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Why hesitate? Ye are full-bearded men,
With God-implanted will, and courage if
Ye dare but show it. Never yet was will
But found some way or means to work it out,
Nor e'er did Fortune frown on him who dared.
Shall we in presence of this grievous wrong,
In this supremest moment of all time,
Stand trembling, cowering, when with one bold stroke
These groaning millions might be ever free?—
And that one stroke so just, so greatly good,
So level with the happiness of man,
That all the angels will applaud the deed.

—E. R. TAYLOR.

CHAPTER 1 PRIVATE PROPERTY IN LAND INCONSISTENT WITH THE BEST USE OF LAND

There is a delusion resulting from the tendency to confound the accidental with the essential—a delusion which the law writers have done their best to extend, and political economists generally have acquiesced in, rather than endeavored to expose—that private property in land is necessary to the proper use of land, and that again to make land common property would be to destroy civilization and revert to barbarism.

This delusion may be likened to the idea which, according to Charles Lamb, so long prevailed among the Chinese after the savor of roast pork had been accidentally discovered by the burning down of Ho-ti's hut—that to cook a pig it was necessary to set fire to a house. But, though in Lamb's charming dissertation it was required that a sage should arise to teach people that they might roast pigs without burning down houses, it does not take a sage to see that what is required for the improvement of land is not absolute ownership of the land, but security for the improvements. This will be obvious to whoever will look around him. While there is no more necessity for making a man the absolute and exclusive owner of land, in order to induce him to improve it, than there is of burning down a house in order to cook a pig; while the making of land private property is as rude, wasteful, and uncertain a device for securing improvement, as the burning

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There is no need to make a man the absolute and exclusive owner of land in order to induce him to improve it, and making of land private property is a rude, wasteful, and uncertain device for securing improvement.

It is in fact quite common for land to be improved by those who do not own it. Examples include most of the land in Britain and many cases in the United States.

down of a house is a rude, wasteful, and uncertain device for roasting a pig, we have not the excuse for persisting in the one that Lamb's Chinamen had for persisting in the other. Until the sage arose who invented the rude gridiron, which, according to Lamb, preceded the spit and oven, no one had known or heard of a pig being roasted, except by a house being burned. But, among us, nothing is more common than for land to be improved by those who do not own it. The greater part of the land of Great Britain is cultivated by tenants, the greater part of the buildings of London are built upon leased ground, and even in the United States the same system prevails everywhere to a greater or less extent. Thus it is a common matter for use to be separated from ownership.

If the rent went to the government, the land would be used and improved as well and as securely as now.

Would not all this land be cultivated and improved just as well if the rent went to the State or municipality, as now, when it goes to private individuals? If no private ownership in land were acknowledged, but all land were held in this way, the occupier or user paying rent to the State, would not land be used and improved as well and as securely as now? There can be but one answer: Of course it would. Then would the resumption of land as common property in nowise interfere with the proper use and improvement of land.

What is necessary for the use of land is security of improvements. These are the natural rewards of labor.

What is necessary for the use of land is not its private ownership, but the security of improvements. It is not necessary to say to a man, "this land is yours," in order to induce him to cultivate or improve it. It is only necessary to say to him, "whatever your labor or capital produces on this land shall be yours." Give a man security that he may reap, and he will sow; assure him of the possession of the house he wants to build, and he will build it. These are the natural rewards of labor. It is for the sake of the reaping that men sow; it is for the sake of possessing houses that men build.

The ownership of land has nothing to do with it.

It was for the sake of obtaining this security, that in the beginning of the feudal period so many of the smaller landholders surrendered the ownership of their lands to a military chieftain, receiving back the use of them in fief or trust, and kneeling bareheaded before the lord, with their hands between his hands, swore to serve him with life, and limb, and worldly honor. Similar instances of the giving up of ownership in land for the sake of security in its enjoyment are to be seen in Turkey, where a peculiar exemption from taxation and extortion attaches to vakouf, or church lands, and where it is a common thing for a landowner to sell his land to a mosque for a nominal price, with the understanding that he may remain as tenant upon it at a fixed rent.

It is not the magic of property, as Arthur Young said, that has turned Flemish sands into fruitful fields. It is the magic of security to labor. This can be secured in other ways than making land private property, just as the heat necessary to roast a pig can be secured in other ways than by burning down houses. The mere pledge of an Irish landlord that for twenty years he would not claim in rent any share in their cultivation induced Irish peasants to turn a barren mountain into gardens; on the mere security of a fixed ground rent for a term of years the most costly buildings of such cities as London and New York are erected on leased ground. If we give improvers such security, we may safely abolish private property in land.

The complete recognition of common rights to land need in no way interfere with the complete recognition of individual right to improvements or produce. Two men may own a ship without sawing her in half. The ownership of a railway may be divided into a hundred thousand shares, and yet trains be run with as much system and precision as if there were but

To obtain this security, many smaller landholders of the feudal period surrendered ownership of their lands to a chieftain whom they agreed to serve. In Turkey land is sold to a mosque for a nominal price for similar reasons.

In London and New York costly buildings are erected on leased ground with only the security of fixed ground rent for a term of years.

A lot in San Francisco, to which the common rights of the people is still recognized is covered with fine buildings, the property of private individuals, who pay rent into the common school fund instead of into private pockets.

a single owner. In London, joint-stock companies have been formed to hold and manage real estate. Everything could go on as now, and yet the common right to land be fully recognized by appropriating rent to the common benefit. There is a lot in the center of San Francisco to which the common rights of the people of that city are yet legally recognized. This lot is not cut up into infinitesimal pieces nor yet is it an unused waste. It is covered with fine buildings, the property of private individuals, that stand there in perfect security. The only difference between this lot and those around it, is that the rent of the one goes into the common school fund, the rent of the others into private pockets. What is to prevent the land of a whole country being held by the people of the country in this way?

It would be difficult to select any portion of the territory of the United States in which the conditions commonly taken to necessitate the reduction of land to private ownership exist in higher degree than on the little islets of St. Peter and St. Paul, in the Aleutian Archipelago, acquired by the Alaska purchase from Russia. These islands are the breeding places of the fur seal, an animal so timid and wary that the slightest fright causes it to abandon its accustomed resort, never to return. To prevent the utter destruction of this fishery, without which the islands are of no use to man, it is not only necessary to avoid killing the females and young cubs, but even such noises as the discharge of a pistol or the barking of a dog. The men who do the killing must be in no hurry, but quietly walk around among the seals who line the rocky beaches, until the timid animals, so clumsy on land but so graceful in water, show no more sign of fear than lazily to waddle out of the way. Then those who can be killed without diminution of future increase are carefully separated and gently driven inland, out of sight and

The islets of St. Peter and St. Paul, breeding places of the fur seal,

hearing of the herds, where they are dispatched with clubs. To throw such a fishery as this open to whoever chose to go and kill—which would make it to the interest of each party to kill as many as they could at the time without reference to the future—would be utterly to destroy it in a few seasons, as similar fisheries in other oceans have been destroyed. But it is not necessary, therefore, to make these islands private property. Though for reasons greatly less cogent, the great public domain of the American people has been made over to private ownership as fast as anybody could be got to take it, these islands have been leased at a rent of \$317,500 per year,¹ probably not very much less than they could have been sold for at the time of the Alaska purchase. They have already yielded two millions and a half to the national treasury, and they are still, in unimpaired value (for under the careful management of the Alaska Fur Company the seals increase rather than diminish), the common property of the people of the United States.

So far from the recognition of private property in land being necessary to the proper use of land, the contrary is the case. Treating land as private property stands in the way of its proper use. Were land treated as public property it would be used and improved as soon as there was need for its use or improvement, but being treated as private property, the individual owner is permitted to prevent others from using or improving what he cannot or will not use or improve himself. When the title is in dispute, the most valuable land lies unimproved for years; in many parts of England improvement is stopped because, the estates being entailed, no security to improvers can be given; and large tracts of ground

require special care to harvest without damaging future production. A private company leases the exclusive right to these islands and manages them to increase the yield, while paying rent to the government.

Recognition of land as private property actually hinders its proper use, because the individual owner can prevent others from using what he cannot or will not use himself. If treated as public property, land would be used as soon as there was need for its use.

¹The fixed rent under the lease to the Alaska Fur Company is \$55,000 a year, with a payment of \$2.62½ on each skin, which on 100,000 skins, to which the take is limited, amounts to \$262,500—a total rent of \$317,500.

If the best use of land be the test, private property in land is condemned, as it is condemned by every other consideration.

which, were they treated as public property, would be covered with buildings and crops, are kept idle to gratify the caprice of the owner. In the thickly settled parts of the United States there is enough land to maintain three or four times our present population, lying unused, because its owners are holding it for higher prices, and immigrants are forced past this unused land to seek homes where their labor will be far less productive. In every city valuable lots may be seen lying vacant for the same reason. If the best use of land be the test, then private property in land is condemned, as it is condemned by every other consideration. It is as wasteful and uncertain a mode of securing the proper use of land as the burning down of houses is of roasting pigs.