

## LAW AND COMMUNISM.

THE Land Nationalisation Society, of which a distinguished man of science is, strange to say, President, has not, in spite of unremitting exertions, succeeded in attracting much notice from the public. Since Mr. HENRY GEORGE, whose perverted ingenuity made him an object of some interest, and who played such tricks with political economy as made the professors weep, returned to California, the body which he created or inspired has languished in comparative obscurity. Mr. GEORGE is said to be now engaged in the useful and honourable task of persuading his countrymen that their protective tariff cripples their industry and impoverishes themselves. Mr. ALFRED RUSSEL WALLACE, who is, we believe, a Protectionist, carries on Mr. GEORGE's work of proving, or rather asserting, that private property in land is the legal recognition of theft. Mr. WALLACE's deviations from the sphere of natural science, in which he has done such admirable work, have hitherto, if we mistake not, led him to adopt the doctrines of Spiritualists, Protectionists, and confiscators of the land. The famous proverb about the shoemaker and the last has seldom received a more striking illustration. The Land Nationalisation Society has discovered that, if the world is not its friend, the world's law, or at least the law of England, is. This remarkable discovery is proclaimed with a flourish of trumpets, very brazen in tone, and accompanied by extracts from legal and other writers, which show an enviable freshness of mind in those who rely upon them. Mr. WALLACE and his colleagues have, for instance, consulted the late Mr. JOSHUA WILLIAMS's work on Real Property, and there found a passage which greatly delights them. "The first thing," says Mr. WILLIAMS, "the student has to do is to get rid of the idea of absolute ownership. Such an idea is quite unknown in English law. No man in the law is the absolute owner of his lands. He can only hold an estate in them." The next thing the student has to do is to understand the meaning of this passage, and when he has done that, he will be aware that it has nothing whatever to do with the questions raised by the Land Nationalisation Society. It is true that no man can go beyond having an estate in fee simple in land. But what more does anybody want? If land can be sold, let, cultivated, built upon, or left alone, at the option of a person who does not own it, but merely owns an estate in it, he must be a very unreasonable person to complain of a legal fiction that the Crown is his landlord, without power to evict him, make him pay rent, or interfere with him in any way. If any disciple of Mr. WALLACE gets elected to the next House of Commons, he will be expected to move that "Whereas, by the constitutional law of England [what is the unconstitutional law of England?] the absolute ownership of the soil—so frequently claimed—is expressly denied to any subject, and is vested in the State, it is hereby re-

solved that all land legislation shall be so framed as to enact and give effect to this fundamental principle of permanent State sovereignty." If Mr. WALLACE were made to-morrow "absolute owner" of the soil of England, according to the sense in which that term may be applied to the Crown, does he suppose that any one would give him sixpence for his legal right? As for the "State," it is not owner of the land at all, except in so far as it can forcibly expropriate, with or without compensation, any landowner. It is equally competent to take from Mr. WALLACE the copyright of his books, the house that he lives in, and the clothes that he wears.

Why the Land Nationalisation Society should quote from SPELMAN to the effect that "the tenant or vassal hath nothing in the property of the soil itself, but it remaineth entirely with the lord," we must profess ourselves unable even to imagine. If the Society had been formed to support Lord PALMERSTON's famous dictum, that "tenant right is landlord wrong," we could have understood the bearing of the passage. The feudal system, under which the occupier of the soil was little better than a serf, has not usually been held up as an ideal by reformers of the land laws. But then reformers of the land laws, whether their theories were sound or not, used to know something about the subject. COKE, BLACKSTONE, and a person called "STEPHENS," by whom is apparently meant the late Mr. Serjeant STEPHEN, are cited in support of the commonplace with which many schoolboys, most undergraduates, and all lawyer's clerks are acquainted, "that lands in England are holden mediately or immediately" of the Crown. This is an important fact to be borne in mind by those who study the law of real property, for it explains the technical meaning of the word "estate." Put to general purposes, it is simply a misleading fallacy. The ignorant employment of legal maxims is a fruitful source of error. There is a sense in which it is true that "an Englishman's house is his castle." But to infer that a policeman might not break into a house to arrest a murderer would be a grave mistake. The other authorities cited by the Society are equally irrelevant, except a sentence of Mr. FROUDE's to the effect that "land never was private property in that personal sense in which we speak of a thing as our own with which we may do as we please," a statement about as accurate as most of Mr. FROUDE's making. When Mr. MILL said that "no man made the land," he either perpetrated a truism or insinuated a paradox. Bedford Level was not created by any human agency. But a judicious expenditure of landlords' capital alone made it of any real value—made it anything more than a portion of the earth's surface. Mr. HERBERT SPENCER says that, "however difficult it may be to embody the theory of the nationalization of the land in fact, equity sternly commands it to be done," which seems to show that equity, unlike law, *cogit ad impossibilia*. Every one who is not a member of the Land Nationalisation Society knows that the history of the English land laws for the last four centuries has been one of progress towards that rational freedom of the private owner which is anathema to Mr. WALLACE and his friends.