and heard the assertion reiterated that 'there is plenty of land for sale,' knowing, as I do, experimentally, the force of the 'suppressed premiss,' which renders the announcement, except to the rich buyer, an irony, or an insult to intelligence.

Yet, while the great constitutional lawyers,
to be found in the judicial and legislative class, can hardly find invective strong enough for the conditions of our Land Exchange, an immense body of the more technically educated branches of the profession regard the prospect of a simpler system with an anxiety and dread almost as deaf to argument or hope as some of the agriculturists formerly were under the discussion of the Corn Law Question, which this one of the Land in many points resembles. That this apprehension is groundless, the professional experience of our own Colonies, of the United States, and now of almost every country of Europe, has amply testified. But even to fears that are proof to argument, the thought may bring some consolation, that, as no amendment of the law can take one acre from the land, the resulting changes of practice will be found rather in form than substance; and that whatever promotes activity of sale and purchase can hardly fail to benefit
those professionally concerned in the transactions.

I have only, in conclusion, to express my earnest hope—I may add, my fervent prayer—that the unexampled list of great and beneficial measures which this country has witnessed since you, Sir, have held the high office of First Minister of the Crown, may be destined to receive completion, by that long-desired amendment of our Land System, the need, the value, and the social importance of which no tongue but that of Time, no illustration but that of the increased comfort and happiness of a free people can ever adequately show.

I have the honour to be, dear Sir,

Your faithful Servant,

C. WREN HOSKYNs.

HAREWOOD, HEREFORDSHIRE,

January, 1873.
CHAPTER I.

Question. What is the Land question?
Answer. The Land question is—Well, some say it is a 'revolutionary' question, and some say it's a 'very difficult' question, and some say there is no 'Land question' at all.
A. Oh, but that is the hardest thing in the world to arrive at. The most learned of Greek philosophers wrote nine books in search of a definition. Besides, people, I am told, look at it from such different standpoints; and each thinks he has the right to know best of any.
Q. What People?
A. Well—there is the Landlord who owns the land, and the Farmer who rents the land, and the Labourer who ploughs the land, and the Lawyer who conveys, or at any rate ‘settles’ the land; then there’s the Sportsman who ‘preserves’ the land, and the political economist who knows all about the land; and, lastly, there’s the person who cannot get a bit of land, and wants to know the reason why. No two of them seem exactly to agree; and I might be so unlucky as to differ with them all!

Q. That looks as if you had better proceed by negations, and tell me first, then, what the Land question is not.
A. An everlasting work! ‘abscissio infiniti,’ I think they call it; but sometimes ‘the longest way round is the shortest way home;’ perhaps it may be so in this case.

Q. Why, may I ask, do you expect the adage to apply in this particular question?
A. May I answer categorically?
Q. If you please.
A. And honestly?
Q. I hope so.
A. And you won’t be offended?
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Q. Surely not! Why should I?

A. Because it is a kind of answer that many people challenge, but nobody likes,—nor believes, for that matter.

Q. And it is?

A. In effect, this:—The subject is one, you know, that needs a little study. Now, for one who has ever given it one patient hour of that, fifty or a hundred have their Opinion upon it; and the less the study, the stronger usually the opinion.

Q. But surely that is a common case! Why do you note its application here?

A. Let me answer that by a few illustrations. You know what Adam Smith and the Economists write about the 'creation, and the distribution of Wealth': "Accumulation makes a country rich, Distribution makes it prosperous and happy," or to that effect. Now, every one seems to agree in that, as long as we talk of money, or cattle, or sheep; or any other sort of 'stock,' as shares, or bonds, or houses, or leases, or even mortgages. But the moment you come to 'wealth' in the form of 'land,' all is changed. "Oh! then you want to cut up the country like a chessboard? Sub-division of property, eh? 'Peasant proprietors,'
ho! Communism, hah!’ And there you are, Sir: get them out of that groove if you can.

Q. You mean that by the unobstructed action of exchange—the spontaneous ‘distribution’ of the economists—they understand ‘subdivision’—a sort of agrestial mince-meat—or, as you say, a chessboard, with a ‘paysan propriétaire’ for Pawn, in every square, and the Castles, and the Knights, and the Bishops all pulled down to share-and-share alike: Truly our ‘peasant-proprietor’ writers have fallen upon an unlucky phrase. What would the splendid old Yeomen, and Freeholders, and even Copyholders of England have said to hear themselves described as ‘Peasant-proprietors’!

A. Just so: but you remember what Sydney Smith says of certain persons, that they require trepanning to get a joke into their heads. A new surgical operation is wanted now, of a converse kind, to get this notion out!

Q. Can you give me another instance of the same kind?

A. Take the word ‘Primogeniture.’ The moment it is out of your mouth—if you’re so
rash as to use it at all—you seem to have pulled the string of a Shower-bath. Down it all comes! "So—h! you want to prevent our leaving our land to our eldest son! destroy the Aristocracy! blow up the House of Lords! swamp the Monarchy!"

Q. Well: can you "precipitate the fallacy," as Whately says, on a single word, here as in the other case?

A. It lies, I think, Sir, in the 'prefix'—as the Hebrew scholars say. When you are speaking of the law of primogeniture, they are thinking of the custom of primogeniture. And ding-dong! goes the alarm-bell at once. "We mayn't make an Eldest Son!"—which is exactly what it is meant they shall do; only, do it themselves—without help, or hindrance, from an obsolete law, which is a dead letter to every man who makes a Will, or a Settlement; and only falls, like a sudden air-borne Harpy, upon those who have never heard of it, and don't wish for it—who dare to "marry without a settlement, and die without a will" (wicked wretches!), for want of money to pay the lawyer. That is about its chief use and occupation now; a sort of posthumous (im)Providence, to turn a man's
Widow and Daughters out of doors before they have buried him, and to bring back that rare primogenitary specimen from his patriotic travels in Austral Asia to ‘inherit’ the cottage-and-land-invested life-savings. So it comes to this, that they who don’t require it, keep it ready, like physic, for those who don’t desire it. “The law allows it, and the State awards it;” and the sense of justice is rudely outraged under the name of Right. Knowing all this, you seek to remove a superfluous law, and they think you want to interfere with an innocent family custom.

Q. We must have this expanded a little hereafter. But at present, if you please, we will stick to the ‘precipitation of the fallacies.’ Can you furnish another?

A. Really, the subject bristles with them. To give them all in detail is, in fact, to fit my answers to your suggestion, and handle the Land question by negations; for its chief difficulty lies in false assumptions, and it wants as much clearing as an old Winnow-sieve before you can get at the grain of the matter. And when you have got to it, there really is so little question left that one is tempted to ask how two sane men could dis-
agree upon it, unless they were both out of temper.

Q. You surprise me! I thought the Land question was something in the red-republican line—a general scramble, "every man his rood of land"—the better if taken from somebody else, and so forth.

A. If so, the whole of Europe, and the United States of America to boot, are in that blessed condition; for every great Continental State has reformed its land laws within this century, and most of the smaller ones, that needed it. England is the only respectable country left behind.

Q. But I thought Adam Smith had rather complimented England, as compared with the rest of Europe, at least in the matter of Entail, which he so inveighs against?

A. But Adam Smith lived in the last century; since then, they have advanced and we have, in this particular, stood still. Prussia began its land campaign in earnest after the defeat of Jena, in 1807: Austria, Bavaria, Saxony, reformed their law in 1848. Russia (once 'serf-owning Russia') not till 1856, after the instructive Crimean war and the death of Czar Nicholas. In most of these, Entails have
been formally abolished. In Austria, Denmark, and a few others a system has, however, been retained of what are called Majorats, by which landed estates are attached to noble and distinguished families — just as Blenheim and Strathfieldsaye are in this country to the dukedoms of Marlborough and Wellington, by special acts of the Legislature.

Q. How came this kind of exception to be allowed?

A. It was never objected to. No wise people destroy their national historic monuments, and such entailts are strictly of this character, a national tribute for national services, and to keep alive their memory.

Q. But is it not inconsistent with the principle of 'free land,' if that is to be admitted?

A. On the contrary, it discriminates well. The special evil of long entail consists in the power of private individuals to operate against the nation by contracting its land-market. On the other hand, the grant of an estate by the nation to an individual is a healthy assertion of the converse right, and was a marked feature of the freest days of Athens, of Rome, and of Saxon England, before the chain of Feudalism
had been forged, or the law of Entail or Primogeniture ever heard of.

Q. Do I understand you to imply that those laws are not of ancient date in this country?

A. That depends on what you mean by 'ancient.' England was England long before the 'Conquest;' and a well-governed England too, with a code of land laws treasured by the people like the ark of their national freedom. It is a learned pen that writes, "There was not an Englishman who fought at Hastings, who had ever heard of Primogeniture, nor a Norman whose descendants for six generations succeeded to his English Fief, who would have known what was meant by the law of Entail." English law—real English law (before the intrusion of Norman-French law, masked under a language the people did not understand)—knew nothing of either one or the other. Conquest and feudal necessity created both: under their iron rule an estate implied a regiment (for, other army or defence there was none), and the tenant-lord was its 'colonei'; holding of the Crown as Commander-in-chief. The 'descent,' therefore, could only be to one, and that the eldest male. The Suzerain did not want two or three Colonels, and not any
Colonelles. But the eldest only took the principal estate where there was more than one; and that bit of Norman law survives to this day, with excellent results, in the Channel Islands. For, the Normans had a gentler law at home than that they inflicted on the unhappy English. So that you see in some respects their feudalism had the advantage over ours; for 'absenteeism' was impossible; and primogeniture, though a badge of slavery to English eyes, had the excuse of necessity.

Q. But is not feudalism dead and buried?

A. If I answered as a lawyer, or a formalist, I should say it was decently interred, by statute, at the Restoration.* But in truth the snake was scotched, not killed, long before, by the legal legerdemain of Secret Transfer, called by lawyers 'Conveyance to Uses'; and a deeper wound still was given it when Henry the Eighth† restored the power to make a Will.

Q. 'Restored!'—Do you mean to say that people couldn't always make their wills?

A. During the times which followed the Norman Conquest, surely not. The land being

* 12 Ch. II.  † 32 Henry VIII.
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held by the Crown, the rule of primogeniture became the substitute; but only by degrees: for it was so obnoxious to the English people that the Conqueror himself did not dare at first to impose it. The City of London exacted from him a solemn exemption from it, and Kent, with some other parts of England, have never been subject to it. And as land was the only form of 'wealth,' it, of course, applied to land alone, as it continues to do to this day.

Q. But if feudal tenures were abolished by statute, and the testamentary power restored, how could the law of primogeniture survive?

A. Not quite so fast! We must mind our tenses. Between the Statute of Wills and the formal obsequies of feudalism more than a century had elapsed. And such a century! Let us see what happened in it, before we proceed further.
CHAPTER II.

Q. From our parting words, I understand you to imply that the Century—or rather the hundred and twenty years—which followed upon the Statute of Uses and the Statute of Wills of Henry the Eighth had an important bearing on the English Land Tenures?

A. A period which embraced the first colonisation of America, the results of the important Wool-trade in England, the Reformation, the dissolution of the Monasteries, and the enactment of the Poor Law, the war between the Parliament and the Crown, the Execution of
Charles I., the Protectorate of Cromwell, and finally, the Restoration of Royalty, might well leave their mark upon the land itself, but half released from the chain of feudalism which had pressed for five centuries, though nearly gnawed through at last by the ingenuity of the Lawyers.

Q. Were the Lawyers then opposed to Feudalism?

A. The Chancellors and many of the great Jurists of early times were Ecclesiastics: to this day, lawyers speak of those outside their profession as ‘laymen. The Church was the only ‘learned’ class; and all its skill, ingenuity, and power were directed against the iron tyranny of the feudal lords. It was a struggle of rival powers, ‘temporal’ and ‘spiritual,’ which should possess the land. To this cause we owe all the gradual evasions of Edward I.’s Statute of Entails; all the legal fictions and contrivances culminating at last in the Statute of Uses, which threw down the veil, and made the secret beneficial owner now the actual possessor of the ‘legal estate.’

Q. But a land-law reformer would speak well, would he not, of the file that bit the feudal chain, though it might fail to burst it?

A. Certainly, so far as its own selfish aims
worked in the direction of public freedom. But Figs don't grow on Thistles, even with centuries of cultivation. As the mailed grasp of the feudal gauntlet weakened, that unsalutary growth of legal fiction and chicanery in aid of Secret Transfer (its shortest name for present purpose), though useful in its day, had developed into a power more dangerous and more lasting.

Q. The old fable! The horse had taken a rider, to fight its foe, and after the victory, found that a worse foe was on its back, and meant staying.

A. But the stormy political events, without, obscured what was taking place within, so to speak, and even assisted it. Revolutionary times bring land forfeitures; and the laws made to escape these, outlive the revolutions. It had been at once the evil and the good of feudalism that it made all holders of land—the Sovereign excepted—merely Tenants. To this day law-language knows no other name even for the holder of the Fee. The word land-owner had not been coined. We have to thank those now obsolete fictions 'Fine' and 'Recovery' for the first rudimentary conception—or in Darwinian phrase, 'evolution' of this
idea; 'conveyance to Uses' for its development and growth; and subsequent events for its maturity.

Q. Is it so recent? Why then, a good 'nine-hundred-and-ninety-nine-years'-lease,' however little it may touch your 'lord'-ship, may be said to span your 'owner'-ship three times over!

A. From that time to this the 'title' to land—instead of being matter of Public Record, as it was in this country hundreds of years before feudalism transferred it altogether to the Sovereign—became a kind of documentary family history, riveted by a chain harder and longer than any that feudalism ever forged, and written in language unintelligible, except to an expert in a science belonging to that class of 'sciences' in which life is spent, and the judgment warped, in reconciling real and factitious principles,—a trying task, even with 'professional success' to soothe the struggle.

Q. Enough: we are anticipating; let us retrace our steps a little. You intimated that the political economists attach as much importance to the distribution as to the production of wealth, and you stated that nobody misunderstands the latter term except when it
is applied to land. Can you offer any suggestion why this is so?

A. I believe that the perfect freedom of exchange enjoyed in this country in every other form of wealth renders us unsuspicious that any exception can exist; and suggests the idea that those who would amend the law in this instance aim not simply at removing obstructions, but at introducing some compulsory interference with individual action; as exemplified, for instance, in the case of the French law, which divides a man’s property amongst his children, leaving only one share disposable by his will. I believe this somewhat tyrannical law on the other side the Channel frightens us out of calm reasoning, and is responsible for half the ‘fallacies’ I spoke of.

Q. But if ‘distribution’ is so desirable, why is the Napoleonic law bad?

A. Words are troublesome things, and our language is unfortunate in having no one which will, in single harness, drag us out of this ambiguity. The ‘distribution’ of the Economist is the only word we have to express the spontaneous results of free exchange, governed only by natural laws, enabling every man to
mend his condition to the best of his power; in common phrase, to get as rich as he honestly can.

Q. But cannot he do that already in the case of land? A noble lord of high authority lately told us "there is plenty of land for sale."

A. It was the natural remark of a rich man, but only to the point in showing the exact opposite of the inference intended by the speaker. 'Plenty of anything on sale' commonly implies a slackness of purchasers; and the greater the plethora, the greater the want indicated. The argument, in fact, might have been used in evidence of the very obstructions which interfere with land purchase.

Q. What are the obstructions?

A. The Cost, the Delay, and the Uncertainty of Transfer.

Q. But surely those are faults of management? You must blame the Conveyancer, not the Law.

A. So our Legislators seem to have thought, by their futile attempts to 'Simplify the Transfer' of land, before the land itself is made transferable. Macadamising the road will not move a vehicle whose wheels are blocked, or with no wheels at all! Do you remember the
Duke's order, at Waterloo, when the French Cavalry charges were threatening to force the British squares,—that as the gunners retired into square, they should take with them a wheel from every gun? The Cuirassiers did not lack courage, or the will, to 'facilitate the transfer' of our twelve-pounders into the French lines. The horses were there, and no want of drivers! But the guns refused to move! So will it be with any 'Transfer of Land' Bill, if by that be meant smoothing the road, instead of putting wheels to the body, removing the obstruction from the Putre Solum, which Bridgeman and Palmer, and their degenerate brother lawyers, just before the Restoration, first began to treat as if the chief use of land was to be "put into Settlement" on the Unborn, whatever the loss of Beef and Mutton to the Living. The Conveyancer is no more to blame than a man who, having undertaken to bring you a horse from Barbary, incurs the cost, time, and sea-risk, in order to convey it, safe and sound, to your stables; these charges being all necessarily the same whether it is an animal worth ten pounds or a thousand. His trouble, and cost, and, of course, his duty, is the same in either case.
Q. I understand your illustration to imply that land investment is not ‘distributed’ in England because, so long as the proof of title lies buried in private documents, none but the rich can afford the sacrifice of disinterring it: that in small parcels “the brokerage eats up the bargain.” But was it not the case that the small Freeholders and Yeomen of England were once a very numerous class, known, and celebrated, over Europe?

A. There is no good library that has not its old writers showing that this, and the free partition of the land which it implied, was once a special boast of the English people.

Q. How do you account for the disappearance of this class? The cost of Conveyance might prevent a man from buying, but would not oblige him to sell? in fact, would help to deter him; as the Vendor’s expenses are, I am told, equally disproportionate with the buyer’s. The motive must have been very strong to induce them to part with their freeholds.

A. As a rule, nobody parts with land without a very strong motive; no other property is clung to with such tenacity.

Q. Then the presumption is that they sold because they were obliged.
A. An excellent, and a daily reason too, for poor men, whether great or little, selling; but none whatever against a thriving man, however humble, buying, if no other obstacle prevented him. Little men are as fond of land as great men.

Q. No doubt of it. But land is said to pay only 2½ or 2¾ per cent. How can it answer to a poor man to invest his money at that rate?

A. Ask that of the Savings Banks! There needs no other answer. But in truth here you have touched what may well be called the arch-Fallacy of the whole question, which ‘one drop’ of practical knowledge will ‘precipitate.’ You are using the word ‘poor man’ in an ambiguous sense. No man is poor who has spare money to invest, though the scale may be small. The term may apply to one who is obliged to sell; but wherever the transfer is cheap, easy, and prompt, the old distich holds good for great and small alike,—

“For every seller who is needy
There always stands a buyer ready.”

And for this reason it is that in the ‘sweet simplicity of the Three-per-cents’ the whole amount of the National Debt changes hands,
we are told, in four years, by the transactions in the Funds; the greater part of the deposits being in small sums, under £2,000. Suppose, for a moment, that the *small* buyers in the Funds were, through some obstruction in the Brokerage, to leave off buying—say for a couple of years—the sellers meanwhile going on selling as usual, simply *as usual*. How would you answer if Lord Somebody remarked to you, "There's no lack of Stock! Don't say there isn't plenty of Stock in the market"?

*Q.* But if the small buyers ceased buying, the stock, falling in, would be soon bought up by large buyers, the high brokerage not affecting them; and would be open to small buyers no longer.

*A.* Precisely! Well; now to bring the parallel nearer—suppose this to go on, not for two, but for *two hundred* years!

*Q.* Let me follow you. I understand you to mean that if a poor man—well, well—a 'small capitalist' who has saved, say, fifty or a hundred pounds, and was going to place it in the Funds, were told that instead of completing the transaction in an hour, for 5s., as at present, he must wait a few months, till two lawyers had held a 'crownner's quest' over the seller's right to sell,
his family pedigree, judgment-debts, and a few other matters—after which he might, perhaps, be able to get his little investment (and the lawyer’s Bill),—he would probably decline the honour, and leave it for those who are rich enough to entertain it. There are plenty, I suppose, who would?

A. Of course. In a rich country like this there are plenty of men who can stand a lawsuit, or a land-suit, which, by the way, is worse, because you can’t stop it! A decree of ‘specific performance’ has been known to excite a man’s generosity to such a pitch as to make him glad to give his land away!

Q. You don’t think, then, that the old English Yeomen and Freeholders sold their land in order to become Farmers? That is, I am told, the ‘landlord’s theory’ of the matter.

A. And a capital landlord’s theory; especially for those who prefer a hypothesis which is superfluous, to a fact which is obvious. Knowing what we know—that selling and buying are relatives, and constants, wherever the commerce in an article is free, what does it matter to guess why the sellers sold, if we know why the buyers have not bought? If a stream flows on, and nothing flows in, what need to account for the bed
running dry? We need not speak of its naïve ignorance of human, not to say English nature, or its contradiction to the whole living experience of Europe, of America, and of every British Colony on the globe. A pleasant hypothesis soars above all argument from common experience. A hybrid embodying the rash appetite of Esau, with the subtle scheme of Jacob, may be conceivable, but it makes rather a suspiciously modern frame for the historic portrait of the ‘independent British Yeoman,’ who was really a character it was a mistake to lose from our body politic.

Q. But do you really think that small capitalists would readily invest in land at 2½ per cent.?

A. I have answered you, but will do so again. Your question is the mere conceit of persons who have no practical knowledge of the matter. The man who has saved money, _abnormis sapiens, crassaque Minervae_, calculates thus—"The Squire gets 2½ per cent. from the Farmer, who has first booked 10 per cent. on his capital, after paying his Labourers’ Wages, his Manure and Tradesmen’s Bills, and the keep of his Farm Horses. Did you never hear that "it takes _four_ Rents to pay one?" But it is
the *Land that pays it all*—Horses, Labourers, Tradesmen, Manure-bills, Farmer,—and *last of all*, the Squire. What shall I lump it at?" Ask the Market-gardener, with nothing but his spade, what he looks to get from each acre of land he cultivates. 'Would it surprise you to hear' of £40 to £50 set down as 'the labour account,' and £15 to £20 as 'nett profit' to each acre? Two-and-a-half per cent., indeed! Why, if you'll free the land to all buyers, on equal terms *pro rata*, like Bank of England Stock, we will promise you ten years' purchase more for every acre that lies out o' doors in *wealthy* England:—it is not "merry" England, now! The 'dead hand' chills it, and the 'un-born hand' throttles it.
CHAPTER III.

Q. Two remarkable expressions! I presume that those weird terms, 'dead hand' and 'unborn hand,' are meant to indicate the root causes of the cost and difficulty of 'title,' and the stagnation of the land market.

A. So they are coupled together, like twins, by popular use; but the two phrases have quite a separate history; and the first has rather transgressed its true etymology; the words *morte main* being originally applied only to lands acquired by religious houses, which, even at the time of Domesday Book, had ab-
sorbed 28,000 'knights' fees' out of 62,000, nearly half of the kingdom; and their occupants being 'dead' in the eye of the law, though in their corporate sense never dying, land passing into their hands was looked on with great jealousy, and a statute at length passed* to prevent it, except by special consent of the king.

Q. On the ground, of course, that it took the land away from the public services of the kingdom, as well as what in these days we should call extra commercium, out of free exchange. But were not the monks the best patrons of agriculture—the drainers of the fens and marshes of Lincoln, Somerset, and other counties—and their tenants encouraged by leases, and freed (as far as possible in those times) from spoliation, and disturbance of every kind?

A. True; but 'the law of England abhors perpetuities.' The maxim is older and better than the best farming. The agricultural advantages which religious lands enjoyed formed no ground of exemption from the loyal application of the rule of 'no perpetuities.' We have got to learn that lesson again.

* 7 Edw. I.
Q. But the principle of 'never dying' applies equally to all corporate bodies, does it not? and even to an individual representing a corporation.

A. Therefore, by a subsequent statute, the prohibition was extended to all lay corporations and fraternities.

Q. Then how came the jurists of Edward I. to allow the Statute of Entails to be passed so soon afterwards in the same reign? Surely, Entail savoured of the same quality?

A. They could not prevent it; this time the Crown and the great lords were against them. What they did was to evade it, by a sort of 'legal legerdemain,' which to an ordinary reader is scarcely credible. The struggle lasted for three centuries; and as entail had prevented the alienation of land by the fiction of carving out (entailler) a sort of qualified 'estate' from the fee, so that the land in default of certain conditions should always revert to the family of the giver, the lawyers, meeting invention by invention, created at length a kind of beneficiary interest, which, under the name of a 'Use,' undercut the work of the feudal carvers.
Q. The lawyers then, in feudal times, were opposed to entails?

A. They regarded the Statute of Entail as "little better than a second invasion of the free soil of England, a fresh badge of conquest, violating the first principle of our ancient land-right, often obscured, though never forgotten, viz. that 'the law of England abhors perpetuities.'" The language of Chief Justice Herle, and of Lord Coke himself, is as strong as words can be in condemnation of them.

Q. The same question, then, recurs to me, which I asked before in the case of the law of Primogeniture. How comes it that Entail survived the statute passed at the Restoration, by which the land of this country was formally delivered from feudal tenure?

A. Let me, for the present, postpone the answer. We shall shortly come upon them both—in a new costume.

Q. Reverting, then, to our last conversation, I gather that for very many years past the dealing in small estates in land has in this country virtually ceased: that the sellers, who, in ordinary course, have sold, not being replaced by buyers of the same class,—for the special reasons given—the parcels have been
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taken up and absorbed into larger holdings; the effect being to increase the estates, while diminishing the holders, of land.

A. This subject has drawn much attention of late, and a curious scuffle-in-the-dark has been got up, owing to the absence of statistics, as to the actual number of owners at the present time. The limits of the controversy are its most curious feature; for the question appears to be whether, in the twenty-six million inhabitants of Great Britain, the sharers of the soil amount, numerically, to about one person and a quarter,—or to twelve,—in a thousand; exclusive of the CORPORATIONS, which still, even in these days of ample Government Security, retain the lion's portion of the land.

Q. Can it be true the proportion is so small?

A. Even a new 'Domesday' will hardly tell us; the 'freehold land societies' swamp the calculation. A late writer, adopting the process of taking the largest acreages in every county, assigns not to 'thirty thousand,' but to a third of thirty thousand, including Corporations, four-fifths of the soil of England and Wales. In Scotland the disproportion is stated on a scale far more comprehensive.

Q. This is surely an unexampled monopoly?
A. I cannot see how, in justice to the living generation, that word, in its strict sense, is applicable. The case stands thus: A state of the law exists, and has existed for seven generations back, which has, incidentally, choked off the smaller land purchases from the market. Such a thing is quite conceivable in any description of stock. It has happened in the case of land. It is unfortunate, politically most unwise, and even dangerous; but it has been going on at least during the period I have named. Whom are we to hang? Which is the quarter whence the action originates? — the conveyancers? Whatever their own predilections, they are the instruments, not the originators, of the undue strictness of Settlement and length of Entail. The landowners? Well, but they have simply bought, and paid for what they bought. They have robbed no man. Let him, big or little, to whom angulus iste does not seem worth all the rest of the acreage, cast the first stone! Well, you may shake your head; but I tell you again the thing has been going on for more than two centuries. Whose great-grandfather, from the first to the sixth degree of ancestry, are we to hang?

Q. But is it not true that the landowners,
most of that time, have been the Parliament, the governing body—have been the makers of, and responsible for, the laws?

A. For that very reason unchallenged, and uncorrected. Who in this wicked world corrects himself, without the motus ab extra? Do you think that they did not, from heart and soul, believe that if the land was satisfied the country was all right? "Quand la France est contente l'Europe est tranquille!" Is not that 'human nature?'

Q. Yes; but they resist the remedy of the evil.

A. But they don't believe in it, and are asking for evidence; and as our land statistics are now—where the agricultural statistics were a very few years ago—behind every other country of Europe, we talk and write in that sort of darkness which may be compared to a masquerade, where every one says what he wishes, since for ignorance, on either side, there is no detection. The number of landowners in Germany, in Holland, in Austria, in France, in the United States of America, is as well known as every taxable dwelling is known in England: and when you read them out by Millions, insular Mr. Bull looks pitiful, and says,
"Ah, them poor furriners!" with as little notion, poor soul, how the fee-simple has slipped away from him, as a man who dropped his pocket handkerchief on Monday week. But beef is getting dear; and presently, when he wakes up to his discoveries, he will get into a towering rage, and misbehave himself as if he was an injured victim of 'larceny with violence.' That is the fear; for it is his way, you know, of righting himself—he does not like study, or examining things patiently, beforehand.

Q. But large estates make large farms, I'm told. The repair of many farm buildings is costly and troublesome, and large farms are said to pay best. Would you desire to see a multitude of small holdings?

A. If so, I should have my wish, for more than half the farms of England, the statistics tell us, are under twenty acres. But there you have opened upon another of the 'fallacies.' The subject of large and small farms, which is for ever thrust into the van of the Land question, has as much to do with it as that of large and small shops has to do with trade; as much, and no more. It is purely a matter of agricultural comparison, and a very interesting one, especially at the present time, when our im-
portation from other countries of certain kinds of food, of the least portable description, has become so enormous. But on the Land question it is simply irrelevant. Not one man in fifty, who would be glad to buy a piece of land, if obtainable on reasonable terms of brokerage, has the smallest thought of embarking in a farming speculation. The confusion of the two subjects is one of those curious instances of 'argumentum ab olim ad olim,' which recall to mind the terrors of the Protectionists at the 'drain of gold' that would arise to pay for foreign corn when the trade became opened, ignorant that the sudden specie-drains they saw formed part of the eccentricities and evils of the restricted trade. All experience grows best in the open; and the relative advantages of large and small farming can be better seen in a country where land is free than where aggregation, as in England, or morcellement, as in France, disguise and disturb the elements of fair judgment. Each kind of farming has its special merits and special produce, and each is complementary to the other.

Q. Might there not be some inconvenience if
the facility of purchase should greatly augment the proprietary holding of land?

A. At present there is no country in the world except this where proprietorship does not greatly exceed the vicarious cultivation, or farming-tenancy, of land; and such was the case in England itself less than two centuries ago, as all the old writers on the subject testify. So long as no one's freedom to hire or let, any more than to buy, is interfered with, the emancipation of the soil to proprietary investment would be the greatest boon that has ever been granted in these latter days, Free Trade not excepted.

Q. Who would be the parties most directly benefited?

A. It is beyond the reach of a doubt that the first to benefit by the removal of the restrictions that stifle the free traffic in land would be the landowners themselves! As a body, they may be the last to be convinced of it; for though a large number, not only of 'limited owners,' but fee-simple proprietors, are fully aware of it, the great bulk of every class who are not obliged to act for themselves habitually surrender their judgment to others; and the landowner has many advisers who be-
lieve their own interests to be bound up with the *status quo* of our present land system. The immense advantages that await its manumission ought, for the most obvious economic reasons, to need no demonstration; but if living proof be needed, it actually exists in every country of Europe which, since 1848, has revised its Land laws. When I name the next to benefit by the change, you will look serious;—as we do at the opening of a new volume that was neglected in our youth, and will tax the study of our later years—I mean, the Labourer.
CHAPTER IV.

Q. Before we proceed with the rest of the catalogue of those whom you think the freedom of the Land Market will benefit, there is a question I should like to ask. It is this. If the survival of feudal practice has left our land system so faulty in the matter of Transfer, Succession, and Entail, how comes it that the farming of Great Britain has so high a reputation? Surely, in this as in other things, "the proof of the pudding is in the eating."

A. Yes, for those who can partake. But how about those who have to buy food else-
where? and those who make the pudding, but mustn't touch it? However, peace to your aphorism. You have put what appears a fair question; but, first, have you put it fairly?

Q. How not? Correct me, if wrong.

A. Why did you say 'Great Britain,' and not 'United Kingdom?' Our Land Laws have been the same in Ireland. Does not your panegyric include the sister kingdom?

Q. Well, the farming even there has, I am told, improved of late.

A. I hope and believe it. But let us be honest. We remember what it was, and still, with due exception, is. Indeed, I fear that I am old enough to retain a vision of English farming five-and-twenty years ago; before "autumn-cleaning of stubbles," before Spencer and Richmond shook hands at Smithfield, and 'practice with science' sprung from the union; before Free Trade; before the "chiel amang ye taking notes" that went to Printing House Square; before Farmers' Clubs, and 'Central Chambers;' when good farms were, even more than now, like angel visits, "few and far between;" the average was below contempt. Men talked of the Netherlands and Tuscany abroad, or the Lothians at
home; and English farming was all but a byword. Times have somewhat changed, certainly; but the Land Laws haven't.

Q. Well, then, I will amend my question thus—How is it that, in spite of faulty Land laws, British farming has so advanced?

A. Because it is British farming; the British being a race which has the faculty of setting to work and winning against odds, and in spite of discouragement. But as that is only a British answer, may I ask you a question? Does this 'highly reputed' British farming answer the object of a national system of agriculture—does it feed the people? One cannot dine, you know, on Reputation.

Q. Oh! but Free Trade supplies the 'balance' from other countries, and employs our manufacturers.

A. That is, we draw upon our trade for what is wanting in our agriculture, while other countries feed themselves, and us. And our farmers are satisfied, and their customers—the public—are content, and—

Q. Well, well,—not quite, perhaps—

A. Well—not quite, perhaps. The consumers complain of the dearness of meat, and the want of poultry, and other small produce so abun-
dant on the Continent: and the farmers say they cannot increase their produce without Security for capital—e.g., first a change of that feudal maxim, "Quodcunque additur solo, solo cedit," which (while trade fixtures are exempt) confiscates agricultural fixtures—including all improvements—to the landlord; then, a repeal of the Law of Distress, and, in the North, of Hypothec, a mitigation of the Game Laws, a twelvemonth's instead of six months' 'notice to quit' (to quit!), and a few other trifles, in order to increase (high authorities say, to double) their produce. Is it so?

Q. "Ay, sir; all this is so." *

* "Although on favourable soils, farmed by men of capital, our system of stock-farming has offered to the world an example of industry in that department, productive farming of that description is as exceptional as it is conspicuous; and the average amount of agricultural capital, and the average yield of the land, are lamentably small." "If we look," says Professor Low, "at the finest parts of England, we might almost imagine that the purpose of agriculture was to raise hay for horses, and not food for man. . . . Hence it is that so much of the land remains uncultivated, and hence it is that while the farmers of England are successful in the branch of industry which relates to live stock, they are eminently deficient in that which relates to the proper cultivation of the soil."—Quarterly Review, Jan., 1873. Art. "Exhaustion of the Soil of Great Britain."
A. Then the industry of the trading part of the community is employed to supplement "the best farming;" because, but for certain feudal vestiges, which other nations have shaken off, it might be better,—say a little more general,—beef and mutton more plentiful, and the capital invested in importing meat from abroad employed in growing it at home.

Q. Why do you particularise meat?

A. Because it implies fixed and permanent investment; in marked distinction with cereals. If you sow a grain of wheat, in a few months it becomes an ear, perhaps tillers into many. "God giveth the increase." But if you sow a brick, or a stone, it won't produce a new cattle-shed; if you plant a roof-tile, it won't tiller out into a covered straw-yard—manure it how you may—and if it did, it wouldn't be yours, you know!

Q. Subject too serious for joking, sir.

A. Quite so. I stand corrected. But there really are some subjects so very serious that they sometimes make one try to stifle by a joke a tendency to stern thought and strong language, that is almost incontrollable; witness that gentle noble tongue—now silent—whose honest impulse could not resist, or recall, the
word "felonious" applied to this very law. If, by some comprehensive ray of intelligence, England could see in the glaring figures of an annual 'sum total,' what she sacrifices by non-investment, what she pays for lost investment, in her own soil, in order to keep up the stupendous folly of a disjunctive partnership between two unwilling recusants, each trying how to strip the land by least investment in it, —this game of 'beggar-my-neighbour' between tenant-for-life and tenant-at-six-months'-notice —if this could only be viewed as it is, and then compared with her abounding and unrivalled commercial 'employment of capital,' it would suggest something in face of which the justly vaunted 'release of the springs of industry' by the unshackling of trade, immense as it has been, would tremble for its victory: for a victory it is, and a dangerous one, when a country with millions of acres declared on authority to be half-tilled, and other millions called 'waste,' but denied to the hand, and the Tool, that deals with 'Waste' all Europe over, —is beginning to be fed by its trade instead of its agriculture.

Q. Then do I understand aright, that you would reverse the feudal law of fixtures, and
give a tenant the property in any amount he may invest in the soil?

A. Not in the amount certainly, for this might have been ill expended, but in its value to the freehold.

Q. I see a difficulty there.

A. The valuation?

Q. No, that would be easy; and easier every day with practice. My difficulty goes farther. How is 'tenant-for-life' of a hundred farms to meet the valuations as they fall in?

A. How does he meet the drainage of his hundred farms?

Q. Well, by borrowing under the Land Improvement Acts.

A. By borrowing the money of the public, to maintain the nominal ownership, as life-annuitant, of an acreage too large for his capital, or rather, with none at all available. Surely, a roundabout way of preventing others from buying land in their own country, by the use of their own money! I think I see a shorter way, and less unstatesmanlike; though not perhaps so fashionable here.

Q. Here! How do they manage it elsewhere? You have referred to other countries more than once. We have each our own fashion
in these things; but I'm content to learn—at least on good authority.

A. What shall it be, then? Will "Her Majesty's Representatives in the several Countries of Europe," in their Reports to Parliament, content you? with the Minister's name subscribed to each?

Q. I hope you're not in earnest!—I really haven't time for State Papers. Besides—long catechisms, you know—

A. Don't distress yourself; a paragraph or two from each is all I shall afford you. If you want any more, you must go to the originals; they contain some of the most instructive reading you ever ran your eye over, and should be better known;—'Customs of Countries,' by way of pendant to our 'Customs of Countries.'

Q. Well, what is the order of precedence? Which shall we take first?

A. The reports themselves are printed in succession as they arrived at the Foreign Office during the years 1869-70-71, addressed to our then Foreign Minister, Lord Clarendon; and are written, in most cases, with singular ability and research. We will take them, as we do our counties, alphabetically. Blessings on the
alphabet! But what an aristocrat it is; it puts Austria first, and United States last,—for, you see, in Foreign Office geography, the United States and Egypt are included in the 'Countries of Europe!' But the Foreign Office must know, you know, better than you or I. Listen, then, if you have patience, while I read.

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 un
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known 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. LYTON.”

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.”
"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 cul-
tivation 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 30 and 40, 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 parental 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 recognised 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 satis-
factory 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 20 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 pur-
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...chased 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 Ffrench."

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 pro-
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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 landowner 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."
Q. An interesting and important list, truly; and suggestive of much thought.
A. Yes; and now, having been so long abroad, let us return to the English labourer at home, and see what 'the best farming' has done for him.
CHAPTER V.

Q. I was beginning to fear, when you took me so far afield to look at foreign Land Systems, that you had forgotten the farm labourer at home. But I see the journey was not in vain. “Longest way round, shortest way home” once again; is not that the meaning of it? Well, what is the conclusion? What are we to do with the labourer?

A. Your pardon—but check to your first move. What are we to do with him? I really hadn’t thought of that. My thesis was—What is he going to do with us?
Q. Indeed! that sounds alarming,—rather revolutionary, isn't it?

A. Oh, don't be frightened! Vessels that can boil-over don't burst. We have a better way than that in England. We may be slow in understanding 'difficult questions,' but in our illogical way, "blundering, we learn not to blunder." Just now farming is in a difficulty. The men can migrate, or emigrate, when and where they like. But the land can't, you see. Did you ever consider what an agricultural labourer is? He can draw a straight furrow (did you ever try?); he can manage the horses in health and sickness; he can tend, and milk, the cows, rear a calf, shear a sheep, build a rick, and thatch it, make a hedge, dig a ditch or a four-foot drain; and I could name to you a dozen minor duties of field or homestead, each requiring its own skill and judgment, that would take you a day to follow and try your hand at, before you could form a true notion what a master of arts the fellow is! When the farmer emigrates he fails; because, at home, where he held the land, this was all done for him. But the labourer succeeds, and becomes a landowner first; because he, who can get no land here, can do all that himself. You
let this man ride at loose anchor, who is more to the land than the land is to him—or to itself—tied only by 'wages,' which travel with him 'in the skin of his arm' wherever he goes, and more than double at the journey's end. Was there ever inversion of policy more unwise?

Q. We seem to have drifted into error here, without knowing it; this 'wages' question is becoming universal. The subject has not been understood, or even studied.

A. But it will be. Once get the people to understand a thing, we have a way in England of putting the ship's head right without making a noise about it. Witness—well, I surely need not give instances. An Englishman who can look back forty years—some say four—may smile at 'impossible' reforms.

Q. And you indulge this hopeful vein in the case of the Land question; and the labourers' question as a branch of it?

A. A sorry soil once whispered me a secret: Always take Time into partnership—time to understand, time to act, and time for the action to take effect—and, by Jove! (or, rather, by his grandfather, Chronos!), the 'desperate reform' will seem to overtake you when you least
expect it. You remember what Bacon says—
"Time is the greatest of innovators."—
But pardon me, the labourers' is not a mere branch of the Land question; it is the elder brother, a great thing here, you know—older by a century.

Q. Three centuries old? You may well invoke Time, then. But, "While the grass grows," the proverb is—

A. No hurry; I refer so far back only to bespeak your patience. Nothing like examining the tap-root, if you want to find where the canker lies. Can you listen, do you think?

Q. I must, 'tis my vocation, here.

A. About the middle of the fifteenth century—

Q. Oh, heavens! What, another century already!

A. ——The quality of the wool grown upon the English downs and certain noted inland pastures had obtained an extensive reputation in Spain and the Low Countries, the great centres of manufacturing skill; and so immense grew the demand, that it produced a change upon the whole face of agriculture and country life in England, unparalleled in any former, perhaps in any later days, for rapidity and
force. An enormous acreage, that before was under tillage throughout the whole country, was speedily laid down. Field after field, freehold after freehold, farm after farm were thrown together into pasture; and flocks such as even at this day would be counted large, were kept chiefly for the tempting value of the fleeces.

Q. A sort of Australian condition. And employing only a few shepherds, then, to look after them?

A. Just so. "They have driven the husbandry out of the country," says an old writer of the day,* "and now it is nothing but sheep, sheep, sheep!—and where threescore persons and upwards had their livings, now one, with his sheep, hath all."

Q. These transitions cannot be helped. It was the dawn of England's foreign trade.

A. Quite true. One circumstance, however, added peculiar severity to the change. It was an old and established feature of English husbandry for the yeoman and his labourers to live under the same roof. The practice was exceedingly ancient, coming down from Saxon times.

* Bernard Gilpin, quoted by Strype, "Eccles. Mem."
Q. Why, it exists to this day in the very countries from which the "rude forefathers" of our race came over.

A. You may see it noticed in the Reports to which I lately referred you. It was a rough but not unwise arrangement, and marked by a rough but not unwise hospitality. "I know not why," says Hallam, "some have supposed meat was a luxury seldom obtained by the labourer. But, from the greater cheapness of cattle as compared with corn, a greater portion of his ordinary diet consisted of animal food than at present. Sir John Fortescue"—(our eldest agricultural writer, himself a farmer)—"says that the English lived far more upon animal diet than their rivals, the French, and it was natural to ascribe their superior strength and courage to this cause." It is easy to imagine the effect of the rapid breaking up of so many homesteads—not the yeoman and his family only, but all his men, then far more numerous than modern farming needs, thrown out together.

Q. 'The Legislature interfered,' of course.

A. Statute after statute was passed—their number attests their inefficacy—attempts to resist the irresistible, by pains and penalties on
the “engrossing of the smaller holdings,” the abandonment of tillage farms, and throwing the land wholesale into pasture.

Q. What became of the labourers?

A. Subsequent statutes tell the terrible tale, by the no less terrible punishments awarded to “vagabonds and sturdy beggars,” that single, and in gangs, wandered about, infesting the whole country. But ‘whipping,’ ‘the pillory,’ and ‘branding in the face,’ failed to arrest the consequence, unable, of course, to touch the causes which had, in the words of the Act of Henry the Eighth, brought such “a vast multitude to poverty and misery.”

Q. The monastic houses must have had a heavy drain upon their charitable stores of ‘indoor and outdoor relief,’ as in Poor Law language we should call it?

A. Seen from this point of view, the Dissolution of the Monasteries in that reign must have been a fearful addition to the state of things already existing. It is a picture not pleasant to dwell upon. Its commentary is seen, side by side, in the passing of the first compulsory law for the relief of the poor, by Henry himself,*

* 27th Hen. VIII.
which found its final development in the well-known Poor Law Act of Elizabeth. By an old statute of Edward III., it had been enacted that none should give alms to a beggar able to work. The new law introduced a new principle—new, but not good, "pleasant to the eyes," like the First Apple, and sweet to the taste, but not wholesome, into the world—that everyone is entitled to maintenance from the soil.

Q. But the ground was cursed for man's sake. "In the sweat of thy face shalt thou eat bread?"

A. But not in the sweat of other people's. The primeval curse seems doubled when industry supports self, wife and family, and idleness and family as well.

Q. Yet charity, like mercy, is "twice blest; it blesseth him that gives, and him that takes."

A. But when crystallised into a legal claim it evaporates both, converting the twin blessing into a twin curse, hardening the heart of the giver and the taker; and that is a fact not to be despised, let me tell you, in the "influence of law upon national character" and national amiability. "The poor ye have always with you" didn't mean a hard-looking man knock-
ing a hard thump at your door, with a dirty book, and an inkhorn, and a ‘demand.’

Q. How can it be helped?

A. Well, not in England. Not yet. But did you notice what I read to you in Hesse-Darmstadt, Prussia, and some other countries, where the labourer has land? “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.” Yet Mr. Morier speaks German like a native. I suppose you know that the official return of able-bodied paupers for this year in England and Wales is near upon 400,000.

Q. But stay; we’re not out of the sixteenth century yet.

A. Pauperism is catching—not morally only, by the corruption of independence, but potentially, by the rapid decay it brings on that large class who live on the confines of respectable life, whose industry is a struggle to cling to it, but can do no more. Of all the malignant effects of enforced ‘charity,’ this is the most touching. To the small Freeholder and Yeoman, the Poor Law was gradual disinheirance. The pleasing theory that represents their ‘taking off’ as a farming enterprise
might inform itself by reading the grim annals of the time. The process went on till but few, comparatively, were left. After this, came the partition of the Commons; of which, between 1670 and 1867, *seven million acres* were enclosed.

*Q.* That should have come sooner—to enlarge the smaller freeholds, and benefit the many, instead of the few.

*A.* There were some good features in the feudal law; it upheld the land rights of the smallest holdings equally with the large, however it might burden them with vassalage. It was specially unfortunate for the former class that feudalism had yielded to the Commercial power of alienation and of enlargement, just before their birthright had been parted with. Instead of being in fact a general benefit, it seemed to make the rich man richer and the poor man poorer.

*Q.* Do you object, then, to the enclosure of commons? Surely, the land becomes more valuable?

*A.* Twentyfold; and sometimes twenty times twentyfold. I once gave a twelve years’ lease to a hard-working labourer, of about an acre of waste land, or what would have been land
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if it hadn't been an old gravel quarry, "fit to starve a lark," as the adjoining farmer (his employer) remarked, looking with a face of amusing amusement on the transaction. Long before the lease was out, the quarry had, with by-work only, become a rich-looking, almost level, garden-plot, the half of which, manured from his house and his pig, with some horn-shavings (a favourite wheat drug of his—did you ever try it?), produced a measured crop of five-and-thirty bushels—more than any acre in the parish could at that time grow. Enclose commons—why not? They are Nature's reserve for the growing population. All land was common once. Why did enclosure ever begin if it was ever to end? Common land is merely what our ancestors didn't cultivate because they didn't want it, and have left for us to cultivate because we do want it. It is not why they went that troubles me, but how they went. It was the process that had anteceded the 'liquidation' of the small shareholders—to use a modern figure—so that the 'allotments' came too late, were made to the few who had swallowed up the many; and the other shareholders, who would all have been allottees, were gone. The claim of the
cottager, with his statutory four acres, would have been as good, pro rata, as that of the territorial magnate with his four thousand. It was the foreclosure, not the enclosure, that did the mischief! Had the yeoman lived he would have countenanced the cottager; had the cottager lived he would have defended the yeoman; but they had gone down together into a 'contemptible minority.' Those who fell made the gap, and those who kept their seats went over it; their old neighbours had gone to swell the population.

Q. How do you mean—the population?

A. Yes: the big towns. That is 'the population' of England. You may travel from New York to Omaha, fifteen hundred miles, and never be out of sight of a Yankee gentleman's house, large or small, his own, anyhow. "They are sown broadcast over the land."* In England I could ride eight miles to a county town, and never see a civilised dwelling. But then my case is peculiar; at least, I try to suppose so.

Q. How, peculiar?

* See "Last Winter in the States," Barham Zincke, p. 31.
A. Why, you see, my good neighbour is a hospital, and he stretches his bed over twelve thousand acres. You might fancy yourself jolting on a camel between Cairo and Damascus, for any chance of "gentlemen's seats."* And he can't sell, you know; he's the giant Mortmain, who swallows us all up. It makes the country like a desert; but it's good for hunting, of course. "Solitudinem faciunt PACEM appellant."

Q. [Shade of Tacitus!] Well, that's consolatory. Foxes instead of neighbours. But about that one-acred, 'horn-shavings' tenant of yours. I like that man. Did you ever make another—acre, I mean?

A. Well, I once had a snipe-farm—

Q. What on earth is that?

A. Why, a farm that grew snipes, of course. Did you never hear of a turnip-and-barley farm, or a wheat-and-bean—

Q. Of course—but a snipe-farm!

A. Well, that was the 'produce.' I didn't plant them; they rose spontaneously,—not singly, or in couples, but in clouds—and I used to fire accordingly; as boys do, at a covey of

* See 'Eothen,' p. 23.
birds: and when the old retriever brought them in, all fluff and fibre, she used to look up a dismal apology in my face, as if she had done something wrong—like a puppy who brings a feather to your feet, and gets a scolding,—if you're out of sorts.

Q. Well, about the farm—

A. There was one piece—fourteen acres—so far from the homestead, and with such a 'reputation,' that I resolved myself into a Committee of selection what to do with it. Melbourne's alternative, "Couldn't we let it alone?" came,—like the Tempter. Well, suddenly as it seemed, on my pillow (they usually come in the dark), I got an idea. In eight-and-forty hours it had become a fact—and more—eight-and-twenty facts in one; for I had marked out a road across the middle (the field was of oblong shape), and drawn up the Rules, and taken the signatures, and given my own; and eight-and-twenty families (I can hardly say 'tenants' in the individual sense, nor would you, if you had seen the place next year on a Sunday afternoon) had each got half an acre. I drained it for them, and then, giving them their Rules—for they were rather theirs than mine, except one, and that was mine only at first, "that no bad
word should ever be uttered on 'Coald Blaow' (patronymic of 'the allotment ground')”—I followed the Melbourne maxim after all; I let it alone.

Q. Did they pay any Rent?
A. Rent—proh pudor! I forgot about that—I'm sorry I began—

Q. Come, out with it! Catechism, you know!
A. A pound each per annum—
Q. Monster!
A. So I thought; at least, if I should take it. They didn't seem to see it at all in that light. But I'm not a philanthropist, you know! I don't go in for a patchwork pattern of 'peasant proprietors.' My aim was only "to remove whatever had 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." Do you remember that,—in "PRUSSIA?"

Q. But how did the poor allotment-holders succeed?
A. The first year the crops were very like—-their neighbours'. But they were satisfied, which was more than I could say with my farm, though the rent charged on my Dr. page was only half theirs. But the second
year the whole scene was changed. As I walked, just before harvest-time, up and down the 'allotment road' (now a self-grown chaussée of eight-and-twenty stone-contributors, the rolling alone fell to me), I scarcely could trust my eyes. We talk of 'looking over our wheats:' I did not do that, because I couldn't; at least that was the impression on the eye, as I looked up along the even-serried floor of long well-filled ears topping the firm nodulated stems, like a veteran regiment in 'close order;'—closer could hardly be. There was one farm in the parish (not mine, sir,) that had crops as good—at any rate on a wider scale of goodness and quality—but that was one of the really good farms of England,—the 'reputation' makers. The rest, in racing phrase, were 'nowhere.'

Q. And how about the rents?

A. Considering how hardly money is scraped together in farming, I have often thought with what cheerful honesty they are usually paid! But the rents of labourers, with a bit of land, have in my experience been paid, sometimes under very adverse trial, with a touching sense of honour that has often recalled to me old Wordsworth—.
"I've heard of hearts unkind—kind deeds
With coldness still returning—
Alas! the *gratitude* of men
Hath oftener left me mourning."

Q. From whence I gather that you are a special advocate of 'small proprietors' and 'labourers' allotments.'

A. From which I gather that you have missed the pith of the whole argument; let us try again—*da capo*—we have not done with the Labourer yet.
Q. You surprise me by rejecting the conclusion I had drawn from your history, and anecdotes, of the agricultural labourer. The history was a tale of gradual dispossession; the anecdotes were 'modern instances' of the benefit of land let to farm workmen. What is the doctrine they inculcate if it be not 'small proprietors' and 'labourers' allotments?'

A. I must not complain of your surprise. It is quite as natural as that men should like prescribing for others better than enabling them to act for themselves. "What shall Alexander
do for Diogenes?" quoth the world's conqueror, presenting his august form at the mouth of the Tub. It was a surly answer, but it was a philosopher's—"Only stand out of my sunshine." When you see in the midst of a wealthy and prosperous community a particular class exceptionally unfortunate, so curiously thrown out that they seem to have no part or lot in the benefits of the Constitution, does it not argue rather a narrow horizon of thought to attempt to treat them individually—a bit of land here, a cow there, an allotment field or a co-operative farm in another place—without inquiring what predominating cause it is that presses on that class, and obliges you to take thought for it as something that cannot help itself?

Q. But the present state of the Labour Question is one that calls for active remedies. No removal or repeal of laws, however injurious (allowing this for the moment), would operate, except, as you have said, with Time in partnership; it would not meet the present emergency.

A. If the emergency were that of some sudden distress or unforeseen calamity, I should gladly agree with you. 'Acute attacks'
must be met by 'local and active treatment,' doctors tell us, let the complaint be as old and its efficient causes as deep-seated as they may. But these are not the symptoms. Besides, there have been so many doctors already, and remedies so strange proposed, it rather irritates the patient, which aggravates the disease.

Q. But if the patient grow unreasonable, it may be too late to talk of undoing; something must be done.

A. You see it is so difficult to feel or judge for others, or to see our acts from their point of view. Suppose yourself the patient—conscious of nothing on earth the matter with you, except that you are fastened down, like Gulliver when he awoke in Lilliput; prevented by some unseen agency from raising yourself like other men—how would you feel towards an empanelment of dukes, and lords, and bishops, and Ministers of State consulting over your position, resolving what they should do with you? Would you not feel sorely tempted to say—only as a good-humoured joke, you know—"Gentlemen, I conceive that each of you feels fully capable of 'doing for' himself, if nothing hinders him. Why do you distrust the like ability in me? I am not a
duke, or lord, or Secretary of State, but, believe me, gentlemen, 'A man’s a man, for a’ that,' and I can earn my own living, and put by something for old age, if you, instead of looking after me—busying yourself with a fashion-cry of allotments, and potato grounds, and cow pastures, and co-operative farms—will remove the hindrance that enthralls me. You are legislators. In that lies your task. Inquire for yourselves into the laws that injuriously affect my class. Why do you shrink from that, and prefer taking personal charge of me? Is it that prescribing is easier than analysis? Is it that patronage and opinion are pleasanter than study?"

Q. You surely would not discourage these useful and charitable efforts? The very attempt to meet an evil must be a comfort in the eyes of those who suffer.

A. And, by the same rule, should react upon the agent; the attempt is a mockery that stops short of that. You cannot rest there. You see those thriving and taking care of themselves and families to whom you have given a bit of land. You look abroad, and see nation after nation of Europe giving their people land, and saving themselves from pauperism,
drunkenness, and crime, and those wasteful and dissolute habits that come of the absence of the *proprietary sense*—the cares, and pleasures, and responsibilities of property. You look at home, and see the richest nation in the world with every twentieth man a pauper; and a wealth-gorged generation struggling with the question, whose aspect is full of such increasing anxiety, how to deal with this proletariat wage-paid class of millions—ah me! *how many* millions?—rootless in the soil, except by that worst of ties, a foreknown claim of maintenance charged upon the labour of others, while denied the opportunity of extracting it themselves from land of their own.

*Q.* It would seem, according to your view, that pauperism is a sort of Land-law test, the silent Nemesis of an unshared soil.

*A.* Their relation, as antecedent and subsequent, is as demonstrable as any historical inference can be; and the reports we now possess of those countries where the land is freely held by small as well as large proprietors, corroborates the inference by the living evidence of facts.

*Q.* But you have referred already to a
statute enjoining the retention of four acres of land to every cottage.

A. But as that statute did not prevent the cottage being pulled down, it soon became a dead letter.

Q. And why were they pulled down?

A. The charge of maintaining its poor was the most obvious motive to every parish for getting rid by every means of its cottages as the nursery of parish settlements, therefore of paupers actual or possible; so down they came accordingly—every parish for itself against the world, struggling to reduce its own little share in the population of the realm. From the rise of the Wool-trade in the fifteenth century to our own days of Union chargeability, a series of successive causes, differing in their origin, but concentric in their effects, has tended to reduce the country population, and to crowd it into the large towns, where a place might be found for the head to lie on, and something for the hands to do.*

* "We learn from Census Reports that the 'English nation has assumed the character of a preponderating city population,' and that the towns of England and Wales contain a larger population than the whole country of 1801. The effects of the continual drain upon agriculture, by the great centres of population, have been
Q. But if enough men were left to cultivate the land, the extirpation of small holdings and small dwellings would be favourable to a large scale of husbandry and the adoption of machinery.

A. Probably no argument has been better ridden to death than that. There is a grain of truth in it—viz., that a fair proportion of large farms (assuming adequate capital) affords opportunities of experimental science and skill which a country of uniform small holdings would not offer. Yet no country in the world employs agricultural machinery more than the United States, where the average size of holdings is under 200 acres.—But the cottages in England were extirpated for no such reason; and if they had been, it would have been inhuman. Husbandry was made for man, not man for husbandry. What living man has the right to depopulate the earth to make room to exhibit his agricultural machinery?

overlooked by others besides the English 'teachers of agriculture;' and in the distribution of the productive forces, the world of the future has been divided into thickly-peopled (manufacturing) and thinly-peopled (agricultural) regions, and it has been supposed that the latter will feed the former!"—Quarterly Review, Jan., 1873, p. 168.
Q. But machinery means progress. The spinning-jenny and the mule superseded the spinning-wheel, and the power-loom threw out the hand-loom.

A. And the production of clothing became practically unlimited, governed only by the supply of the raw material. When the power-loom was invented a few hundred hand-loom were, in their generation, superseded; but, for those hundreds, hundreds of thousands of mankind were better employed and better clothed for all future time. Instead of displacing population, those inventions attracted and employed it. "The old order changeth, yielding place to new, and God fulfils himself in many ways." True invention may be known by its fruits. Our splendid Barn-works are Machinery indeed, and "knock at the poor and rich man's door alike." But the so-called agricultural 'machines' you refer to have no such destiny; they are mostly adaptations of field implements suited to large holdings. A plough is but an implement, and a multiplied plough, whether drawn by horse or steam, is only a multiplied implement, very convenient where small farms are thrown into large; but so far from our being more cheaply fed in con-
sequence of this movement, the impression throughout the country prevails increasingly the other way.

Q. But in mechanical operations hand power has in costliness been compared to gold, horse power to silver, and steam power to copper.

A. And with justice, in mechanical operations. And there the limit lies; for ever. But exactly in proportion as mind is required, the comparison is conversely true. The hand is gold because it is the "direct agent of the brain;"—did you ever analyse perfect Cultivation? — But granting the relation between large farms and steam-ploughs, it has never been pretended that it solved the problem of 'greatest acreable produce,' or cheaper beef and mutton, which is what we want.*

* "Honest industry, and patient toil and thrift can work wonders: and no labour is so cheap as manual labour well bestowed, no cultivation is so profitable, and productive, as that by the spade; and no spade is half so industrious as that of the small cultivator, and his sons. . . . . Steam-cultivation may on some soils develop sources of fertility previously less easily reached and thoroughly opened. But steam creates nothing. We regard it as a possible means of preparing the seed-bed at the lowest cost: but labour, in husbandry, is subordinate to fertility, and improvements in machinery
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Q. But the land that employs fewest hands has fewest hands to feed——

A. Upon the land. Yes; but is it cheaper feeding them in the towns? When you see a steam-driven implement ploughing six acres a day, do you think it made itself? Was not every hand employed upon every inch of it—from the smelting of the iron to the last touch of paint or varnish on the woodwork—in effect an 'agricultural labourer,' merely relegated to the mine, the forge, or the workshop? Would accurate statistics boast of the smallness of the class 'employed in agriculture' by counting noses on the field? It may to some judgments appear more profitable to denude the land and fill the workshops, but the case is one 'not proven;' and the judgment of Europe does not accept it any more as economic, than as social truth.

Q. But, in the towns they can earn better wages, and buy the food instead of producing it.

A. And pay the implement-maker for doing their field-work. A roundabout way of bene-
can have but a slight influence on the cost of production."—Quarterly Review, January, 1873. Art. "Ex-
haustion of the Soil of Great Britain."
fiting *them*; and whom does it benefit besides? “Much food is in the labour of the poor,” I think I have *somewhere* read; and, steam-ploughs notwithstanding, experience hitherto confirms it. A cottager pays twice the rent for his bit of land, often four times, what the farmer pays; and he can afford it. That extra rent may or may not be evidence of *surplus* produce—that depends upon his home-consumption—but if taken at “thirty years’ purchase,” as we sell an estate or farm, it would double the fee-simple of England.

*Q.* But are there any actual data on which one could rely illustrative of that view?

*A.* Not very far to seek. The Channel Islands belong to England, but not to England’s Land-system. Take Jersey. It feeds a population of 56,000, upon just *half* that number of acres, and exports 55,000 tons of produce besides—within a fraction a ton for every inhabitant, man, woman, and child. The Isle of Wight also belongs to England, *and* to England’s Land-system. It contains a royal Palace, and for climate, and scenery, and everything that is attractive—but I need not tell you what it is—I’ll tell you what it does: it *holds* only the same population as Jersey, upon
more than three times the number of acres, from which, however, it cannot feed them, but imports a large portion of its food. And though the home of England's yacht-club, it has scarcely any mercantile shipping, having nothing to employ one, for it has little if anything to export.

Q. The contrast is remarkable; but it may be the result of special causes, affecting those two islands in particular. Could another instance be furnished of such comparison?

A. As we have no means of comparing districts, the test is limited to islands. Take then the Isle of Man—the resort of wealthy citizens from Liverpool and Manchester. On 179,000 acres it has about 53,000 people, less than one to three acres, and has, or lately had, about 12,000 tons of shipping. The Isle of Guernsey, with less than one-eleventh the area of Man (about 16,000 acres), supports more than 30,000 inhabitants, and has above double the shipping. Jersey and Guernsey have each a population of 1,200 to the square mile, and more than feed them. England and Wales have 350, and we think them over-populated! and import more than half our food. I need not say that the Land-laws are (with very slight modification)
the same in those two Anglo-Norman isles which have retained their ancient tenures, and never came under the English land-system at all.

Q. If the produce in these islands is so considerable, how does it affect the renting value of the land?

A. The letting of land is almost exceptional; but, in such cases, the rent is from £5 to £7 the English acre.

Q. Then at thirty years' purchase an acre of Jersey or Guernsey land would fetch, say, £180 as agricultural land, for agricultural purposes. We certainly have no general experience of this kind in England. But how does this touch the Labourer?

A. By exhibiting the addition to national wealth that may be created by releasing the springs of self-interest and proprietary instinct in every class directly connected with the soil. The acreage of the Channel Islands being so limited, the most is made of it; and "the tenants of the soil (now, as always, de facto proprietors) till their own land. These, having something to lose, are conservative of property, order, and government, and are happy and contented." I quote the language of a native,
himself a 'large proprietor,' as properties are estimated there, where the labourers by their own tie to the land become the natural protectors of the State. In looking over Farms in England that have no Cottages, I set down the Horses and the Cattle and the Pigs as the true conservatives of the place.

Q. Because they have a roofed dwelling supplied to them?

A. Yes; rent-free; and food and care in addition; even those chartered wanderers, the flock of geese, have their habitation, and seem to consider themselves at home, the guardians of the spot, mindful, I suppose, of the day they saved the Roman Capitol. The English landowner now believes in free trade, and he will yet come to believe in the natural defence of a widely spread proprietary—a broad basis to the pyramid of landed wealth. It is not pleasant to be spoken of as "that country of the world in which the greatest number live in lodgings."

Q. Everything connected with the land moves slowly. We can hardly anticipate any rapid change of habits that have now become national. We have drifted gradually into the condition we find around us.
A. So gradually that we must 'take Time into partnership' to modify it. But there is none to lose. There are troublesome indications ahead, for those who care to see them—an aspect of the Wage-paid Labour question which is not, without anxiety—extending as it is, collaterally, from operative class to class, till it touches the very centres of our civilised life our comforts, and security. Fair-weather sailing is easy work; but a land system which leaves the Labourer outside the contract, even of the 'best farming,' sets the labour question adrift, and weakens the chain of industry at the point nearest to the anchorage. But it is a happy maxim of English law that "for every wrong there is a remedy." We have tried to discover where the first lies; the question that remains is how to find the other.

Q. When we have ascertained that, a great work will be accomplished; but a greater must begin.
CHAPTER VII.

Q. I wish now to put some questions on points which our discussion has elicited, that seem to need further explanation. You stated in the outset that the term 'distribution,' as applied to landed wealth, and the freedom of exchange, which it implies, has no relation whatever to the extent of the holding, be it large or small, any more in land than in any other property. Yet I seem to have gathered from your replies, in the case of the Labourer, and of the small Freeholder, or Yeoman, a tone of advocacy, and of deprecation of the
'latifundism' or large-property system so prevalent in this country. How do you explain this?

A. Your last words suggest the explanation. Yet it is not because it is prevalent in this country, but because its prevalence is due to factitious causes which have operated by obstructing the smaller class of purchasers. Only change the venue of your catechism to the other side the English Channel, and let its subject be the Napoleonic law, and you would hear a tone as earnest quite the other way. The French law has, since 1790, directly and openly promoted subdivision; the English law has, for more than two centuries, been silently but irresistibly producing aggregation. We are quick enough to see our neighbours' faults; blind and angry, too, anent our own. But a consistent land-law reformer can give no quarter to either extreme thus produced, each being contrary to all true economic principle when based on the suppression of the other.

Q. In what proportion, then, do you hold that large and small estates in land should exist, to constitute the 'juste milieu'?

A. Pardon me—the question is almost laughable. How many large and how many small
shops should there be? How many large, how many small capitalists should there be? How many Liberals, how many Conservatives should there be? And when you have determined it, who is to arrange it? These things belong to a dominion that is not ours; which cannot be tampered with harmlessly. This only must be borne in mind, that land being limited in extent—especially here—and other kinds of wealth practically unlimited, a law-derived preponderance of large holdings is naturally and justly regarded with jealousy.

Q. But other kinds of property are limited. All precious things—Gems, Master-Paintings, works of high art, or great antiquity—why should the feeling apply to land alone?

A. Because land being the original source of all wealth, the fundamental basis of all industry, its distribution underlies the whole machinery of national life, in its commercial, its economical, and even its social development. The laws which govern it interpenetrate the structure of the body-politic as vitally as the circulation of the blood, and as irresistibly and insensibly as the nervous system does our own living frames. A conveyancer drawing a Settlement with its ‘unborn’ limitations to the
third generation, little thinks how like he is to a child playing with a hair-trigger. 'Learned man!' you may know by heart your 'Saunders on Uses,' your 'Fearne on Remainders,' your 'Sugden on Powers,' but with all your 'learning' you lack knowledge—one book has been omitted, not knowing which—you know not what you do!

Q. But do such evils as you hint at attend upon this grim lawyer-play in a mercantile country like this?

A. A country can only be mercantile in virtue of what it produces—whether of raw or manufactured material, to exchange for the produce of other countries. The violation of the economic law may be masked for a time where trading and commercial wealth, and employment, are so developed as to divert the public mind from the important phenomena connected with the land. The evil, however, is worse in the end, because the longer the incubation, the greater the extension and the deeper the hold of a disease, and the more inveterate the prejudices of those educated and interested to maintain it. To take an obvious example, when estates have by long-continued accumulation become territorial in extent, the risk of trusting them to individual owners in
fee-simple seems, and is greater; and what is in fact an aggravation, comes to be used as an argument.

Q. That seems likely; but have we not in this country some exceptional elements of mercantile wealth—the Cotton Trade, for instance, in which we import the raw and re-export the manufactured article—which are therefore independent of our own soil?

A. True; and there is reason to think that this has played no insignificant part, by the immense investments in land derived from that source. The figures shown by the Cotton Trade (£57,000,000) differ but slightly from the whole of the deposits in the Savings' Banks (£55,000,000); the latter representing the small capitals that are practically denied investment in land—the former the large capitals which struggling for large estates have augmented their preponderance. Remove the obstruction affecting the latter, and no one would reasonably complain of the other.

Q. But admitting for argument's sake the defective distribution of the land, what is the remedy you would propose with the view of redressing the balance?

A. That is, indeed, the great question; and,
if anything could convince one of the mischief of leaving the subject neglected, or treated only with prejudice and temper, it would be the kind of proposals to which, in this country, it has given rise. You must, I think, be familiar with one at least, which if it have no other use, serves to exhibit the unaccountable ignorance at home of what all the other States of Europe have been doing for the last quarter of a century, and the United States of America ever since their independence, in regard to their Land Systems. While they have, one and all, with the consent and acclamation (soon or late) of every class of society, been removing every obstacle to the easiest acquisition, the most absolute and independent possession, and the most simple and expeditious transfer, by the individual, of property in land, as constituting, in effect, the most perfect and practical expression of national ownership of the soil, a party in this country have put forth, in the name of 'nationalization,' a proposition, that 'the State' should buy up all the land, and become the public landlord, to let it out again piecemeal; and so, by one comprehensive stroke, cut the Gordian knot of the land ques-
tion. Some answer to this may be found in the words of a contemporary writer:—

'Private ownership in land is permitted because Government cannot be omnipresent, and personal interest is found to be an adequate security that land so held shall be administered to the general advantage. But seeing that men are born into the world without their own wills, and being in the world, they must live upon the earth's surface, or they cannot live at all, no individual, or set of individuals, can hold over land that personal and irresponsible right which is allowed them in things of less universal necessity. They may obtain estates by purchase; they may receive them as rewards of service; or inherit them from ancestors. But the possession, however acquired, carries with it honourable and inseparable consequences; and with the privilege is involved the responsibility. To some extent at present, to a far greater extent centuries ago, the owner of the soil was an officer of the Commonwealth. If he was false to his trust, the sovereign power resumed its rights, which it had never parted with; and either sold, or gave his interest, and his authority along with it, to others who would better discharge the duties expected of them."

But there is a passage in the 'Initiatory Edict of 1811,' of the Prussian Land Reform, which

* The English in Ireland. Froude, p. 130.
almost epitomises the whole argument, viz., ‘The welfare of the State is best consulted by the free use of the forces of the individual.’*

Q. One can hardly conceive that anything but a sense of desperation of any simpler and less costly, not to say impracticable remedy for the so-called Land Monopoly could have suggested a proposal such as that referred to, in the face of the experience that is available from the recent action in other countries—in Prussia emphatically—with precisely the same object, and carried out with such entire success. The suggestion of the remedies followed in their case, and must in ours, the investigation of the causes.

A. The first of these generally named is the ‘law of primogeniture.’ I have already noticed the mischievous ambiguity that prevails, con-

* Reports on the Tenure of Land in the Countries of Europe. Part I., p. 239. The first thirty-eight clauses of the Edict are devoted to ‘the removal of all hindrances to the free development of the forces of the individual possessors of land, and to the best possible use of the soil.’ This admirable Edict was the work of Von Thaer, ‘the father of German agriculture,’ whose name should share the imperishable memory of Stein und Hardenburg, to whose land-statesmanship his agricultural advice and aid were of indispensable service.
founding the law with the custom. As the Custom prevails in a modified form in our own Channel Islands, and in many States of Europe, where land is very much sub-divided; and the operation of the law is confined to cases of intestacy or disputed ownership, its effects in causing aggregation are, by this time, inconsiderable. The indirect influence of this, as of all laws, upon the public mind, is a subject which, though very important, we need not enter upon. As the abrogation of the law, which, it may be hoped, is not far distant—one cannot say the 'repeal,' as it does not exist by statute—our inquiry need hardly follow it, except to notice it as once a powerful cause of the existing condition of the land, until it was superseded in the modern 'Settlement;' and as the parent of the artificial and useless legal distinction between 'real' and 'personal' property.

Q. The next cause is that usually cited as the 'Feudal Law of Entail.' What shall we say of that?

A. First, that with the honourable exception of the particle 'of,' every word of the phrase seems inaccurate. The modern Settlement which ties up the broad acres of England in self-
renewing perpetuities is not feudal, is not (in the statutory sense) law, and is not Entail. Perhaps the whole system may, with a nearer approach to the truth, be described as the mock-feudal mock-law of mock-entail.

Q. The explanation of this?

A. You shall have it in the words of one of the first conveyancing authorities in this kingdom, addressed to a Society which might with fair analogy be called the ‘Royal Society’ of Jurisprudence. These are the words, and I pray you to mark them well:

“It is a curious question—when the now universal method of Settlement of Real Estates on the first and other sons to be born, successively, in tail male, or in tail, first came into use. In order, if possible, to arrive at some satisfactory conclusion on this head, I have carefully searched through the index of the Harleian Charters in the British Museum, and have inspected all such of the very numerous deeds in that collection as appeared to me to bear upon the subject. The result of my searches is, that I have not been able to discover any trace of a limitation of an estate tail to an unborn son prior to the 3 and 4 Philip and Mary. In this year” [the Settle-
ments in Culpepper and Chudleigh’s cases are here recited, and he continues:—“It is impossible to say that these two deeds are the first instances in which limitations to unborn sons of estates tail were attempted to be made; and as the two deeds are in different styles, it is probable that such a mode of limitation had then already come into some use. . . . If we go back to the time of Littleton, we shall find that a limitation of any other than a vested remainder was considered by him as impossible. . . . That the Settlement in Chudleigh’s case was a mere experiment, plainly appears from the great argument to which it gave rise; the majority of the judges concurred in holding that the limitation to the first issue male [unborn] was bad. . . . The chief reason for this decision appears to have been the fear lest, by this device, the settlements of lands should be kept up for a longer period than was desirable, or, in other words, lest perpetuities should thus be introduced; and the case itself was commonly called the Case of Perpetuities. . . . However, notwithstanding these decisions, limitations to unborn first and other sons appear to have continued. . . . It was evident, however, that whilst these contingent
remainders to unborn children were liable to be destroyed by the feoffment of the Tenant for life" [were, in fact, attempts to evade the law of England, which 'abhors perpetuities' and had given the Tenant for life power to alienate]. "there was very little certainty" [of successfully evading the law] "in a Settlement thus made, and a plan was accordingly devised for giving the freehold to Trustees during the life of the father, upon trust to preserve the contingent remainders to his children." "It is said in the case of Garth v. Cotton, that this plan was invented by Lord Keeper Bridgman; and Lord Hardwicke, in his judgment in the same case (A.D. 1750), states that the invention of Trustees to preserve contingent remainders was then about 100 years old, and took its rise from the determination in Chudleigh's case and Archer's case, though it was not brought into practice amongst Conveyancers till the time of the Usurpation; when the providing against forfeitures for treason and delinquency was an additional motive to it. There can be little doubt that these statements are correct, and that Sir Orlando Bridgman was in fact the inventor of the method."*

* 'Papers of the Juridical Society,' p. 47.
Q. What is the general drift of this remarkable statement?

A. I venture to interpret its meaning thus, that after the feudal law of entail had, as such, been evaded by the efforts of the great English lawyers who lived between the time of Edward I. and Henry VIII., there arose during the stormy period of national trouble which followed in the next century, a new race of lawyers who, in order to secure estates from forfeiture, reproduced the old machinery of 'Uses' under the new name of 'Trusts,' which, by a system of quasi 'entail' upon the first and other sons successively unborn never known before, buried the fee-simple of the land out of the reach of the living generation—'extra commercium;' and this by a rather cruel perversion of the generous old law of Frank-marriage, which had made the birth of children an enlargement of, instead of a limitation upon the Parents' ownership. So that here we have a new creation at once of Primogeniture, and of Entail: of the former, by the mis-use of the old law phrase, "heirs of their bodies," a term of inheritance, to the purpose of individual, and alternative, limitation upon persons unborn, yet separately distinguished by everything but their names,
in order to create colourable vested interests. Reluctant, or adverse, decisions of the judges, upon attempts of this kind, were carried on appeal to the (judicial) House of Lords, an ill tribunal upon such a question. But the thing was too palpable to stand thus: so, to give it a better form, Equity was invoked to supersede the Law by setting up ‘Trustees, to preserve Contingent Remainders,’—i.e., nominal owners of the estate pro tem., to stand in the event of a gap—a natural rent in the chain of limitations—to hold, and reunite the links as time or occasion should permit; and from the time of Sir O. Bridgman, the ‘inventor’ of the system, down to the present, the once free soil which Englishmen could call their own has been tied up, in detail, upon ‘unborn lives’—whatever that may mean—the living generation submitting to a kind of morcellement, which, when compared with the French law, makes it really difficult to say whether that in its subdivision of the land, or ours of the estate in the land, is the more pernicious to the soil.

It is impossible to estimate the national effects of such a system upon the development of the land to the public uses of society. Every
'title' dating back, as it must necessarily do, to the time when the present 'owner' was 'unborn,' its length and complication are insured, as the costs and delays of investigation must bear proportion to that strange exercise of posthumous power which operated upon it, it may easily be fifty, it may possibly be ninety, years ago! Until that power is modified, all the Maps and all the Registers, and all the mechanical appliances for 'facilitating Transfer,' that so readily succeed upon the Continent, and amongst those free countries and colonies that have shaken off the self-imposed land-yoke of this country, will only exemplify the same law of failure which has hitherto governed every successive attempt to restore the freedom of the soil of England to the English people; and left the nation to the reproach of one of its own greatest authorities on 'ancient law' as 'The Herculaneum of Feudalism.'
CHAPTER VIII.

Q. Let me ask, then, finally, what is the modification of the power of Land Settlement that you would propose? Do you think that no other interest in land except that of fee-simple should be admitted?

A. It has been remarked, and not without truth, that 'the interest of the fee-simple owner is to raise the value of his land to the highest point, that of the tenant for life to extract the greatest rent, even at the sacrifice of its future value.' If this were universally true, there could be no question, in the interest
of the nation at large, to what conclusion we ought to come. But it must never be lost sight of that if the freedom of fee-simple ownership which will best serve the State is that which encourages the greatest investment in the land, it would seem an unwise policy which should deny the free right of testation and of settlement, within those limits which are of the very essence of true freedom, that it shall not invade or compromise the freedom of others. The power of testation and of settlement, upon living and known objects, comes fairly within this condition. It is for the best interest of the public that every motive should be set free to operate upon the individual to invest his capital in the soil. He may make foolish outlays, and 'burn his fingers' in experiments; most of us do in our early lessons with Mother Earth; but for the public interest he cannot thus go wrong. His experimental extravagancies are the labourer's windfall—aye, and rightful heritage. Never was 'grandmotherly government' more superfluous or mistaken than that which would restrict the owner's outlay. His 'follies' are only the lower rungs in the ladder of improvement; for Soils, Climates, Localities, and Seasons
vary; and in land improvement, experiment, costly as it may be, is the true road to knowledge. Now, one of the keenest motives to investment of the most permanent kind would be lost if you withdrew the prospective motive. ‘I may never live to reap the fruit of all this, but my boy will.’ How many a parent has uttered or thought these words, when entering into some deep contract with the soil, that has taken all his ready money, ‘casting his bread upon’—well, not ‘the waters’ this time—‘to come back after many days.’ In all this he is literally working for the public, as the bee in its own cell does for the hive, or the coral insect for the island structure that is raising its mighty mass under the waters.

Q. I think I have heard lawyers urge this very principle as the motive for ‘tying up the land’ on the unborn?

A. And that is exactly where, from want of a knowledge that no law learning can give, our land system has produced a result which the most deliberate effort to stifle human motive, and rob at once the present and the future generation, could hardly have surpassed in practical mischief. There is an obvious difference, between the choice of succession
among living persons, and an attempt to forecast future and unknown events, whose very eventuality is a mere presumption, and to shift or stagnate the ownership of property so that the actual enjoyment of it, in the true possessory sense, shall never come abreast of the living generation. A clear natural line exists between those persons and events which the Settlor or Testator knows and sees, and those which he can neither know nor judge of. In the former, natural affection (however it may sometimes err) is a just and reasonable claim of the right of disposition; to the latter, natural affection does not, cannot, extend; and the attempt to forecast the unknown baffles, nay, befools, the wisest brain. No line or principle of demarcation can be more obvious than that which divides the living from the unborn generation; and within this limit, no valid objection appears sustainable against the settlement upon lives in being.

Q. Did not many of the American States, on obtaining their independence, adopt this principle, after very careful investigation of the subject, to the extent of two lives?*

A. Very significantly for us, such is the case; and making all allowance for the disfavour with which American example is regarded by some parties in this country, it may be doubted whether any amendment of our law of land settlement would be found so suitable to English habits as that which allowed of settlement upon one life, or two lives, in being.

Q. But how, then, assuming the limit of living interests, could a Marriage Settlement—the commonest of all—provide for the children of the union, as yet unborn?

A. The first object of a Marriage Settlement is to make provision for the Wife, after the death of the husband. This is all known of the marriage as yet. This important point will remain uninterfered with. And why, this being secured, may not the interests of the expected offspring be trusted, now, as formerly, to the knowledge and judgment of the parents, when knowledge and judgment can see their way by the light of accomplished facts, instead of being fettered by contracts made in the dark? One of the most absurd, and not least common, phenomena of Marriage Settlements is that presented by a string of limitations upon sons and daughters who are
never born, while the property and resources of the childless parents are tied up, by the inexorable law-presumption of issue, to a barren life annuity, which may now interfere with or extinguish the only activity or usefulness which the free use of capital might have otherwise furnished to those deprived of the parental tie.

Q. But, as a rule, Marriage Settlements are dictated rather by prudence than ambition or the mere capricious love of power, and there ought to be no difficulty in making provision for the offspring.

A. Nor, in practice, would there be difficulty. Bear in mind, however, that plausible as it looks (for absolute settlement on an unknown contingency can never be reasonable), it was exactly this very claim that formed the first step in the history of entail. The great feudatories of old desired to leave their fiefs to their children, and, favoured by circumstances, they succeeded in acquiring this first step of posthumous disposition,* which ultimately led, step by

step, to the very struggles on the question of entail which, twice in our national history, have taken place—the lawyers, in the first instance, fighting nobly for a free soil, and in the second compromising the freedom which their forefathers had achieved; for this is the very epitome of the matter. It is high time that this subject,—which at present rests only upon the 'case-made law' of judges' decisions, at a time when land, and agriculture, in their present relation to the food of the people, were equally unknown,—should come under the full deliberation of the Legislature, and the point be distinctly raised whether each living generation shall or shall not have dominion over the soil, and power to judge what is best for its own necessity and advantage, instead of having this settled for it according to the guesses, or the fancies, or the blind caprices of persons who died long ago. What would be thought of such a law if proposed to us now for the first time—that each generation should control the land rights and powers of its unborn successors! And yet this is the existing system by which the soil of England is crippled in its use, and its productive powers, a system which is the result of no
national deliberation, and in the setting up of which neither the representatives of the people nor even the hereditary branch of the Legislature have had any voice. It simply rests on the invention of two lawyers and the dicta of a few judges, men whose motives were irreproachable, but whose judgment was affected by temporary causes.

Q. Many persons, however, will ask, Why should not the same settlements of land be permitted as of money?

A. Many would ask it, no doubt: because a false analogy captivates the minds of many, and is detected by few. Could dissimilarity find a stronger expression than between two things, of which one is limited and the other unlimited? There may be, and are, good reasons for abridging the accumulation of money (as may be seen in the arguments in Thelusson's case), and some of them will apply to land; but the case of the land is, in the strictest sense of the term, sui generis. To the money wealth of a thriving country every year—nay, every day—brings fresh additions; to its acreage, not one square yard. To increase the produce of that limited area is the task of the agriculturist, whether owner or
occupier; and whether you regard the strictness of the area on the one side, or the 'unknown quantity' that lies in the word 'improvement,' on the other, the cogency of the argument for "the free use of the forces of the individual" is equally great.

Q. The modification desired, then, consists chiefly, as I understand it, in the removal from every land settlement of the formula—"and twenty-one years afterwards." I must confess it does not seem a very large demand.

A. The clinch of a nail on the other side does not take a deal of iron; the barb of a fish-hook is not a mighty welding of steel; but if ever the power for mischief was epitomised in a phrase, those words which, dictated by no king, or queen, or council, of the realm, sanctioned by no legislative body of Englishmen in or out of Parliament assembled, consecrated by no antiquity of origin—the obscure birth and technically fostered growth of a couple of centuries—have wrought more consequence upon the free soil of England than the longest Act of Parliament that is printed in the Statute book. They have been rejected by each of our Colonial offspring in turn, as soon as it was free to choose, discarded by our own ablest
lawyers and wisest statesmen in providing a land system for the greatest dependency that any nation of the earth ever possessed—our Indian empire. They are without a rag of solemn constitutional authority; and—we retain them for ourselves! Why? Since, while 'bearing the word of promise to the eye' of a possible emancipation of the Freehold at some remote period—[such is the cheerful assurance, which we accept of its apparent meaning, concealing its known and proved effects]—it 'breaks it to the sense' by the moral grip of a Perpetuity more effectual than its inventors foresaw or dreamt of; which creates a self-concatenating chain, from father to son, by using the necessities of each, to precipitate a joint act, of which it is enough to say that the younger of the signatories—(just twenty-one!) has commonly ten minutes, instead of ten years, to think before he acts, to look before he leaps into the future life-lot of an annuitant upon the acreage of his ancestors, without the capital to hold and stock one of 'his own' farms, unless it should haply come from his wife's fortune, or some other independent source. And this, repeated again and again, as each boy reaches the age for legal bonds, to keep
up 'the family;' to keep down investment in the land to the meanest scale, and to keep out the improving purchaser, is not, we are told, a 'perpetuity,' because it might be broken; just so a lengthening chain is not a lengthening chain, because it consists of separate links, which might give freedom, had not each link the ingenious property of welding itself with its successor;—which, if not a patent for perpetuity, may at least be credited as the best imitation of it that human skill has ever yet conceived, in automatic structure.

I have attempted then—you need not tell me how imperfectly—to answer your question by negatives, and to show in what the English Land Question does not consist.

It does not consist in grudging land to the rich, or in giving it to the poor; it does not consist in setting up a class of 'peasant proprietors,' supposing the practicability of a scheme so foreign in conception; it does not consist in condemning large or advocating small farms, or interfering with the hiring or letting of land; it does not consist in 'allotments,' or 'cow-
pastures,' or 'co-operative farms,' for agricultural or other labourers; it does not consist in a cry of monopoly against the present owners of the soil, however few they may have become, as if they could be held responsible for an evil whose roots were laid centuries before their birth; nor yet of 'monopoly' in the sense of dearness; for, the opening of the land market to all comers, on equal terms, would increase the value of every acre that is convertible to any one of the thousand uses of man; and, lastly, it does not consist in aught that is curable by maps, cadastres, registers of title, excellent as they are to 'facilitate the transfer' of land that itself is transferable.

But it does consist in two silent, progressive encroachments upon English soil, which the nation, busied upon other things, has unconsciously allowed to gradually absorb its home territory, 'limited as the deck of a ship to its increasing numbers:' the one a public and well-known devourer, which never disgorges what it once has seized, and can laugh at 'facility of transfer'—its name is Mortmain. The other, a less familiar foe, of private, but not less rapacious habits, which, born of the Past, yet grasping at the unsub-
stantial, ever-flying Future, denies to each
living generation its free right to the earth's
full use, paralyses the freedom of exchange,
and drives the million from investment in the
soil of their own country—its patronymic is
Entail, its modern name is Land Settlement
on the Unborn.

The civilised nations of the earth have one
and all thrown off this mediæval form of
bondage. It remains to be seen how long the
free English people will retain self-imposed a
yoke which their colonies will not bear, and
which they are too wise to inflict upon their
dependencies.