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## Current Topics

AT HOME AND ABROAD.

### THE OWNERSHIP OF LAND.

In the *Month* for April, Mr. W. H. Lucas has an article on Henry George's theory, and in which the writer examines into the question of the ethical basis of property in land. The right to occupy unclaimed land, he says, is one of the rights which

every man has to use his powers and improve his condition, so long as he does not interfere with the rights of other men or of society in general. Mr. George has fairly expressed the foundation of the right of occupancy as applied to other material objects, but excepts land on the plea that man does not make it, and that the supply of it is limited. "But it is obvious (1) that man does not make anything, but only changes its condition, and so also of land; (2) that the supply of material objects, other than land, is only in a relative sense unlimited; (3) that at the time of the earliest occupations the supply of land was in the same relative sense unlimited; and (4) that after-comers are demonstrably the gainers, not the losers, by these original occupations." Certain Catholic writers, nevertheless, proceed to confirm these grounds of the right of occupancy by the argument that permanent individual property in land is essential to the continuous cultivation of the soil, whereas over the greater part of Europe and of Southern Asia there has long existed a system that has formed a series of stages through which our modern systems of individual land-holding have been reached. A confirmatory argument, then, assuming, as the only alternative for modern systems, an impracticable form of "rask communism" is not justified by history. The individual's original right to occupy unclaimed land will not be questioned; even Mr. George seeming to allow a communal or total occupancy, which can only be maintained as against a rival community on the same principle on which the occupancy of an individual may be maintained against a rival individual. But how can the individual or the community maintain possession in face of a growing population? "The occupier is entitled to maintain possession, as against any individual newly arrived, of as much land as he can, with the means at his disposal, effectually oversee and use. How much this is, various as the answer must be, according to circumstances, it would be impossible to determine on *a priori* grounds. But the fact that rough estimates have been made . . . of the carrying power of pastoral land in the Australian colonies goes, along with many similar facts, to show that the principle is of concrete application. For if, e.g., it be possible to estimate that a square mile of virgin land will carry one hundred sheep, it may be at least equally possible to determine roughly the number of sheep and cattle which a single man can tend." When the civil Government is taken into account the case is modified. It is the duty of the Government to determine the limits and conditions of occupancy—that is, when the land has not as yet been occupied; nor is the Government obliged to alienate the lands. "The case is a degree less clear when the formation of a civil society is subsequent to and consequent upon the occupancy of the first settlers. But even in this case there seems to be no doubt that the new Government when it comes into being has the same right, to determine subsequently, the limits and conditions under which possession founded on mere occupancy may be maintained *post factum*. A right to occupancy which is perfectly valid against an individual intruder, can hardly be maintained against the manifest interest of civil society to which the occupier belongs, as interpreted by the competent authority, that is the lawful Government. In the case of society there is an actual right as against its individual members; in that of the individual intruder there is none." Nor, in the case of the curtailment of an estate under such circumstances, is the Government bound to make any compensation except for the labour bestowed—so far as its fruits have not been reaped. "In the case of a community, however, possessing a long past history, full compensation must be made. The principles of Catholic moralists on this subject are tolerably plain: For example, Dr. Croly writes:—"The State can not only impose taxes and other necessary burdens on the subject,

but can take away the possessions of private persons when the common good requires this. . . . In this case under ordinary circumstances, the State is bound to make compensation to the owners of the property taken. . . . But in the case of a great public necessity, the State can seize private possessions without making any, or any adequate compensation." The mere existence of inequalities in wealth, however, involving nothing more than the wide prevalence of toilsome poverty, is not a sufficient cause for interference with existing rights. "But, if a given state of society, a given 'economic constitution,' is found to tend to the production of actual misery, or to the demoralisation of a large section of the people, or to a notable and harmful decrease in the production of the prime necessities of life, or to a premature or otherwise undesirable emigration, or to a draining of the resources of a country by persons living outside it, then the question of compulsory purchase comes within the field of legitimate consideration, and may safely be determined by a balancing of grounds of expediency." Far more than this is required to justify uncompensated expropriation, it being better to tax all forms of wealth alike, unless it can be shown that the emergency is due to one class rather than to others—as it was, in fact, recently shown with regard to the money-lenders of the Deccan, who "are justly expropriated without compensation, and there is no thought of mulcting other classes of men in order to lighten their losses." "Or again, in the case of land originally won by spoliation, and managed with continual oppression of the occupiers, and a neglect of their just claims, the right of prescription becomes at least doubtful; especially if the original owners, or others deprived of their share in the land by the unjust oppressors, have maintained, so far as lay in their power, a constant protest against the usurpation." Short of expropriation, nevertheless, there are many ways in which the State may limit the freedom of land-owners. Nor has the Nineteenth Century heard the first protests against the unqualified proposition that a man may do what he likes with his own." "If" says Robert Crowley in 1550, speaking of the clearances which, at that time, were turning the tillage lands of England into sheep-walks, "the possessioners would consider themselves to be but stuardes, not lordes over their possessions, this oppression would soon be redressed. But so long as this persuasion taketh in their minds, 'It is mine owne; who shall warne me to do with mine own as me lysteth?' it shall not be possible to have any redress at all. . . . If there were no God, then would I think it lawful for men to use their possessions as they lyst; or if God would not require an account of us for the bestowing of them, I would not greatly gainsay if they took their pleasure of them while they lived here. But, forasmuch as we have a God, and He hath declared unto us . . . that He hath made the possessioners but stuardes of His ryches, and that He will hold a streight account wyth them for the occupying and bestowing of them, I think that no Christian ears can abide to hear that more than Turkish opinion." The accusations, then, brought against the Irish Land Acts of 1870 and 1881 of having introduced a new principle into the politics and practical ethics of landownership, are groundless. "No principle is involved in the legislation referred to, which was not familiar to the ancient laws of England, to the canon law of the Church, and to the civil law of the Roman Empire, or which has not the high sanction—it may seem a bold thing to say so—of the great body of Catholic moral theologians and canonists." The principles involved in the Acts in question are explicitly recognised by the civil law, the canon law, the rescripts of Popes, and the treatises of moral theologians, they are as follows:—"That the rights of landowners are subordinate to considerations of the common welfare. That the common welfare is greatly concerned in the encouragement of agriculture. That evictions and clearances are, *prima facie*, at least, a very grave evil. That extensive accumulation in the hands of a few men is subversive of the common weal. That custom is a basis of right. That the State may rightly interfere to protect the weak; and this, among other means, by fixing a 'fair price,' or a 'fair rent,' in order that the necessities of the vendor or the tenant may not be traded upon. That it may rightly annul oppressive contracts."—So much, then, may be granted to Mr. George. But, although there have been and are defects in the English land system, "what cannot be shown is that the landlord, in exacting (where he has exacted it)