LAND REFORM IN CZECHOSLOVAKIA

LUCY ELIZABETH TEXTOR

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BY

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FOREWORD

ONLY he who has tried to get at the truth of land reform in Czechoslovakia can have any idea of the difficulties involved in the work which he has undertaken. It may be said that there are no absolutely trustworthy sources except the laws themselves. This is not intended to be a reflection upon the Land Office. That institution labours under the great disadvantage of not being held to strict accountability to a higher authority. No pressure has been put upon it to publish accurate and comprehensive reports. Nor do the landowners always furnish reliable material. They are biased by the circumstance that the land reform is working to their disadvantage. Their conclusions are sometimes based upon false premises because they have no way of getting complete data. Again, there are certain facts which it is difficult to evaluate. A case in point is the amount of land expropriated from the Germans. Often a landowner is either German or Czech according to the aspect of the

question which is emphasized. He may be of Czech blood, but so wholly German in his orientation and sympathy as to be unable to speak the Czech language. This is frequently the case. Such an one is claimed by both camps, and who shall decide to which he belongs?

Courtesies without number were extended to me during the seven months I spent in Czechoslovakia studying the land reform. The President of the Land Office, Dr. Karel Viškovský, the Secretary, Mr. A. Pavel, and the Director of the Technical Section, Mr. W. Špitalský, rendered me every assistance in their power. Many others in the Land Office, too numerous to mention, gave me freely of their time. Dr. A. Zedtwitz, Dr. Eugen Ledebur-Wicheln and Dr. W. Medinger, of the Union of German Great Landowners, and Dr. A. Mayer, Secretary of the Union of Czechoslovak Great Landowners, placed much material at my disposal and rendered me very real service in helping me to understand the attitude of those whose estates are being expropriated. Various members of the Cabinet most kindly explained to me the Government point of view. I am under the greatest possible obligations to Dr. Josef Macek. He gave me the full benefit of his wide and accurate knowledge of the subject, and of his many connections

with those who could furnish me information. Without his assistance I should often have been lost in a maze of self-contradictory material. I am also greatly indebted to Dr. Edvard Vondruška, the learned redactor of the laws dealing with land reform. Although an extremely busy man, he spent many afternoons explaining obscure passages of the laws to me, and verifying translations. The gracious and generous help of Dr. Macek and Dr. Vondruška rendered pleasurable the performance of an arduous task.

Lastly, there is President Masaryk. He always gave me the impression of being in the battle and still above it. If, as I hope, I have succeeded in writing this study without bias, it is at least partly because I have been influenced by his calmness and utter absence of prejudice. I thank him for his interest in my work, and for the hours which he snatched for me from days that are altogether too full.

LUCY ELIZABETH TEXTOR.

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February 24, 1923.

BIBLIOGRAPHICAL NOTE

THE laws and decrees used in this study of the land reform in Czechoslovakia have been gathered from a great variety of sources, some of them unofficial. At this writing the later decrees have not yet been published by the Government. All the translations, whether literal or in substance, have been examined by the redactor of the laws and are sponsored by him. In every case the reference in the foot-note is to the section of the given law and will serve wherever the law is printed, and whether in the original Czech or in translation. The number attached to the law is sufficient to identify it. This number and the full translation of the title are given when first the law is cited. By the time this study appears in print, the Government will have issued the legislation having to do with land reform in three volumes. This is soon to be followed by an official German translation.

Four of the newspapers cited are Czech. *Venkov* speaks for the Agrarians, *České Slovo* for the Czech Socialists, *Právo Lidu* for the Social Democrats, and *Národní Listy* for the National Democrats. *Bohemia* is a radical and rather nationalistic German paper, and *Prager Tagblatt* is liberal.

Pozemková Reforma is the official organ of the Land Office. It is a monthly publication which

began in June, 1920, and is confined to reports of work accomplished or in progress and to articles concerning land reform. The point of view of the great landowners is to be found in *Mitteilungen.* This term connotes two different publications, but they are easily distinguishable. The Svaz Československých Velkostatkářů, or Union of Czechoslovak Great Landowners, issued a translation in German of portions of their Czech monthly for the benefit of those of their members who could not read Czech. This was called *Mitteilungen* and was unpaged and undated, but each issue bears its own number and is referred to by that number. The need for this sheet fell away when three unions of landowners decided to issue a joint monthly in German. The name *Mitteilungen* was taken over by the new publication and is referred to under a definite date. The full name is *Mitteilungen des Verbandes der deutschen Grossgrundbesitzer Böhmens in Prag, des Svaz Čsl. Velkostatkářů in Prag und des Verbandes landwirtsch. Unternehmungen in Schlesien und Nordmähren in Troppau.*

All other references in the foot-notes are self-explanatory. It need only be said that it has not seemed necessary to indicate that a cited passage is translated, since this would have meant endless repetition, no English material having been used.

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CHAPTER I

THE HISTORIC AND ECONOMIC BASIS

THE agrarian changes which have come to pass as a result of the World War have completely changed the aspect of the larger part of Europe. The day of the great manor has passed, and the farmhouse now rules the country-side. Favouring conditions have enabled the peasants to accomplish in a few years, what political economists for a century have been unable to achieve through their teachings. For many decades we have heard it said on all sides that the land belongs to him who will work it, but this theory was not translated into reality until the tiller of the soil found himself free to use his hitherto fettered strength. Then he rose in his might and took what he had always conceived to be his own.

It is one of the functions of government to determine the conditions which establish ownership. The classes that rule, look to their own interest first. It was because the peasants had no political power that they remained in large part tenants, dependent on the good will of landlords. Philosophers might descant upon the inherent rights of

man, discerning travellers might depict the misery and poverty of the rural masses, philanthropists might rouse the public to the erection and maintenance of institutions of social welfare, but all this had little result. As long as the peasants remained inadequately represented in the ruling bodies, there was little land legislation in their favour.

The World War shook the old order. Disasters of one kind and another wrought mighty changes in society. Classes of workers that had hitherto been in the background stepped to the fore. The ability to contribute to the sinews of war became the test of worth. Labour was everywhere crowned. It acquired self-confidence and self-appreciation. Now and then it was called to the council-board, and of this new experience it was soon destined to make full use. When the final crash came, when economic disaster and military defeat revealed weakness hitherto concealed, governments fell of themselves or were pulled down by those over whom they had tyrannized. New leaders appeared who looked for support to the nation at large, of whom the liberated working people were recognized as a vital part. The most powerful class in point of numbers was made up of the cultivators of the soil. They formed the greater part of the population in all the countries of eastern Europe, and in all of these countries they demanded and achieved legislation which would enable them to acquire land. As early as 1917, the Rumanian Parliament called an assembly which amended the Constitution, giving the Government the right to take over large estates in the public interest. The execution of

this law began towards the end of 1918, as soon as the country was freed of hostile armies. Jugoslavia issued her Preliminary Order for the Preparation for Land Reform February 25, 1919. Bulgaria passed a law for the ex-propriation of large properties May 5, 1921. Similar legislation was enacted by Poland and Lithuania. The Central European States, Germany, Austria and Hungary, have all found it necessary to deal with the land question, though they have contented themselves with far less sweeping measures. Deplorable economic conditions were everywhere the impelling motive for the reform. In Latvia and Esthonia, where the great landowners were of a race other than that of the people, the laws took on an added harshness.

Land reform in Czechoslovakia stands out from that in other countries, in that it has conspicuously and consciously a double purpose. It seeks to better the lot of the people, and to right a great historic wrong. In all of the five parts comprising the State,—Bohemia, Moravia, Silesia, Slovakia and Carpatho-Russia,—most of the land was in the hands of large proprietors, while the great mass of peasants either had too little to afford them a livelihood, or had none at all. More than one-quarter of all Bohemia was owned by less than 2 per cent of the landowners. Nearly one-third of the soil of Moravia belonged to less than 1 per cent of the landowners, while one-half of the total number of holdings were less than one-half hectare in size.[1] Much the same state of affairs existed in

[1] In Bohemia 42·9 per cent of landowners had holdings less than one-half hectare in size, 1·42 per cent had holdings more

Silesia. Matters were worse in Slovakia, where about 1,000 persons owned 2,100,000 hectares, or nearly one-half the entire country.[1]

There are no statistics for Carpatho-Russia, but there is ample evidence that conditions were similar to those in Slovakia, if not worse. It is no wonder that these countries were known in the outside world chiefly by the great contrasts which the soil presented, vast estates on one side and very small farms on the other. Buchenberger[2] cites Bohemia as one of the classic examples on the Continent of the absorption of little holdings by large properties.

There are interesting phenomena connected with these properties. As a general rule, the population decreases where large estates prevail. It is the aim of the owner to keep his expenses down to the lowest point. With this end in view he raises such crops as, other things being equal, demand least manual labour. He relies as much as possible upon season-workers. The population of the district, unable to earn a livelihood in this way, emigrates

than 200 hectares in size, and the land owned by the latter covered 27·6 per cent of the total area. In Moravia 49·6 per cent owned holdings of less than one-half hectare in size, while 0·86 per cent of landowners owned estates larger than 200 hectares each and the land held by the latter covered 32·6 per cent of the area. These computations were made by the Czechoslovak State Office of Statistics from the *Oesterreichische Statistik*, LVI. pp. 4–5, 1896. No more recent figures are available.

[1] In Slovakia 21·5 per cent of the holdings were less than one-half hectare in size, while 0·31 per cent were larger than 200 hectares, and these covered 40·5 per cent. of the whole area. These computations were made by the Czechoslovak State Office of Statistics from the *Hungarian Statistics of Landownerships* (*A Magyar Kiralyi Orszag Mezögazdasági*), 1900, pp. 14–15.

[2] *Agrarwesen und Agrarpolitik*, Leipzig, 1892, Part I, p. 382.

seasonally or permanently. This is the main reason why many of the rural districts of southern Slovakia are to-day comparatively empty of people. A meagre existence in their own country has led them to try to better their fortunes elsewhere.[1] And they have gone in such numbers that the great landowner in the years before the war was often obliged to import labour to help him harvest his crops. The largest emigrant district in Bohemia was the southern part called ironically the Kingdom of Schwarzenberg, because the possessions of the family there amounted to nearly 200,000 hectares.[2] Emigration from the countries now comprising Czechoslovakia has been very great. Many went to industrial centres such as Vienna and Budapest; others went to Saxony, to Westphalia, to Russia, and chiefly to the United States. It has been estimated that there are no less than 2,300,000 Czechoslovaks living abroad, 23 per cent of the nation.[3]

Such were the social and economic conditions which made land reform a crying necessity for the new Republic. In so far as they are concerned, the situation was very much like that in Rumania and Jugoslavia. But there was another element unique to Czechoslovakia, a powerful feeling on the part of the people that the time had come to right a great historic wrong. The Czechs have a very vivid consciousness of their glorious past

[1] See *Statistisches Handbuch des Königreiches Böhmen*, 1913, pp. 24–27. Statistics are given for the four census years 1880, 1890, 1900, 1910.

[2] Macek, Joseph: *The Land Question*, Prague, 1920, p. 7.

[3] Dr. Jan Auerhahn, Vice-President of the Czechoslovak State Office of Statistics. He has made a careful study of the question.

which came to so untimely an end at the Battle of the White Mountain. They never forget that the great estates, which are now for the most part in alien hands, were theirs before 1620. Every Czech child knows that when the Emperor Ferdinand conquered the Bohemian Protestant nobility only a few short miles from Prague, that event ushered in a whole series of wrongs against his people. Twenty-seven nobles and leading citizens who had taken a prominent part in the Protestant uprising, were executed June 21, 1621. Those rebels who had not already fled from the country were banished. Confiscations took place on a colossal scale.[1] It is estimated that two-thirds of the estates passed into alien hands,[2] distributed by the Emperor as gifts or sold for a trifle to his military and political supporters. The names Huerta, Buquoy, Liechtenstein, Balthasar de Marradas, attest their nationality.

All this is history, and one has only to turn to Denis's *La Bohême depuis la Montagne-Blanche* to find a full and authoritative account. What is perhaps not substantiated in the same measure, is the belief prevalent among the Czechs that these estates have been increased and rounded out by force and craft at the expense and to the misery of the peasant proprietors. It is a truism for all time and all countries that the large landowner is able to take advantage of the pressing need of his small neighbour. And there have always been landowners who did not scruple to create the need. This was much more frequently done in the past

[1] Denis, Ernest: *La Bohême depuis la Montagne-Blanche*, Paris, 1903, Vol. I, p. 55.
[2] *Ibid.*, p. 37.

than in late years. With the Czechs, however, these happenings are as vividly remembered as though they had occurred but yesterday. And doubtless many did occur but yesterday, so to speak. The point to be emphasized here is not so much what happened as the permanence of the emotion that was aroused. The Czech quite forgets that it was estates belonging to the old Czech nobility[1] and not peasant land, that was taken. He is oblivious of the fact that it was dynastic and religious, and not national reasons, that brought about the confiscation. He never stops to consider what the consequences in the way of Germanization might have been, if the German Elector Palatine, called by the Bohemians to be their king, had won the Battle of the White Mountain. It makes no difference to him that the estates are now in other hands than those to whom Emperor Ferdinand gave them. He sees only the big thing, that land was taken from Czechs and given to aliens and is still held by aliens, and he demands that it be returned. History affords but few examples of a wrong so vividly remembered by a whole people.

[1] Professor Jos. Pekař, of the Czech University in Prague, has published in one of the leading daily papers there (*Národní Listy*, December 24, 1922), a study which proves that the confiscations after the Battle of the White Mountain touched also many German nobles, and that it is not correct to suppose that the land was taken only from Czechs.

CHAPTER II

POLITICAL PARTIES AND THE LAW PROVIDING FOR EXPROPRIATION

THE Republic of Czechoslovakia came into existenc on October 28, 1918. A national committee o five, representing the chief political parties an made up of a National Democrat, an Agrarian, Social Democrat, a National Socialist and a Slovak took over temporarily the administration of th new State. One of the first acts of this committe was to issue a law [1] which provided that the grea properties listed in the Land Register could not b alienated or mortgaged except with the consent o the Department of Agriculture soon to be created The Land Register was begun in the thirteentl century, and is a collection of manuscript books i which are inscribed important data about specia immovable properties and documents relating t the data. It served, in this instance, as a con venient way of designating the great estates an of making use of a registration that already existed Not all the great estates were entered there, bu most were, and certainly all those that had bee confiscated by the Habsburgs after the Battle o

[1] *Law Concerning the Limitation of Disposition of Great Lande Property*, November 9, 1918 (No. 32).

the White Mountain. This ordinance of the National Committee was issued as a matter of course. The Czechoslovak Declaration of Independence, October 18, 1918, had already declared: "The Czecho-Slovak nation will carry out far-reaching social and economic reforms. The largest estates will be redeemed for home colonization." [1]

In order that the machinery of government might be set up as soon as possible, it was agreed that the various political parties should nominate members to a Constituent National Assembly. It is sometimes said that the Bohemian Germans were also invited to send their representatives to the Assembly but, considering the temper of the Czechs at that time, this seems most unlikely. It must be admitted that the Germans were in a difficult position. The boundaries of the new State had not yet been determined. It was not known that it would contain about 3,000,000 Germans grouped so that in not a few districts, especially on the frontier, they would have the majority. The voters in these regions expected, or at least hoped, that this territory would be adjudged a part of Austria or Germany. This being so, it is not at all strange that they made no effort to participate in the Government.[2] To have done otherwise would have meant that they considered themselves citizens of Czechoslovakia. Thus the

[1] Nosek, Vladimir: *Independent Bohemia*, London, 1918. Appendix, p. 181.

[2] The German Social Democrats in Bohemia, Moravia and Silesia did not proclaim their separation from the German and Austrian organization and constitute themselves an independent party in Czechoslovakia until August, 1919. See *Bohemia*, August 30, 1919, p. 1.

Assembly was composed exclusively of Czechs and Slovaks. There were 254 members: [1]

54 Czech [2] Agrarians.
50 Social Democrats.
36 Czech National Democrats.
28 Czech National Socialists.
18 Czech members of the Moravian Catholic People's Party
6 Czech members of the Bohemian Catholic People's Party.
10 Co-opted Czech members.
40 Slovaks.[3]

The Assembly met for the first time on November 14th, and on that same day one of the leading newspapers reported that the preparatory work on a bill providing for the expropriation of large estates with payment had already been done, and that the bill would be submitted in a few days.[4] Just one week later the Agrarian Party laid before the National Assembly a memorandum which dwelt upon the unhealthy economic conditions resulting from the existing division of land in the Republic, and urged that the Minister of Agriculture submit as soon as possible a bill for the distribution of great estates to the peasants.[5]

The Social Democrats, the next largest party,

[1] *Bohemia*, November 13, 1918, p. 5.

[2] Czech as distinguished from German.

[3] These were named by Dr. Šrobár, a leading Slovak. There were those who thought the 40 members should be chosen by the National Council of Slovakia, but there was not time for this, and the result would have been the same.

[4] *Bohemia*, November 14, 1918, p. 1.

[5] *Ibid.*, November 21, 1918, p. 5.

were uncertain as to what should be done with the land after it had been expropriated. Many of them wished the estates to be converted into socialistic enterprises, since they believed that only large areas can be utilized fully and rationally, and that small farms are not profitable. They asserted that 2,000,000 hectares of soil could be gained in Bohemia alone for socialized agricultural production, if the State were to take over all properties comprising more than 50 hectares. The article from which this statement is taken appeared in *Právo Lidu*, the Social Democratic organ, on November 29th.[1] The next day the *Právo Lidu* published another programme for land reform which provided for the partition of the estates. These, "with all their riches should pass over into public administration. Of this expropriated land everybody . . . should obtain a lot for cultivation according to a just rate of distribution. The applicant should obtain as much land as he requires for his household and is able to cultivate with the help of his family. The previous owners should receive an annuity from the State. . . . If there should be applicants enough, the rest of the large estates should be cultivated collectively . . . and the workers should obtain payment in proportion to the prevailing cost of living and should be allowed to buy the products of the estate at fixed prices. . . . The net profits of such a socialized estate should be distributed among the co-operators in just proportion to their year's wages." The programme ends with a ringing announcement: "The land of the Republic belongs to the people, and the

[1] Page 1.

Socialists will never allow rich peasants . . . to seize upon it as they are already doing with the Lichtenstein estates." [1]

Thus, only two weeks after the first meeting of the Constituent National Assembly, the issue was clearly joined between the Agrarians and Socialists. The battle was already on. The Agrarians were accused of being insincere. It was said that they were advocating the partition of the estates simply to increase their following, and that what they really wished was that the German holdings should be given over in large units of one kind or another to the Czechs. The Socialists were accused of being Bolshevists.

On December 3rd the Agrarians submitted a proposal to the Constituent National Assembly, that a commission of twenty-four members be elected to take upon itself the task of ascertaining what large estates were capable of being divided into independent farms. "Such farms must be provided with the necessary buildings and shall be given as private property to Czechoslovak people suffering from the want of land, to agricultural workers, cottagers, small farmers and to those who have no land at all. Legionaries and war invalids shall receive special consideration. Employees of the expropriated estates shall be given positions as agricultural experts, surveyors, organizers of colonization, or shall be allowed to settle down [as farmers] on these estates." [2] This paragraph evidently found favour, for the category

[1] *Večernik*, evening edition of *Právo Lidu*, November 30, 1918, p. 1.

[2] *Venkov*, December 4, 1918, p. 6.

of individuals to whom land might be given was embodied word for word in the law as finally drawn up.

During the whole of the long discussion not a voice appears to have been raised against expropriation. This is easily comprehensible when it is remembered that nearly all of the great landowners were Germans and Magyars, and that they were not represented in the Assembly. But, though all the members were of the opinion that something must be done, no one had sufficient prestige and influence to win an adequate following. The Agrarians were more numerous than any other party, but they did not know how they stood with the people, and they were afraid to speak decisively. This was more or less true of all the parties. It must be borne in mind that this was not an elected assembly, and that in the elections to come the parties would stand or fall according to the measure of approval which their present deeds won from the people. Mostly, therefore, it is individuals, not parties, who speak. Dr. Kramář, Prime Minister, said, on December 10th: "It is necessary to take measures concerning the selling of the large estates in Slovakia, that the people there may see that we have in this respect as much socialistic sense as the Hungarians who suddenly promise the Slovaks immediate division and distribution of the large estates."[1] Two days later, a proposal was submitted for the immediate expropriation of castles belonging to the former Emperor and aristocracy, so that these buildings might be used for public administration purposes, sanatoriums for legionaries and asy-

[1] *Venkov*, December 11, 1918, p. 2.

lums for orphans, but no action was taken.[1] That delay was expected, may be seen from the fact that on December 17th a bill was passed providing for the protection of forests from irrational exploitation until they should be taken over by the people.[2]

On December 18th, the Assembly decided to appoint a sub-committee to consider the question of expropriation.[3] The general subject came up the next day in the debate on the budget. It was thought that President Masaryk had it in mind when on the following day in his first address to the National Assembly he said: "Conditions in the world and in our Republic urge thorough social reform; the idea of democratic equality excludes predominance."[4] The various daily papers begin to bristle with articles. *Venkov*[5] states that petitions from all parts of the country come every day to its office urging a division of large estates and distribution of the land to the people. It was evident that the revolutionary temper towards land reform was growing hotter throughout the country. Moreover, spring was at hand, and the peasants wanted the land to be given them before seed-time. The Agrarian Party, feeling that some definite action was necessary, submitted to the Assembly two proposals, one demanding the abolition of fideikommis or entail, the other claiming for the small tenants the right of purchasing the ground they were holding by lease.[6] In submitting

[1] *Venkov*, December 13, 1918, p. 2.
[2] *Ibid.*, December 18, 1918, p. 5.
[3] *Ibid.*, December 19, 1918, p. 2.
[4] *Ibid.*, December 24, 1918, p. 4.
[5] January 26, 1919, p. 8.
[6] *Venkov*, February 7, 1919, p. 7.

these proposals, the Agrarians stood on absolutely safe ground. Except for the great landowners themselves, there was a general agreement that entail, preserving, as it did, the integrity of the great estates for all time, was an evil that must be abolished. Also it was widely believed that peasants who had held the same piece of land for many years had thereby acquired a very real right to it.

On February 16th came the most radical proposal that had thus far been made. The National Socialists published their new programme, which advocated that all estates surpassing from 50 to 100 hectares, depending on the productivity of the soil, be expropriated by the State, even without payment if necessary.[1] On February 22nd, the chairmen of the various political parties in the National Assembly held a great debate on the land question. The Government was represented by the Minister of Agriculture, the Minister of Internal Affairs and the Minister of Justice. The following measures were agreed upon:

1. Large estates should be expropriated.

2. The Minister of Agriculture should institute an *enquête* which should determine as soon as possible the modalities to be observed in this expropriation.

3. A Land Office should be created.

4. A committee of the National Assembly should provide as quickly as possible a solution of all actual questions dealing with land reform. Evidently the matter of land reform was to be pushed, for the very next day the composition of the committee of inquiry was made public. It offers an

[1] *České Slovo*, February 16, 1919, p. 2.

imposing array of forty-six heads and provides for the representation of every possible interest. The National Assembly, the various ministries, landowners, great tenants, officials and employees on the estates, peasants, cottagers, factory-workers, legionaries, war invalids, all are to have their spokesmen. Universities, technical institutions, and banks are to be present with their knowledge and experience. Slovakia, with her different past and her crying needs, is to be allowed to speak for herself.[1] Instead of the oral discussion which was at first intended, the inquiry took the form of a *questionnaire*[2] sent to one hundred different corporations and associations, with the request that they be returned by the end of April.

The committee of the National Assembly, whose duty it was to frame the bill, was elected March 26th. It consisted of 32 members: 8 Agrarians, 8 Social Democrats, 6 National Democrats, 4 Socialists, 4 Slovaks and 2 members of the Catholic People's Party. The committee proceeded at once to organize itself and divided its work among four subcommittees. There was no time to lose, for it was ordered to submit a definite proposal within eight days.[3] Under the circumstances it could not wait for the return of the questionnaires. Moreover, such a clamour for land had arisen throughout the country, so many disturbances were threatening, that something had to be done at once. The diffi-

[1] *Prager Tagblatt*, March 1, 1919, p. 5.

[2] For this *questionnaire* see *Bericht zum Fragebogen des Tschechoslowakischen Ministeriums für Landwirtschaft (Arbeit der Deutschen Sektion des Landeskulturrates für Böhmen*, Heft XXII. Prag, 1919).

[3] *Venkov*, March 27, 1919, p. 2.

culty lay in the diverging opinions of the political parties. The Socialists wished to expropriate the estates simply *ipsa lege*. The National Democrats objected to this, because they thought it contrary to the spirit of private law simply to declare that something is expropriated. They wished the law to empower the Government to expropriate. It seemed impossible to come to an agreement. A way out, however, was found by one of the framers of the bill. He hit upon the brilliant idea of using a word for expropriation in which each party could find its own meaning. The bill read: "the estates are *zabrány*," that is, literally translated, "taken" This term was not in the Czech system of law and was therefore open to various interpretations. To the question as to what the word *zabrány* meant legally, no one could give a categorical answer. The author of the phrase himself (Dr. Kramář, Professor of Law at Charles University in Prague), when asked, replied simply that it was explained in the law. There it very evidently means that the proprietor is deprived of the right of free juridical disposition, and that the State is entitled to expropriate the land, and thus it is now explained. "By the *zábor* the proprietor is not deprived of his right of possession to the profit of the state. He remains possessor of his property. The *zábor* imposes solely on this possession a certain restriction of his rights, consisting in its being impossible for him to make on his own authority juridical dispositions concerning his property. The State reserves to itself the examination of every such disposition from the point of view of the ends of the land reform and decides, according to the

results of this examination, whether the action which the possessor has in view is compatible with these ends, and therefore admissible, or whether it is contrary to these ends and therefore inadmissible.

"The *zábor* carries one other infringement upon the right of property. The State is able to take over the property and distribute it for public or private uses. This taking over is accomplished through indemnity." This explanation of the word *zábor* is certainly implied in the law. Nevertheless, at the time it was not clear even to the legislators themselves. Each party interpreted the word to suit itself. The Socialists felt that they were achieving a declarative law. The Conservatives were satisfied because the estates were not declared expropriated.[1]

But there were other rocks ahead. All was not yet clear sailing. There was great difference of opinion as to how many hectares the great landowner might retain. The Socialists moved that he be allowed to keep no more than 50, the Agrarians moved that he be allowed to retain 1,000. Both parties were bargaining, and after many stormy committee meetings a compromise was effected. The bill was laid before the House on April 15th and was unanimously passed the next day, the last of the session.[2] The desire to enact the law before the Assembly broke up for the

[1] Vondruška, E. and Pavel, A.: *La Réforme Agraire en Tchéco-Slovaquie*, Prague, 1922, p. 9. Dr. Vondruška is the redactor of the land laws and Mr. Pavel is secretary of the Land Office.

[2] There appears to have been little consideration of the motives involved. There was no such thing as an *exposé des motifs*. Only the report of the reporter exists.

Easter vacation is another reason why it was pushed through so rapidly.

The first paragraph says simply that the great estates are *zabrány*. Henceforth the owner may not alienate, or lease, or mortgage, or divide his land without the consent of the proper authorities.[1] When called upon to do so, he must surrender it to the Government. Estates are defined as units comprising more than 150 hectares of arable land, or 250 hectares of various kinds of land.[2] These figures represent the amount which the owner of an expropriated estate may retain. He may be allowed to keep more, though in no case beyond 500 hectares, if this seems desirable from the point of view of public good, involving such considerations as the provisioning of cities and the demand for land.[3] He may not be allowed to keep so much, if the need for land is great.[4] It is expressly provided that such industries on the estates as are juridically and economically independent, shall not be taken over. A sugar-factory not included in the title-deed of the estate and not dependent upon sugar-beets grown on the estate, might be cited as an example. Property belonging to the community, the district and the State, is likewise exempt.[5]

The Law of April 16th leaves the matter of com-

[1] *Law Providing for Expropriation*, April 16, 1919, section 7 (No. 215). Section 18 provides that arrangements of this sort made subsequent to October 28, 1918, are without validity for the State unless it can be proved that they were necessary. It was aimed at those owners who had sold or mortgaged land in anticipation of the law.

[2] *Ibid.*, section 2. Such units are at the disposition of the State even if they came into existence subsequent to the passing of the law. See section 4.

[3] *Ibid.*, section 11. [4] *Ibid.*, section 14. [5] *Ibid.*, section 3.

pensation for a subsequent law, but says expressly that this other law shall provide that no compensation shall be paid for property belonging to citizens of an enemy State, to members of the former Habsburg Lothringen dynasty, to individuals who wrought against the Czechoslovak State in the World War, to foundations based upon the rights of the nobility; nor shall compensation be paid for property whose use is connected with foreign functions and offices, which has been unrighteously acquired, or which accrues to the State in payment of the tax on capital.[1]

The distribution of the land taken over is also left for a subsequent law. Here again a prescription is laid down. In so far as the State does not need this land for purposes of general utility, it is to be distributed in fee simple or in lease to small farmers, cottagers, tradesmen, landless peasants, legionaries and war invalids, to associations made up of the above-mentioned persons, to communities, to scientific and humanitarian institutes.[2] It will be seen at a glance that both the agrarian and the socialist points of view are here represented. The former wished the land given to individuals, the latter to societies of one kind and another. The amount of land to be given in each case, and the rights and limitations attached to it, are to be determined by later legislation.

In order that the small newly created units may not suffer from lack of equipment, it is expressly provided that the landowner, when called upon to

[1] *Law Providing for Expropriation*, April 16, 1919, section 9.
[2] *Ibid.*, section 10.

do so, shall sell to the State, at the current price, equipment commensurate in amount with the land which he has surrendered.[1]

Those who are leasing portions of an estate or who have claims of any kind, shall not be allowed to suffer through the expropriation.[2]

Finally, the Law of April 16th provides that a Land Office shall be created whose head shall be named by the President of the Republic, and which shall be responsible to the Cabinet. It provides also for a Board of Control to be chosen from the House.[3]

Such are the provisions of the Law of April 16, 1919. It can be seen at a glance that it is a mere framework. Content will have to be put into it by supplementary laws. Yet throughout the country there was a general feeling that much had been accomplished. The vague word *zabrány*, which was so differently interpreted by the various parties and about which so much has since been written, was taken by the people to mean expropriation. They were content. The landowners, it goes without saying, were apprehensive. They recognized the elasticity of the law which allowed almost anything to be done, and they took very seriously that paragraph which states that subsequent legislation shall provide for expropriation of certain properties without compensation. They found there what they term the curse of nationalism.[4] It should be said that this word in German and Czech has

[1] *Law Providing for Expropriation*, April 16, 1919, section 12.
[2] *Ibid.*, section 9.
[3] *Ibid.*, section 15.
[4] *Prager Tagblatt*, April 17, 1919, p. 1.

a meaning altogether different from that in English and French. In the former it points to the race, the people, not to the State. And it must be confessed that the Germans were right in thinking that the law was intended not only to provide the great mass of people with land, but also to transfer the title in large measure from those of alien blood to Czechoslovaks. One has only to read the stenographic Report of the Debate in the National Assembly on April 16th to find this thought clearly and repeatedly expressed. Take as an example the following passage: "The land reform . . . is identical with the national and political question. . . . The political emancipation of our people can therefore only be completed by freeing the soil." [1] But the law served those of alien blood a good turn, nevertheless. Their property was saved from spoliation, and remained undamaged because the people believed that it now belonged to the State.

No one of the political parties was wholly satisfied. "The Law Providing for the Expropriation of Large Estates lies before us as a compromise," said the Agrarians, "but as a document of immense importance. It is not an imitation of foreign models, it is a real Czech work. It inaugurates a great act—the transference of the land to the Czechoslovak people." [2] The National Democrats explained the law as an endeavour to aid the Republic "to remove by peaceful evolution the deep chasms between the different social strata. Without a quiet development it would be impossible for our Republic to

[1] *Stenographic Protocol of the 46th Session of the National Assembly*, April 16, 1919, pp. 1253–1254.
[2] *Venkov*, April 17, 1919, p. 1.

continue to exist. . . . The Law Providing for Expropriation, by which an area twice as large as Moravia is given to our people, starts a reform. It is natural that our party should have been obliged to yield something for the sake of a definite agreement with other parties." [1] The Czech Socialists wrote very soberly: "The law on land reform, a compromise between the socialist and non-socialist classes, is welcomed by our party as making possible the socialization of land by evolutionary development." [2] The Social Democrats, with eyes fixed upon the future, found their victory there. "The principle of private property is broken. The execution of the land reform will be entrusted to a special Land Office, the Administrative Committee of which will be elected by the National Assembly. The composition of that Committee will depend on the composition of the Assembly. The larger the number of representatives of the poor in the Assembly, the more favourable to the proletariat will be the execution of the land reform." [3]

[1] *Národní Listy*, April 17, 1919, p. 1.
[2] *České Slovo*, April 17, 1919, p. 1.
[3] *Právo Lidu*, April 17, 1919, p. 1.

CHAPTER III

LONG-LEASE FARMERS, DISPERSED PARCELS AND COMPULSORY LEASE

THUS far nothing had been done to appease the land-hunger of the people. The Law of April 16th was only a promise. To put the breath of life into it other laws were necessary. But the political parties could come to no agreement with regard to the content of these other laws. Just how should the Land Office be organized? What principles should determine the compensation to be paid for the expropriated land? How and to whom and under what conditions should the land be distributed? These questions were constant subjects of debate, but it seemed impossible to resolve them to the satisfaction of all. Yet such was the outcry for land that all the parties were agreed that something must be done.

It was at this psychological moment that the Agrarians submitted their proposal that those small farmers who had held land by lease for a long stretch of years, should be allowed to purchase it. This had nothing to do with the question of expropriation. It was intended to work automatically through the district courts. The number of peasants concerned was very large, and this fact in itself ensured the passage of the bill in some form, since

no party would risk losing its constituency by voting against so popular a measure. It was a question then of determining how long the farmer must have leased his land in order to be allowed to buy it, and how much he might buy. The Socialists did not wish to see a great deal of land pass into the possession of the peasants in this way. That would mean just so much less land for the State and the community and co-operative associations of one kind and another. By increasing the term of years during which the farmer must have held his land by lease, it was possible to decrease the number of buyers. By decreasing the amount of land which he might buy, it was possible to keep down the amount of land sold. Here was opportunity for endless debate. Perhaps the most illuminating discussion was that which centred about the question which of two circumstances should place a parcel under the law—the length of time it had been leased to the same peasant, or simply the length of time it had been leased, no matter to whom. In this connection it should be said that the landowner leased large tracts of land in small parcels, but that, while the same large tract remained leased, the separate parcels changed hands. If only those persons who had held the same parcels by lease since 1901 were allowed to purchase them, the owner would be left with a great many dispersed pieces, even though some exchanges were effected. His property would be so cut up that it would henceforth be difficult for him to work it to advantage. If, on the other hand, the owner were obliged to sell that land which he had leased since 1901, regardless of how long each peasant

had held his parcel, he would only be giving up land which he had not needed for his own purposes, and the alienation of which could not in any way impair the residue of his property. It is difficult to understand why this second idea did not prevail. It would simply have meant that the dispersed parcels left to the landowner under the first arrangement would be given to the tenants. True, it would have increased the number of those permitted to buy land and the amount of land that could be bought. This might account for the strong opposition of the Socialists, who stood for State ownership, but it does not account for that of the National Democrats and Agrarians, who were advocates of private property and wished the peasants to have the land. Nothing could be done except to pass the bill in the form which provided that only those tenants had the right to buy land who had held it by lease since October 1, 1901. This was done May 27, 1919.

It was by no means uncommon for a peasant to own land and to take in lease other land at the same time. In order that the law might accrue only to the advantage of the small farmer, it is expressly provided that the land which he has been holding by lease and which he now wishes to buy, taken together with what he already owns, shall not exceed eight hectares in extent. He and his family must have worked it alone.[1] He must send in his claim to the owner and to the district court within twelve weeks of the coming into effect of the law, together with all necessary information

[1] *Law Ensuring Land to Small Farmers*, May 27, 1919, section 3 (No. 318).

concerning the parcel in question. If he neglects doing this within the time-limit, he loses his right to buy the land, unless he can prove within the next two years that the delay was due to circumstances over which he had no control.[1] An amendment[2] extends the time to two years without regard to the reason for the delay. As a matter of fact, most of the peasants sent in their requests early.

If the tenant does not wish to buy all the parcels he has leased, or if he has not this privilege because their area exceeds what the law allows him, he may choose what he wishes, but he may not insist upon having a parcel divided against the will of the owner unless this is the only way in which he can get the land due him.[3]

If the owner and the tenant agree, the latter may exchange his parcels for others of equal value, in order that the various pieces may lie nearer together. The tenant is obliged to exchange any one of his parcels for another of the same area and quality, if this is necessary to prevent the making of enclaves in the property of the owner, or is to the interest of some industry belonging to the owner.[4]

If the owner evicted the tenant after August 1, 1914, simply to get a higher rent from some one else or for some other such reason, the evicted tenant, his wife or heirs may claim the privilege of buying the land, even though it is now being worked by the owner himself or has been leased to some one else. This same holds true of the tenant who

[1] *Law Ensuring Land to Small Farmers*, May 27, 1919, section 12.
[2] May, 1921 (No. 166).
[3] *Law Ensuring Land to Small Farmers*, section 4.
[4] *Ibid.*, section 5.

was obliged to give up his land because of war conditions, particularly if he was called to serve in the army or was interned or imprisoned because of political activities. It does not hold if the parcel in question has been built upon or made into a garden, a vineyard, a fish-pond, or has become part of an industrial plant, a mine, a means of communication, or is used for the regulating of a water-course. But in this case the owner must give the tenant another parcel of the same worth.[1] If the tenant of 1901 makes good his claim to a parcel now given over to another tenant and takes the land before the latter's lease is up, he must indemnify him for his losses on this account.[2]

The price to be paid for this land was purposely fixed very low. Only six months had elapsed since Czechoslovakia had come into existence as an independent State. The Revolutionary Assembly was still sitting, and there was scarcely a member that had not publicly promised to give the people land. The law provided, therefore, that the price should be that of the year 1913.[3] This price had, of course, been reckoned in the Austro-Hungarian crown. The amendment [4] to the law which made this crown equal to the depreciated Czechoslovak crown, greatly reduced this price when paid in cash. It might have been supposed that the landowners would raise difficulties, and that something of the sort

[1] *Law Ensuring Land to Small Farmers*, section 6.

[2] *Ibid.*, section 7.

[3] *Ibid.*, section 8. The amendment of April 15, 1920, section 26, provided that 5 per cent of the price should be paid the State. A second amendment, May, 1921, added 5 per cent to the purchase price and gave this to the State also.

[4] Passed April 15, 1920.

was expected may be seen from the arrangements in the law for the settlement of disputes arising from such dissatisfaction.[1] As a matter of fact, however, they made little objection. The law provided that the price should be set by the district court, but in practice it was often agreed upon by seller and purchaser. This afforded opportunity for bargaining, but little of that appears to have been done, the landowner readily agreeing to a modest sum and frequently setting it himself. The average price paid was about 1,800 crowns per hectare. It must be said that much of the soil sold under this law was not of the best, because the landlords were accustomed to give their poorest and remotest soil in lease to small farmers, retaining the best themselves.

The purchaser has the option of paying the whole at once, or in ten instalments, two of which are due before the transfer can be registered, and the others annually, beginning with October 1, 1920. These instalments bear interest at 4 per cent,[2] and two or more may be paid when any one is due. If the purchaser fails to make his first payment to the registration court within one month after his claim has been allowed, he loses his claim. This time may be extended to two months. He may not pay the money directly to the landowner with-

[1] At the request of the district court the Minister of Agriculture, together with the Minister of Justice, may entrust to reliable persons the task of ascertaining all the circumstances and preparing the way for a legal decision. After getting in all the evidence the district court shall decide upon the price. An appeal may be made within fourteen days.—*Law Ensuring Land to Small Farmers*, sections 16 and 17.

[2] *Ibid.*, section 11.

out the consent of the court.[1] The money paid to the court may not be turned over to the former owner without the consent of duly authorized persons, since this money takes the place of the land in securing claims.[2]

In case the peasant did not wish or was unable to buy the land allowed him by the law, he had the right to demand that his lease be renewed for at least six years longer on the same conditions. This held true also of the peasant who bought only a portion of the land to which he had a claim.[3] The number of those, however, who did not avail themselves of the right of purchase was comparatively few.

The Law Ensuring Land to Small Farmers won general approval. It was recognized as having two great virtues. It gave land to those who knew how to work it, and it treated all alike. By September 1, 1922, 93,983 hectares had changed hands, and 13 per cent of the applications were still in process of settlement. When action has been taken upon these, about 100,000 hectares will have been given to approximately 106,000 individuals. It must be said that a great many more applied, but that their claims were not allowed.

The law for farmers covered Slovakia, but the situation was complicated there. Properly speaking, there were few long-lease farmers. Many of the landowners leased large areas to individuals who sublet them to peasants, receiving in return a

[1] *Law Ensuring Land to Small Farmers*, section 21.

[2] *Ibid.*, section 24. The management of this money pertains to the court until given over to authorized persons, and the money is to be put out at interest (section 25).

[3] *Ibid.*, section 29.

rental in kind or in days' work.) The Hungarian law of 1896 had provided that those who could prove that their families had lived on the same piece of land since 1848 on an indefinite lease might buy it, the price being twenty times the value of the crop, or twenty times the value of the labour given by the peasant as rental. It was difficult for the peasant to furnish the necessary proof. He had no written records, and his word was not accepted. Moreover, it was the aim of the owner to establish in one way or another that the lease had been a definite one and had expired. The result was that comparatively few peasants acquired land through the law of 1896. An amendment [1] to the Law Ensuring Land to Small Farmers extended that law to the parcels covered by the law of 1896, regardless of whether or not they fell under the Law Providing for Expropriation or whether the peasants' lease was definite or indefinite. The amendment provided, moreover, that the price paid should be only one-third of the price of 1913 for an expropriated estate or one belonging to the State, and only one-half that of 1913 for other properties, unless the owner could prove that the application of the law of 1896 (which, as indicated above, provided that the price should be twenty times the value of the crop, or twenty times the value of the labour paid by the peasant as rental) would exceed that amount. In that case, the owner might claim the price under the law of 1896, but under no circumstances more than the price of 1913.

It will be remembered that in the discussion as to just how the law giving the long-lease farmers

[1] April 15, 1920 (No. 311).

the right to purchase their parcels should be framed, it was suggested that the point of departure be the land rather than the person, the idea being that the mere fact that a tract had been continuously leased meant that the owner could spare it, and that the length of time that an individual peasant had held his parcels by lease was not a matter of much importance. Although this suggestion met with no favour, time proved its excellence. After those parcels which had been held continuously since 1901 by the same peasants had been bought by them, it was found that the owner of the tract was left with scattered parcels which chanced to have changed hands during that time. The Agrarian Party, therefore, suggested that these scattered parcels, also, be sold to the peasants, preference being given to those long-lease farmers who had not secured land because they could not meet the requirement of having held the same parcels since 1901. The Socialists, objecting as they did to the principle of private ownership in land, were not in favour of the suggestion, but they needed the support of the Agrarians to put through the measure which they themselves had just brought forward, and which provided that expropriated land could be demanded as building-sites for homes, farm-buildings, workhouses, stores, small gardens, recreation centres, and the like. As a result of the compromise which took place, the Land Office issued instructions which covered the measures suggested by both parties.[1]

[1] *Pozemková Reforma*, November, 1920, pp. 2–4; January, 1921, pp. 1–3. The measure having to do with scattered parcels is known as Action R, that having to do with building-sites as Action S.

The execution of these measures entailed a vast amount of work. Placards printed in Czech and German were posted in every village. Announcements were sent throughout the country. Every petitioner for a lot or parcel was required to fill out a long *questionnaire*. Expert advisers were appointed to study and sift the returned *questionnaires*, nearly 200,000 in number, to determine what requests should be endorsed by the Land Office. And when a particular parcel had been adjudged to a particular person, the question of the price had to be settled. Although it was provided that the price must be submitted to the Land Office and could be paid to the owner only through the court, the owner and the applicant were requested to come to an agreement with regard to it on the basis of the average price during the years 1913–1915. In the case of a building-site, the owner was allowed to add 100 per cent and an additional 25 per cent of the price arrived at in this way. This last item was meant to cover the 20 per cent which was to be paid to the Land Office.[1] The elasticity of the whole arrangement was such that the owners delayed and bargained, sometimes saying that they did not care to sell the land, always expecting to be offered more, so that very little land actually changed hands. This dragged on for more than a year, the Land Office meanwhile spending approximately 3,000,000 crowns and accomplishing nothing. Then a bold spirit conceived a

[1] *Mitteilungen*, December, 1921, p. 7. Ten per cent was meant to cover the expense attached to carrying out these measures, the other 10 per cent was paid into the Colonization Fund in accordance with section 61 of the *Law of Allotment*.

way of hastening action. He drew up a law which was passed by Parliament without debate, and which provided that the Land Office should send to the district court its decision as to what peasants were to be given land, and what particular piece each was to have, and that the district court should at once carry out the decision of the Land Office, the price being determined by an official in strict accordance with certain tables based upon land values during the years 1913–1915.[1] This left no room for bargaining. The owners who had been holding off, now preferred to sell at the price which the would-be purchaser had expressed himself as willing to pay, rather than at the price set by the tables. They, therefore, requested the Land Office to postpone the operation of the new law until they could conclude the agreements which they had been in process of making. Under this arrangement, the claims for building-sites were given the right of precedence. The matter of dispersed parcels was thus delayed, and in all probability little will be done about them now, since the estates of which they are a part are soon to be expropriated. The figures for building-sites in December, 1922, were as follows:

Total number of applications, 49,151, covering 12,404 hectares.

Applications not granted, 16,500.

[1] *Temporary Provisions Added to the Law Concerning Compensation for the Case When Single Parcels are Taken Over* February 17, 1922 (No. 77). The tables referred to were drawn up for the purpose of determining what compensation should be paid for expropriated estates. To this price was added 10 per cent for the Colonization Fund, 10 per cent for the Land Office and 15 per cent for the Department of Finance in lieu of the tax on capital which the Government could otherwise have collected on the land now being sold.

Applications granted, 19,455, covering 2,471 hectares.
Applications in process of settlement, 13,196, covering 3,832 hectares.
Average price per hectare, 10,477 crowns.[1]

One more device for providing the peasants with land more speedily than could be done through the taking over and partition of the estates remains to be considered. It is that of compulsory lease for a limited time at the current price and on the customary conditions, the length of the lease not to exceed six years. Wherever there was a particularly pressing need for land, whether on the part of individuals or associations, there the Land Office could oblige the owner of an expropriated estate to lease in small parcels a suitable proportion of that part of his estate which he retained under his own management. If he failed to do this within the time set, the conditions of the lease could be determined by the Land Office for both sides. It was provided that in bringing this matter to pass, the Land Office should not allow the interests of agricultural production to suffer. The few must not be benefited at the expense of lessening the amount of food for all. In the choice of tenants and pieces of land, the interests of both parties are to be considered. The new tenant is under obligation to make good to the owner the useful outlay upon the land toward the new crop.[2]

The ordinary term of lease in Moravia is three years, in southern Bohemia three years, in western and northern Bohemia six years. The compulsory

[1] *Pozemkové Reformy*, November-December, 1922, p. 175.
[2] *Law of Allotment*, section 63.

leases of 1920 run anywhere from two to six years. Later legislation provided that all compulsory leases, whatever their time length, shall be extended to six years, each on the same conditions as before.[1] This works a certain hardship for those owners who named a small sum as rental, expecting to get back their land in a short time. Many of those who took parcels in lease were factory employees or wage-labourers of one kind or another, who wished to eke out a livelihood by raising such things as potatoes and other vegetables. Such persons naturally asked for very little, usually one-half or one-third of a hectare. The chances are that, as food-stuffs drop in price, many of these leisure-time farmers will give up their plots. The Land Office is at liberty to cancel a lease whenever it chooses. If it finds that a certain piece of land is being badly worked—not ploughed deeply enough or the growing crop not properly cared for—that is sufficient reason, though, as a matter of fact, none at all is needed.

The competence of the Land Office, limited to the year 1920, was extended for another year for Slovakia and Carpatho-Russia,[1] poor facilities for communication and the difficulty of getting in touch with absentee landlords having delayed action there. The law was also extended one year for legionaries, many of whom did not return until the fall of 1920.[2]

[1] *Law Supplementing Section* 63 *of the Law of Allotment*, July 13, 1922 (No. 214).

[2] *Government Decree, Prolonging the Competency of the Land Office in Respect to Section* 63 *of the Law of Allotment*, December 17, 1920 (No. 665).

About 14,235 hectares in all[1] were leased in this way, approximately 15 per cent of the total amount of land expropriated, by far the greater part being in Slovakia and Carpatho-Russia. There is no way of knowing exactly how much of this has been well cultivated. It is easy to cite instances of peasants who after a year begged the owner to take back his land.[2] The chances are, however, that not many parcels went to waste. And, in any event, the measure achieved its purpose in that it helped to tide the country over the time when what had necessarily to be the slow process of dividing the estates, sorely tried the temper of the land-hungry people.

Three years had now elapsed since the Law Providing for Expropriation was passed. During the year 1919, the execution of the Law Ensuring Land to Small Farmers had given the people the necessary assurance that something was being done. During the year 1920, the matter of compulsory lease kept alive their faith. During the year 1921, the spectacular agitation connected with putting the building-sites and scattered parcels upon the market lent to the Land Office the appearance of bustling activity. Not one of these measures, however, properly speaking, had anything to do with the expropriation of the great estates. The task of taking them over and dividing them among the people had scarcely been begun.

[1] 40,291 hectares in Bohemia, 18,224 in Moravia, 2,780 in Silesia, 31,866 in Slovakia and 84,079 in Carpatho-Russia. Data furnished by the Land Office, November, 1922.

[2] *Mitteilungen*, April, 1921, p. 23.

CHAPTER IV

THE LAND OFFICE

THE question as to the agency through which the land reform could best be effected had long been to the fore. There were those who believed that the great task could most easily be performed by the Minister of Agriculture, and there is much to be said for this point of view. Economy and efficiency on the part of a personnel of experts both looked in that direction. But the then Minister of Agriculture was believed to be not in favour of land reform. Moreover, he was an Agrarian, and to add so greatly to his power and influence was not a pleasant thought to the other parties. The organization of a special office appealed to them, because it offered room for political influence. This appears clearly in the discussion as to how many vice-presidents there should be. It was even suggested that the Land Office be given a collegial form. There were some who thought that the Land Office should be created as a bank in charge of all monetary transactions connected with the execution of the land laws.[1] It was urged that such an arrangement would make for simplification and would aid in fixing responsibility. This sug-

[1] *Venkov*, June 12, 1919, p. 10.

gestion was set aside on the ostensible ground that the organ for carrying out land reform must be invested with a certain amount of administrative power, and that it must be possible to appeal from its decisions to higher administrative authorities. Evidently it was necessary to create an institution that could be managed by a coalition of the parties. While the matter was under discussion by the committee to whom the framing of the land bills was entrusted, the temper of the country waxed so hot that the question of a Land Office had perforce to be set aside for the time being, in order that entire attention might be devoted to a law providing for the expropriation of the great estates. But the discussions which had taken place bore their fruit in this law. It definitely placed the execution of the land reform in a Land Office so patterned as to be susceptible to party influence.

It would seem that the committee might now have applied itself to framing a bill exactly determining the form and feature of the Land Office But concentrated work along this line was impossible, because all the parties were so torn by the question as to how much should be paid for the land that was soon to be taken. They knew that they had given the people to understand that they would not pay anything, and they knew also that they must pay something. Two more months, therefore, elapsed before the law determining the powers and duties of the Land Office was passed.

The law of June 11, 1919, provides that the Land Office shall be responsible to the Cabinet and shall have at its head a president and two vice-presidents appointed by the President of the

Republic. In so far as the President of the Republic is not authorized by law to appoint members of the executive staff, this is the function of the President of the Land Office.[1] This provision had necessarily to be elastic, because the country was as yet without a constitution. Later regulations to the effect that all officials of the State should be placed in eleven classes, and that the President of the Republic, upon the nomination of the Cabinet, should appoint those in the first six classes, covered, of course, the Land Office. It is provided that each applicant shall send in full information concerning his training and experience, together with testimonials as to his character and ability, it being understood that the best equipped will be chosen. It may be said that about 2,000 applications poured in during the first two weeks, so that the task of choosing the approximately 150 that were needed was a difficult one.

The Land Office represents the State with regard to all privileges and obligations that take their origin in the Law Providing for Expropriation and shall administer the property which accrues to the State through this law.[2] It shall also take upon itself the execution of the law which forbids the transfer and mortgaging without permission of estates listed in the Land Register.[3] The particular duties of the Land Office are as follows:

[1] *Law Concerning the Land Office*, June 11, 1919, section 3 (No. 330).

[2] *Ibid.*, section 4.

[3] *Ibid.*, section 5. The reference is to the law of November 9, 1918, whose execution was entrusted to the Department of Agriculture.

1. To determine what estates fall under the Law Providing for Expropriation; what plants, such as sugar-factories and breweries, although built upon expropriated land, are nevertheless exempt from the law; what portions of land may be retained by the owner.
2. To supervise the management of the estates which are destined to be expropriated, but have not yet been taken over.
3. To take action with reference to a particular request on the part of an estate-owner to be allowed to transfer, rent, mortgage or divide his land.
4. To determine in what order the expropriated estates shall be taken over.
5. To decide in each case how much of the equipment shall be taken.
6. To notify owners at what date their estates are to be taken over.
7. To determine the price to be paid for the land on the basis of principles to be laid down by a special law, and to see to it that the rights of the employees and the conditions on which leases are held shall receive due consideration.
8. To distribute the expropriated land, to determine what kind of parcels shall be distributed and the price thereof, to decide to whom the land shall be given in ownership and to whom it shall be given in lease, and to draft the necessary legal documents.
9. To provide the necessary equipment in the

way of buildings and stock for the parcels of land that have been distributed.

10. To arrange that long-term credit shall be given to those who receive the parcels, and to determine the conditions attaching to this credit.
11. To enforce the provisions which limit the right to alienate the parcels.
12. To assist in establishing co-operative agricultural societies and to exercise supervision over them.
13. To establish local offices or committees according to principles to be laid down in a subsequent law.[1]

The work of the Land Office is to be supervised by a committee of twelve chosen by the National Assembly for a period of three years, this committee to continue in office until the new one is chosen. Its functions are those of a Board of Control, and so it will be called in this study. The Board shall elect one of its members as chairman and two as his representatives The chairman, or his representative, and six other members of the Board shall constitute a quorum in which a simple majority vote shall be valid.[2]

The Land Office shall report regularly to the Board of Control. The Board may demand reports and explanations and may examine documents having to do with them. The consent of the Board

[1] *Law Concerning the Land Office*, June 11, 1919, section 7. The Land Office may delegate some of its powers to these offices set up in a separate district. Appeal from their decisions may be made to the Land Office itself within fourteen days. See section 8.

[2] *Ibid.*, section 9.

of Control is necessary in deciding what properties are exempt from expropriation according to the law, what portions of an estate are to be left to the owner, what order shall be followed in taking over and dividing the estates, what offices shall be established in separate districts. The Board of Control is entitled to demand that other important decisions of the Land Office shall be submitted to it for approval. If a difference of opinion should arise between the Land Office and the Board of Control, the question shall be decided by the Cabinet after a hearing from the President of the Land Office and the Chairman of the Board of Control. The Board of Control may ask representatives of the Ministries to take part in its discussions.[1]

The law had been achieved, but the Land Office itself was still a thing of the future. The people were pressing for the expropriation of the estates and the distribution of the land, and the agency through which alone this could be brought to pass remained a mere promise. The Prime Minister of the new Cabinet appointed July 8, 1919, said definitely that its first task would be the creation of the Land Office.[2] Two weeks later Parliament appointed the Board of Control,[3] but nothing more was done. Finally matters came to a crisis, and the Czech Socialist Party demanded that the Land Office be established at the latest by Independence Day, October 28, 1919.[4]

[1] *Law Concerning the Land Office*, June 11, 1919, section 11.
[2] *Bohemia*, July 11, 1919, p. 4.
[3] *Ibid.*, July 25, 1919, p. 3.
[4] *Ibid.*, September 6, 1919, p. 3.

The delay that had taken place was in all probability due to the rivalry among the political parties. The three highest places especially were bones of contention. By October, however, the matter had been settled. The Agrarians won the presidency, although they already had the Ministry of Agriculture, and it was generally believed that they would not be permitted to fill both posts. It was arranged that the first vice-president should be named by the Czech Socialists and the second by the Slovaks. This would have left the Social Democrats without any representative, and they protested so vigorously that the Cabinet decided to accord them a director, although the law made no provision for such an official. The National Democratic Party was left out in the cold, and a leading member of that party, the late Dr. Rašin, then a deputy and afterwards twice Minister of Finance, took up the cudgels for political integrity. "There is no basis for such an office in the law concerning the organization of the Land Office. I really do not know what kind of a director this is or what he directs. I only know that in an article in the *Právo Lidu* concerning the land reform, he signed himself 'Representative of the Social Democratic Party in the Land Office.' I must say . . . that this would give the impression that the presidency of the Land Office is only an institution for creating political sinecures for political exponents of individual political parties." [1]

After a time the need for the position of director dropped away, and with it the office itself. It happened in this wise. The Czech Socialist Vice-

[1] *Národní Listy*, November 14, 1920, p. 3.

President found himself under party pressure forced to resign. His party expected to fill his place, but it was found that all of those who aspired to the office, and who would naturally have been chosen for it, were members of the Lower House and by law could not accept a State office until one year after their term in the House had expired. This, together with other circumstances, brought to pass that the Director representing the Social Democrats stepped into the empty shoes of the retiring Czech Socialist Vice-President.

The close relation between the Board of Control and the political parties may be seen from the fact that the number of representatives of each party on the Board was determined according to the community elections of June 19, 1919. It was made up of three Social Democrats, three Slovaks, two Agrarians, two Czech Socialists, one National Democrat, and one representative of the Catholic People's Party.[1] In the course of time its composition was slightly changed, in that one of the Czech Socialists became an Agrarian. That the various members of the Board of Control were conscious of their obligation to their respective political parties may be seen from the fact that when, later on, the Board divided itself into three sub-committees for the consideration of certain questions, it arranged that the place of a member unable to be present might be taken, with the consent of the whole Board, by some member of the House of the same party.[1]

It is difficult not to draw the conclusion, from the make-up both of the Land Office and the Board

[1] *Bohemia*, July 25, 1919.

of Control, that politics play a large part in the execution of the land reform. It goes without saying that each one of the parties would like to execute the land laws in such a way as to increase its own constituency. The opportunity to discriminate against certain individuals and groups, both in taking over the land and distributing it, is very great.[1]

It is true that the President of the Republic appoints the head of the Land Office, but, since he does so upon the nomination of the Cabinet, this amounts to little more than the right of veto. The tenure of office of the President of the Land Office is not limited. There were those who, from the very first, would have had this otherwise. The suggestion of a five-year term was made while the law was in process of being framed; but this was opposed on the ground that continuity of policy would thus be endangered, to which the obvious reply given, was that this objection did not seem to hold for any of the fields of administration committed to a minister. Nor has the President of the Republic the power of removal. Resignation could be brought about through political influence. Ultimately the pressure would have to come from the party to whom the President of the Land Office belongs. But such a recall would be regarded by the party as diminishing its prestige.

Would it be better if the head of the Land Office were a minister? There has been considerable agitation in favour of this idea, and in his New

[1] Specific instances are mentioned in an article signed by Dr. Rašin, the late Minister of Finance, in the *Národní Listy* for November 11, 1920.

Year address in 1922 President Masaryk said he believed it to be reasonable. It has much to recommend it. First and foremost, it would carry with it as a necessary implication the abolition of the Board of Control. This body is an anomaly. Its work is said in the law to be that of supervision, but separate provisions of the law show it to be quite a different thing. To supervise is to pass judgment upon what is done by another, but the consent of this Board must be obtained before the Land Office can perform its most vital work. For instance, it may not decide for itself what order shall be followed in taking over the estates. It is in the decision of just such a question as this that party-favour is most baneful, and it is not too much to say that the disturbing influences that make themselves felt in the Land Office take their origin in large measure in the Board of Control. With reference to the present Board there is this further objection. It is made up of members chosen from an Assembly that was not elected by the people. Their three years' term expired July 24, 1922, but the law provides that they are to continue in office until the new Board has been elected, and this has not been done. One reason for the delay is said to be that, when the law was drawn up, it was not known whether there would be a one- or a two-chamber system, and therefore the provision that the Board of Control shall be chosen by the National Assembly needs to be interpreted. This would seem to be a simple matter. A more potent reason is that the majority now in power deem it unwise to subject the Government to the struggle among the political parties that would attend the elec-

tion of a new Board. And there would be little point in such procedure if the transformation of the Land Office into a Ministry is imminent. Four of the five parties in power have been won over to the idea, and it is only the unwillingness of the fifth that blocks the way. The objections to the present arrangement are obvious. As things now stand, the President of the Land Office has the right to attend Cabinet meetings when land reform is being discussed, but he has no vote. If any member of Parliament makes an interpellation in the matter of land reform, he must address it to the whole Cabinet, and it is the task of the Prime Minister to answer it, because the Land Office is subject to the Cabinet. If the head of the Land Office were a minister, Parliament would have immediate contact with him, and he could be held directly responsible for the policy and practice of this office.

CHAPTER V

MISMANAGED ESTATES

EVEN before the World War had come to an end, there was talk on all sides concerning expropriation of great estates. The establishment of the Republic confirmed the fears of large landowners that much, if not all, of their land would be taken from them. It goes without saying that some of them, at least, were anxious to realize what they could from it before it left their hands. Thus it happened that considerable stretches of forest land here and there, particularly in Slovakia, were denuded of their trees. The temptation to cut them down was particularly strong, because there was a large foreign demand for wood and the price was very high. These were the circumstances which brought to pass the Law Concerning the Provisional Protection of the Forests enacted December 17, 1918. This law made it incumbent upon the owner, whose method of work was not in accordance with it, to send word to the political authorities, one month beforehand, that he planned to cut down the trees on a certain area. If no prohibition reached him within that time, he might proceed with the work.[1] All those in the employ of an owner of a forest

[1] *Law Concerning the Provisional Protection of Forests*, December 17, 1918, section 1 (No. 82).

were bound to report any infringement of the law,[1] and could not be dismissed from service for such action.[2] The Minister of Agriculture was empowered to take over the management of an estate, if he had a well-founded fear that the law would be violated.[3]

Six months passed, during which another need made itself felt. The war had told heavily on the agricultural life of the country. So much of the man-power was in the fighting ranks or interned by the enemy that many fields had lain neglected. The supply of food had long been inadequate. Moreover, it was feared that now that the Law Providing for Expropriation had been passed, the landowners, knowing that they were about to lose their estates, would bend all their energies towards spending as little as possible upon them. They would be tempted to bring to a halt the improvements that had been in process of making. It was altogether possible that crops might suffer. The Government, therefore, issued a decree June 18, 1919, which provided that an estate that was mismanaged might be placed under compulsory administration by the Department of Agriculture.[4]

The people had all along been encouraged, even under Austria, to form what were known as agricultural councils, whose duty it was to see that there was enough food and that the prices were not too high. It fell within the competence of

[1] *Law Concerning the Provisional Protection of Forests*, December 17, 1918, section 7.

[2] *Ibid.*, section 9. [3] *Ibid.*, section 6.

[4] *Government Decree Providing for Proper Management of Agricultural and Forest Estates*, June 18, 1919 (No. 341). A similar law had been passed by Austria, July 14, 1917.

these councils to report any neglect or inefficiency having to do with the food supply. They kept a sharp lookout for evidences of wastefulness. They displayed a keen interest in the growing and harvesting of crops. It must be said that the consciousness that they were being watched stimulated the farmers to keep up production. Now and then, it is true, the spectacles of hunger through which these councils looked distorted the facts. For instance, when they saw grain in the fields after it should have been garnered, they were sometimes quick to assume that the owner was at fault, though investigation would have revealed to them that he had been unable to take in his crop because of rain. Public welfare bodies, such as these councils, were in all probability the first to report mismanaged estates. As a matter of fact, however, any individual might send in a complaint; and it sometimes happened that discontented employees made use of this opportunity to vent their ill-will, or that self-seeking persons, who hoped to profit in one way or another through the *régime* of compulsory administration, reported falsely. Passions engendered by the war had not yet cooled. The mere possession of an estate was often enough to arouse suspicion that all was not as it should be. Whenever a complaint was lodged with the Department of Agriculture, it sent a commission to look into the facts, and this commission decided whether or not the estate was properly administered, presumably according to its own ideas, for the term was not defined in the law. It should be said that both the law concerning the administration of forests, and the decree concerning that of agri-

cultural land, held for everybody who owned property of this description, regardless of its extent.

The time came when it seemed best to the Government to be more specific so far as estates destined to be expropriated were concerned, since it recognized that the owners of these would feel little inclined to invest money in what they were about to lose. The Law of February 12, 1920, transferred the administration of mismanaged estates from the Department of Agriculture to the newly formed Land Office, and defined what is meant by keeping an estate in good condition. The owner is bound to make all necessary repairs, erect new buildings in case of need, increase equipment as circumstances demand, maintain fences, walls and boundary-stones in good condition, replace fruit-trees that have died, continue the planting of orchards already begun, clean fish-ponds, repair dams and private water arrangements, preserve drainage and irrigation systems and complete them if begun before the war, keep books showing income and outlay and inventories of stock, safeguard archives of every description,[1] make reliable arrangements with regard to the pensioning of employees.[2] It can readily be seen that this is asking a great deal of an owner whose property is soon to be taken away from him against his will and at a price which he considers inadequate. To continue improvements, such as the planting of orchards and the making of roads, for the enjoyment of an unknown subsequent possessor, runs

[1] *Law Concerning the Management of Estates Destined to be Expropriated*, February 12, 1920, section 2 (No. 118).

[2] *Ibid.*, section 3.

counter to human nature. Moreover, the war had left many an estate-owner cramped as to funds. It is therefore not strange that, even though the law has by no means been strictly enforced, a considerable number of estates have been adjudged badly administered. The first penalty attached to such is temporary supervision.

The supervisor has the right to see everything connected with the estate. If the owner cannot be brought to the scene, the supervisor may enter all places that are locked, in company with an official or a representative of the community. He may examine all books connected with the management of the estate, and must be given all explanations for which he asks.[1] The officials and employees of an estate shall give the supervisor every assistance in their power, and must upon request point out to him all defects which could lessen the value of the estate, or decrease the average crop.[2] If they are dismissed on this account, or if any action is taken against them to their prejudice, they may lodge a complaint in court against the owner, and, pending the decision, must be retained in full possession of their rights.[3] The supervisor must give to the manager of the estate or his representative, a written order to carry out specific measures which he deems essential to good management. If he can find no one to whom to deliver this order, he is justified in appointing someone to carry through these measures at the cost of the owner.[4]

[1] *Law Concerning the Management of Estates Destined to be Expropriated*, February 12, 1920, section 6.
[2] *Ibid.*, section 7. [3] *Ibid.*, section 22. [4] *Ibid.*, section 8.

The Land Office orders permanent supervision or, if this does not suffice, compulsory administration under the following circumstances:

1. If the owner of the estate is continuously absent without leaving a representative.
2. If the manager is incapable, and a suitable person is not appointed in his place.
3. If the manager grossly neglects the principles of sound cultivation.
4. If placing the estate under compulsory administration is demanded by the necessity of providing the people with food, and the Land Office is ordered to do this by the regular authorities.
5. If through the fault of the owner or his representative wage and work quarrels have arisen which endanger the right management of the estate.
6. If the Land Office has sent a notice to the owner that the estate is to be taken over, and compulsory administration will lighten or hasten this task.[1]

The cost of lasting supervision and compulsory administration must be paid by the owner of the estate.[2] The excess of income over outlay is to be given him in so far as it is not needed to carry on the operation of the next year.[3] The Land Office shall do away with compulsory administration as soon as its object has been attained, and when assurance is given that the estate will henceforth be well administered. But the Land Office

[1] *Law Concerning the Management of Estates Destined to be Expropriated*, February 12, 1920, section 12.

[2] *Ibid.*, section 20.

[3] *Ibid.*, section 16.

may order that the supervisor shall remain three months longer.[1]

Two provisions of the law concern themselves particularly with forests. The owner must send to the Land Office a copy of every sale contract within fourteen days after it has been made. If the Land Office finds therein anything prejudicial to proper forest culture, it may nullify the sale within two weeks. Local retail trade is, of course, excepted.[2] The Land Office must ascertain the opinion of the Ministry of Agriculture before it decrees lasting supervision or compulsory administration of a forest property.[3]

The Law Concerning Administration of Estates for Expropriation was doubtless necessary under the circumstances. A considerable number were neglected and others would have been, if their owners had not feared the penalty. That some injustice was wrought is also true. In all, 84 estates were placed under supervision or compulsory administration, 34 in Bohemia, 6 in Moravia, 4 in Silesia, 37 in Slovakia and 3 in Carpatho-Russia. The shortest time any estate was thus kept was 4 months, and the longest 3 years and 3 months. Twelve estates were thus kept less than 1 year, the average being a little over 6 months, 16 were kept 1 year, 36 were kept an average of about 18 months. Thirteen are still under supervision and 7 under compulsory administration.[4] The need for the law has well-nigh passed and will, of course, wholly fall away when the State has finished its work of expropriation.

[1] *Law Concerning the Management of Estates Destined to be Expropriated*, February 12, 1920, section 18.
[2] *Ibid.*, section 4. [3] *Ibid.*, section 12.
[4] Data furnished by the Land Office, December, 1922.

CHAPTER VI

THE LAW OF ALLOTMENT

THE Law of April 16, 1919, had prepared the way for the expropriation of the great estates. On January 30, 1920, the law providing for their distribution to the people was finally passed. The Law of Allotment, as it is called, was a long time in the process of making. No party wished to commit itself to a definite programme, yet each party wished to be considered the author of those parts of the law which won popular applause. Not all the members of the Agrarian Party were of the same opinion. There were those who believed in large farms, and these, for the sake of convenience, may be called the Big Agrarians. They feared to be outnumbered and to lose their influence if many new small farms were created and their owners swelled the ranks of the Small Agrarians. There were associations of competitors for land within all parties, but that within the Agrarian Party was the largest and was known as *Domoviny*, a term signifying "our home." Somebody within the party hit upon the happy idea of embodying in the law a provision for creating peasant farms of a certain description, to be called by this alluring name. The Socialists were in a quandary. Theoretically they believed in the nationalization of the land, and they dwelt upon this idea whenever they

talked to the employees on the great estates, saying to them that they would soon become well-cared-for workmen on Government property. When, however, they addressed farmers, they were wont to assure them that the estates would be parcelled out, and they dared do nothing to affront this wing of their following.[1] Thus it happened that they fell in with the suggestion of the Agrarians that indivisible peasant farms be created, but absolutely refused to have them called by the popular name, *Domoviny* (our home), which had come to be identified with the organization in the Agrarian Party. The term *Domoviny* had, therefore, to be abandoned, though that which it designated remained.[2] The Agrarians were thus deprived of the best fruits of their victory. Yet the term had served a purpose. It had acted as a rallying cry for the parties and, through the impetus which it afforded, they united in passing a law in which indivisible peasant farms played only a subordinate part.

The Law of Allotment is verbose, burdened with useless detail and loose in its structure. Instead of laying down comprehensive principles, it endeavours to provide for every possible combination of circumstances. The Land Office is given the most minute instructions with regard to every conceiv-

[1] See, for instance, *Venkov*, March 1, 1919, p. 10. "In view of the near elections and the decided attitude of the small farmers, the Czech Socialists, fearing to lose a great part of their followers, have abandoned their former standpoint and are now demanding that the land shall be divided and given as private property in small parcels."

[2] The term used in the Law is *nedíl*, and signifies "indivisible property."

able contingency, but loopholes of escape are provided by the use of the words "can," "generally," and "as a rule." The elasticity of the law may be seen in section 14, which reads: "If possibilities of distributing land in ways not mentioned above should arise, the Land Office shall make decisions which shall approach as nearly as possible the ends aimed at by this law." Those parts of the law dealing with the allotment of land to individuals will first be considered.

In so far as the State does not keep the expropriated land or does not use it for public welfare purposes, the Land Office shall distribute it to individuals, and in particular to small peasant proprietors, cottagers, craftsmen, farm and forest employees and persons without land, to legionaries and to soldiers in the Czechoslovak Army, to the dependents of those who fell in the war for their country or died through war service, and to war invalids.[1] By legionaries are meant those Czechoslovak volunteers in the World War who fought for the independence of their country under the banners of the Allies and those who crossed Siberia as a separate army. In the case of war invalids, no distinction is made.

If applications of individuals compete with each other in the same region, where there is a dearth of land, then the applications of the following individuals are to receive special consideration:

1. Legionaries and soldiers of the Czechoslovak Army who fought against the enemy, and especially those who excelled.

[1] *Law Concerning the Management of Estates Destined to be Expropriated*, February 12, 1920, section 1.

2. War invalids, and the dependents of those who died in war service.
3. Those who have been renting the expropriated land in question.
4. Those whose farm-buildings adjoin the parcel in question so that the pressing need of enlarging the site or of making a small garden can only be satisfied by this particular parcel, or who need the parcel for some other equally good reason of this kind.
5. Returning emigrants who are farmers.

Particular attention is to be given to those who have had agricultural training or experience, those who themselves or whose ancestors were owners of the land requested and who lost it through no fault of their own, those who are settled in the same region or who have worked there, and those who possess the necessary equipment. Consideration is also to be given to the former workmen on the expropriated estates if they lose their positions through the partition of these estates, and have not otherwise been cared for.

If there is competition among the applicants who possess land, those are to be chosen who, other things being equal, have the poorer soil, and those who are married and have children.[1]

Land may not be given to the following applicants:

1. Those who are not citizens of Czechoslovakia unless they become such within two years.
2. Those who have been deprived by law of the franchise, or who are morally depraved.

[1] *Law Concerning the Management of Estates Destined to be Expropriated*, February 12, 1920, section 17.

3. Those who are unfit, physically or mentally, to devote themselves to the purpose for which the land is distributed, except in the case of war invalids whose families can make good this deficiency.[1]

It would appear that the prime object of the Law of Allotment is to create or enlarge individual holdings. The classes of individuals enumerated, to whom land is to be given, are many, and other classes not specifically mentioned would certainly fall under "persons without land." [2] Again, those debarred from holding land are comparatively few. Anyone may become a citizen of Czechoslovakia who will comply with the regulations, not many have lost the right of voting, and it is not easy to prove that a man is morally depraved.[3] The provision that land may be given to a community if its utilization demands an outlay of capital which a farmer could in all probability not afford,[4] emphasizes the place of the individual in the law, as does also the provision that care must be taken not to work harm to capable individuals who compete with the associations in applying for land for large agricultural enterprises.[5]

How is the choice among individuals to be determined? Roughly speaking, they fall into five classes: those who have earned a reward of some kind, those who have some claim upon the parcels distributed, those who are poor and need help, those who have had agricultural training and

[1] *Law Concerning the Management of Estates Destined to be Expropriated*, February 12, 1920, section 3.
[2] *Ibid.*, section 1.
[3] *Ibid.*, section 3.
[4] *Ibid.*, section 12.
[5] *Ibid.*, section 17.

experience, and those who possess or are able to obtain the necessary equipment. These classes are not mutually exclusive. It would be quite possible for an individual to belong to two or more of them, but there are a great many individuals who belong to only one of them. That being the case, in what order are the classes to be arranged? The law gives no clear indication. It mentions legionaries first, but it says later on that particular consideration is to be given to those, among others, whose ancestors once possessed the land and lost it through no fault of their own. These last might well be put into the class of those who have some sort of a claim, but how choose between those who have different kinds of claims? Just where do those stand who have been renting the expropriated land in question? The case of a particular farmer might be cited, who insisted strenuously that certain garden land should be given him because it had been worked by his father for many years.[1] Each applicant for land puts the class in which he belongs first, and there is no saying him nay so far as the law itself is concerned. It would, therefore, not be at all surprising if the practice of the Land Office were found to be inconsistent. It is difficult, especially in these first years after the war, to refuse the veteran who risked his life a few acres of the soil which he helped to win, whether or not he knows how to till it. The returning emigrant must be provided for that the number of loyal subjects may be increased. Land-hunger must be satisfied if profound unrest is to be avoided. Just now, in the autumn of 1922, the necessity of

[1] Actual instance that came to the notice of the writer.

giving land to the workmen on the estates that are being divided is to the fore. There have been loud complaints to the effect that these are being neglected. The emphasis of the Land Office is bound to shift from class to class according to circumstances. If this part of the law had been more carefully drawn, a definite and consistent policy could be more easily achieved.

It should be said that a Government decree of April 6, 1922, definitely provides that legionaries shall be given first consideration. They need not have been farmers in the past.[1] If they have not the necessary equipment, it suffices for them to show that they have means with which to purchase it, or that they are able to obtain credit. This credit may take the form of advances out of the Colonization Fund.[2] These provisions would seem to give legionaries the first place in the allotment of land, were it not for the further provision that the preference given them is not to be allowed to work to the disadvantage of the employees who have lost their positions in consequence of the partition of the estates.[3] As a matter of fact the Colonization Fund is now being used for the employees. This is a striking instance of the need of the hour determining the interpretation of the law.

The amount of land given to the individuals shall be enough to support a family and shall not be more than a family can cultivate without steady outside help. The individual must depend upon

[1] *Government Decree Supplementing the Law of Allotment and Dealing with the Legionaries and the Procedure of Allotment*, April 6, 1922, section 1 (No. 117).

[2] *Ibid.*, section 3. [3] *Ibid.*, section 2.

this land for the main source of his income. If he already has some land of his own, he shall be given only enough to supplement his holding. Land may be given to the individual for such purposes as the erection of a dwelling, barn, small industry, or the laying out of a garden, but the work connected with these must be done by the family.[1]

The Land Office shall, as a rule, regard from 6 to 10 hectares as sufficient for a peasant property. If the quality and situation of the land demands it, as much as 15 hectares may be given. The Land Office must take into consideration land owned by the applicant or members of his family living in the same house, and also land which the applicant or members of his family cultivate under another title, so that larger peasant properties may not be created. Members of the family of the applicant who live in a common household with him possess no independent claims for land, but due consideration shall be paid to the number in the common household jointly engaged in agriculture.[2]

These passages speak for themselves. It is evident that the intent of the law is to increase small holdings to farms of standard size, and to create new farms of this size. In Slovakia, where the land is cultivated extensively rather than intensively, many of the new farms cover 18 hectares. These have been bought directly from the estate-owners, an arrangement sanctioned by the Land Office because

[1] *Law of Allotment*, section 2.

[2] *Ibid.*, section 16. Those members of the family who are of age and wish to set up an independent household may apply for land independently.

the land-hunger of the peasants was particularly great there and could be quickly satisfied in this way. This practice has been much criticized because it resulted in the peasants paying high prices for the land. The Land Office now says that it will not sanction it in the future.

Land may be given in ownership or in lease. The Agrarians speak for ownership, the Socialists for lease. As to how it shall be given in individual cases shall be determined by the Land Office, which shall give due consideration to the wishes of the applicant, and shall see to it that the legal form shall best bespeak the purposes in question.[1]

The Land Office shall determine whether the title to this land obtained from the State is limited, and what obligations have been laid upon the new owner, and what the consequence shall be if this limitation is not recognized and these obligations are not met.[2] It is in virtue of the power conferred upon it by this paragraph that the Land Office has decreed that the peasant may not sell for ten years, without its consent, the parcel acquired under the Law of Allotment.

Section 15 of the law certainly leaves the Land Office free to give property in unconditional ownership. Section 30 says that an entire holding, meaning thereby enough to support a family, may be given only as an indivisible and inalienable unit. It has been said that the one way to bring these two sections into harmony is to interpret "whole property" as "land with buildings." As a matter of fact, however, the practice of the Land Office does not warrant this interpretation. The

[1] *Law of Allotment*, section 15 [2] *Ibid.*, section 23.

indivisible and inalienable units known as "homesteads" which have been given to some legionaries, have no buildings upon them. Perhaps the mere fact that the two provisions are in different parts of the law removes the contradiction. It may then be said that Part I of the law allows the Land Office to give land in ordinary ownership, and that Part II permits it to attach certain conditions to this ownership.

A homestead may come into existence in three ways. The Land Office may give a farm as a homestead, it may add a parcel to land already owned by the applicant on condition that the whole become a homestead. A freehold may be transformed into a homestead at the wish of the owner.[1]

A homestead may not be mortgaged in the ordinary way. None but an annuity debt may rest upon it, and this may be allowed only for the following purposes:

1. To pay the price of the parcel, or to make over the obligation on the freehold which has now become a part of the homestead.
2. To build or enlarge farmhouses.
3. To provide or increase equipment.
4. To pay inheritance or carry out testamentary arrangements.[2] Unpaid obligations on homesteads may be collected only through compulsory administration of the homesteads.[3]

A homestead or a part of one may be alienated

[1] Section 32 provides that if a freehold is converted into a homestead, the obligations resting upon the freehold must be transformed into such as may rest upon a homestead.

[2] *Law of Allotment*, section 35. [3] *Ibid.*, section 36.

only with the consent of the Land Office in accordance with the following regulations:

1. If there are no real reasons against it, the consent of the Land Office will always be given to the alienation of the whole homestead which bears the character of an anticipated right of succession.
2. The Land Office will give its consent to the alienation of a whole homestead during the first two years, only for urgent reasons,[1] and only in such a way that the price obtained, in so far as it exceeds the amount invested by the owner, shall fall to the State.
3. After ten years, the Land Office may give its consent to alienation for reasons of expediency, but the regulation with regard to handing over to the State the difference between the cost and the selling price, holds.
4. The Land Office will permit the alienation of a part of a homestead for weighty reasons, if what is left is sufficient to maintain a family.

The homestead may pass only to one person who promises to work it himself, who possesses the necessary ability, and who is not as an owner, or in some other capacity, cultivating another piece of land larger than one-half the size of the homesteads in this region. The owner may not

[1] Such as illness of the owner, which makes it impossible for him to carry on the farm.

divide the homestead unless it was originally a freehold in its entirety, and even in this case each of the new units, made up of a portion of a homestead added to another property, must be sufficiently large to support a peasant family and must become a homestead.[1]

The Land Office may redeem a homestead if the owner has gotten together a property twice as large as any homestead in the neighbourhood, if he does not live on and does not himself work the land, if he is in arrears with his payments for more than three years, if he cultivates his fields badly, if he leads an irregular life, or if he sets a bad example.[2]

It is evident that the whole intent of this part of the law is to create and preserve farms of a certain size, and that everything else is subordinated to this end.[3] It is difficult to imagine that any owner would be content to have his property-right so hedged about with restrictions, and it is inconceivable that the owner of a freehold should wish to transform it into a homestead unless it is greatly burdened with debts, in which case he would meet with real difficulties in converting these debts into annuity charges. The creditor who holds a mortgage with a right of foreclosure, would certainly not care to convert this mortgage into a debt, payable in small instalments, which, in case of default,

[1] *Law of Allotment*, section 37. Section 38 lays down an analogous regulation for leasing homesteads.

[2] *Ibid.*, section 51.

[3] The same idea is carried out in eleven sections (40–51 inclusive) which lay down the most minute regulations with regard to the right of succession. It is difficult to imagine why such a bewildering mass of details should have been thought necessary.

can be collected, if at all, only by placing the farm under compulsory administration.

The provision which obliges the owner of a homestead, in the case of a permitted sale, to give the Land Office the difference between what he paid for the parcel and the price at which he sells it, could be easily transgressed. A man does not necessarily sell for the price that is laid on the table. It should be said that thus far homesteads have played no part in land reform in Czechoslovakia.

The Law of Allotment provides also for large farms. Some disposition must be made of those portions of an estate that cannot be divided without considerable loss. The buildings that have to do with the cultivation of one or two hundred hectares, more or less, usually make a continuous whole, sometimes in the form of a hollow square, and are planned on a scale commensurate with the activity connected with the cultivation of the area which they serve. There are barns affording shelter for many cows, horses and oxen, there are large haylofts, storehouses for the grain, wagon sheds. Frequently there is a distillery for the conversion of potatoes into alcohol. These buildings go to waste if the land connected with them is divided into small parcels. The law therefore provides that such units may be preserved and exchanged for land not expropriated which can be parcelled out to advantage, and which lies in regions where there is land-hunger.[1] If such units are not exchanged, and if they are not given to associations, then they may be given to individuals especially capable of managing large agricultural

[1] *Law of Allotment*, section 24.

enterprises and able to make them models.[1] The privilege of leasing them is eagerly sought, even by those who have not the means to carry them on. Men are willing to run into debt to get the necessary capital because they hope that sooner or later the State will sell these estate-remnants, in which case the lessees will have the preference. There is good reason to believe that this will be the case. Most of the estate-remnants have been leased to individuals. A considerable number have passed into the hands of associations of one kind or another. Some of them have been taken over by communities, others by the Department of Agriculture for the establishment of experimental stations. Ten of them are being administered by a joint stock company for the growing of beets and the making of sugar.

It must be said that there are some adverse reports concerning the way this whole matter of the estate-remnants has been managed. The amount of land does not always bear the right relation to the buildings. The occasionally slipshod methods of the Land Office may be seen from the fact that in the fall of 1922 it leased many of these units without stating the conditions of the lease, so that at the last moment a considerable number of the applicants withdrew because they did not wish to sign a blank cheque.[2]

It has always been said that the Agrarians were

[1] *Law of Allotment*, section 25.

[2] This is the reason why the Land Office did not put into circulation the report concerning the estate-remnants, which contains the names of those to whom they had presumably been leased. This report, without the names, appears in *Pozemková Reforma*, September–October, 1922, pp. 137–144.

interested in giving land to individuals, and that the Socialists preferred to see it used collectively. Since the Law of Allotment, like all the other laws dealing with the land reform, represents a compromise, we may expect to find provisions which voice the wishes of both parties, though not in equal measure. The Agrarians led the discussion and took the offensive, while the Socialists were for the most part on the defensive. Moreover, the Agrarians framed the law and were often able to give a subtle twist even to those provisions upon which the Socialists insisted. The associations to which land may be given are classed under five heads.[1] These will be considered separately.

Land may be given to associations made up of individuals to whom land may be given. The Socialists had in mind co-operative societies which would work the soil collectively, joint stock companies engaged in agricultural enterprises in which all the members are busied in one way or another, and in which the profits are not divided beyond a fair rate of interest on the capital invested. This is the provision under which land has been given to four co-operative societies of former employees on the great estates, who mean to work the land collectively. These associations are small. The members at this writing number 9, 12, 20 and 40 respectively.[2] The whole matter is frankly regarded by the Agrarians as an experiment.

Land for building purposes may be given to communities and districts and to other public

[1] *Law of Allotment*, section 1.

[2] Data obtained from the Social Department of the Land Office, December, 1922.

corporations and institutions. Land may be given to private associations for the building of small dwelling houses, provided that these associations do not pay a higher dividend than 5 per cent, and do not, when dissolved, yield their members more than they paid in.[1] The Socialists had in mind such institutions as orphan asylums and homes for the aged, and were greatly interested in providing houses for the poor. This paragraph has been cited as the basis for a possible request on the part of some co-operative societies that an expropriated castle be given them to be used as a place for recreation, each member being allowed to spend two weeks during the summer there.

Land may be given to agricultural and consumers' associations. Under the former the Agrarians had in mind associations of small but well-to-do farmers, who were interested in improving their field and forest economy and their breed of cattle, and who needed free pastures for the latter purpose.[2] The Socialists placed their emphasis upon co-operative societies of consumers, believing as they did in collective activity, and anxious as they were to better the fortunes of the poor by giving them the opportunity of purchasing essentials at the lowest possible price. Elsewhere they speak of self-help consumers' societies engaged in making necessities for the use of members. Such societies may pay the members only a normal profit on the capital invested, and no trade may be carried on with what is produced.[3]

Land may be given to communities and to other

[1] *Law of Allotment*, section 5.
[2] *Ibid.*, section 6. [3] *Ibid.*, section 7.

public units of that kind, to supplement what they already have so that they may be able to carry on agricultural enterprises at a profit and may create enterprises whose object it is to make the necessities of life for community establishments. The Agrarian touch is seen in the last sentence of the section to the effect that land may be given to communities for the purpose of passing it on to individuals.[1] And the Agrarian attitude toward community ownership of land is seen in a later section which provides that communities, districts and the like, may be given agricultural land if this land is inferior, or if its adequate utilization demands such an outlay as a farmer could in all probability not afford.[2] The Law envisages here, for example, parcels of ground which lie fallow and are adapted to afforestation or the laying out of fruit gardens, and pasture and turf ground which demands cultivation.

There are three sections in which the Socialist point of view would seem to be somewhat more emphasized than the Agrarian. Pastures are to be given to individuals only if giving them to communities is impracticable, or if communities do not apply for them.[3] Forest land, in so far as the State does not keep it, may be given to communities. Fish-ponds may be given to communities, especially if these are already occupied with pisciculture. Forests and ponds may be given to individuals only in exceptional cases to round out their property, and if the land in question, because of its insignificance, is not adapted to com-

[1] *Law of Allotment*, section 8. Individuals mentioned in section 1 as having the right to land.

[2] *Ibid.*, section 12.

[3] *Ibid.*, section 9.

munity utilization, or if it forms an enclave in the property of the applicant.[1]

So far as ponds are concerned, it may be said to be questionable whether communities will manage them efficiently and economically. Certainly those in Pardubice formerly belonging to Baron Drasche, of Wartemberg, 596 hectares in extent, have thus far not thriven under the care of the district to which they have been given. It should be said that the breeding of fish is a very old and important industry in Bohemia, and that it was well managed on many of the great estates.

We come now to the section[2] which aroused the warmest discussion. To whom should the expropriated industrial plants, large and small, be given? It is difficult to say which of the two political parties carried off the greater part of the booty. Apparently anything may be done with these plants. They may be given to associations made up of the individuals whose welfare is a special concern of this law, to associations whose prime object is the carrying on of rural industries, such as joint stock breweries and distilleries, particularly to associations for the promotion of agricultural production, to associations of producers of raw material which is to be used in the enterprise, and to associations of consumers. They may remain a part of the estate-remnants, they may be given to persons cap-

[1] *Law of Allotment*, section 10. In his address to the Assembly the day the Law of Allotment was passed, the President of the Land Office, who was also spokesman for the Agrarian Party, said that the question of what to do with the forests had not been definitely settled, that it was a difficult problem which could be solved only after careful study. See *Stenographic Report of the Debate*.

[2] *Ibid.*, section 13.

able of carrying them on as model enterprises. The Agrarians waged battle for the individual farmers, the Socialists for the rural associations. There was no one to take up the cudgels in real earnest for the workmen engaged in these plants.

This whole matter of the industries is a very difficult one. According to the Law of April 16, 1919, those industries are excluded from expropriation which are economically independent. How shall this be interpreted? Does the fact that the brewery sells beer to the estate necessarily mean that it is dependent upon it, does the fact that the estate uses the waste product of the distillery as fodder for its cattle mean that the distillery is necessary to it? The Land Office seemed inclined at one time to answer these questions in the affirmative. But there is another point of view, according to which the industry is independent if it could exist without the estate and if the estate could exist without it and not suffer thereby.[1]

And when it has been decided that a particular industry shall be taken over, the question arises as to what disposition shall be made of it. The distillery, for instance, is sometimes so vitally connected with the farm unit that it cannot be separated as an entity in itself. Its vaults occasionally run under the barns and even under the living quarters. Moreover, the waste product of the potatoes used to make alcohol is quickly perishable and must be given to the cattle at once. Shall the distillery in this case remain a part of the

[1] For discussion of this question see Gutman, W.: *Die Bodenreform wie sie nicht sein soll*, Prag, 1922, pp. 60–73.

farm, or would it be better given to a joint stock co-operative association?

Land may be given to institutions and organizations for scientific, humanitarian and public welfare purposes. It seems probable that some of the castles will be used to serve these ends. Their maintenance demands a larger outlay than the owners with their present resources can afford. The castle at Pardubice is now used as a museum. Several estate-remnants have been given to the Ministry of Agriculture for experiment stations, and several others to the Chamber of Agriculture in Prague for much the same purpose. One is now used as a sanatorium for children.

It would be interesting to know just how much land there is available for the purposes of distribution. Any estimate that is made can be only approximate. It is not known how much the landowners who fall within the scope of the law possess. They have been required to report their holdings, and the reports which have thus far reached the Land Office total 3,945,784 hectares. When all reports are in, the figures will probably be nearer 4,200,000. From this amount it is necessary to subtract what the landowners may keep under the provision which allows them 150 hectares of arable and 100 hectares of other soil, altogether about 429,500 hectares. It is also necessary to subtract the amount that will be liberated from the law as belonging to industrial units, such as sugar factories, that are recognized as economically independent, and this is to some extent a matter of guess-work. The Land Office estimates that 1,000,000 hectares of arable land, certainly at the

outside not more than 1,200,000 hectares, may be counted upon, and about 2,400,000 hectares of forest land. Much of the latter will remain with the State.

Only a comparatively small amount of land has thus far passed to the people under the Law of Allotment. September 1, 1922, found them in possession of 108,200 hectares, 99,200 of which is held in ownership, and 9,000 in lease. Of the total amount, 14,000 hectares remain in the form of estate-remnants, of which there are 167. They vary in size from 20 to 200 hectares, and average 85 hectares. They have been sold to the number of 43 and leased to the number of 113. Eleven of them belong to individuals who obtained them in exchange for farms in regions where there was a dearth of land, these farms being then divided up among the peasants.

Relatively few of the industries have thus far been taken over. Of the 239 breweries on soil subject to expropriation, most of them, it must be said, comparatively small, 50 have been given to co-operative societies. Of the 409 distilleries at the disposition of the State, 45 have been seized and 17 of these have been given to co-operative societies. Not one of the 59 sugar-factories standing on land that falls under the law has as yet been touched.[1]

There had from the very first been considerable talk about colonies. The question came up as early as February 7, 1919, at an *enquête* instituted by the Minister of Agriculture, where it was agreed

[1] Data furnished by the Land Office, December, 1922. There are all told in Czechoslovakia 585 breweries, 1,090 distilleries, and 173 sugar factories.

that every colonist was entitled to enough land to support his family, and to such credit as he needed in order to obtain equipment.[1] There was a general feeling that large numbers of people would have to be provided with land lying in the comparatively empty regions that the State would soon take over. There were the returning soldiers, first of all, who must be provided with some means of earning a livelihood. There were those who had emigrated to other countries to escape the hard conditions in their own, and who would want to come back now that things had changed. Societies of one kind or another took upon themselves the task of supplying these emigrants with the necessary information and, so far as possible, with substantial help. There were the descendants of those who had left during the persecutions that followed the Battle of the White Mountain, many of them in Sweden, whither they had gone because the great Gustavus Adolphus had fought for Protestantism in the Thirty Years' War, and they knew that they could exercise their faith freely and safely in his realm. Then there were the poor Slovaks of the hills who would welcome a bit of level ground as affording them a less precarious existence.

In the fall of 1921, 9 colonies were planted in Slovakia, and in the spring of 1922, 4 more. Of the 473 families, 62 belong to legionaries, 25 to war invalids, 23 to employees of estates that have been divided, 66 to re-emigrants, and 88 to persons from the district of Orava recently awarded to Poland, and a considerable percentage of whose population is Czech. The rest are for the most

[1] *Venkov*, February 12, 1919, p. 10.

part Slovaks from the uplands. The colonists received an average of about 10 hectares apiece. They paid from 2,500 to 5,000 Czech crowns per hectare.[1] The land given to each family was not necessarily compact. Often it was made up of several separate parcels. In one colony each family had as many as seven parcels lying quite remote from each other. This arrangement arose from the fact that it was thought necessary to give each peasant a portion of every kind of soil in order to satisfy his sense of justice, even though the price attached to the particular quality of soil was acknowledged as commensurate with its value. It must be remembered that in these new communities the aim of every farmer is to grow all he needs. Black loam will serve one purpose, sandy soil another. To raise only one commodity presupposes the market in which he can sell his surplus and buy what he needs. But he is more or less remote from a railroad and has few facilities for transportation. Moreover, he is used to the other way. In the village in which each householder had seven parcels, the peasants explained quite seriously that it could not be otherwise. There were four qualities of soil, there was land which had the advantage of being near the village and land which had the disadvantage of being remote from it. Then there was the tract which had been given them in common for pasturage, and which they afterwards decided to divide. All this will change with time. For the present, in order to avoid speculation, the new owners are

[1] Data furnished by the branch of the Land Office at Trenčianské Teplice, Slovakia, September, 1922.

not allowed to sell their land. Once this restriction is removed, property will change hands and the farms will gradually become consolidated.

About half of these colonists built new houses and barns, the others made use, in one way or another, of those that already stood on the tract of land given to the colony. The necessary wells have been dug and some roads have been laid out. Altogether a good beginning has been made. It is true that many of the colonists have now come to the end of their resources and must have help. Something will be done for them by the Department of Agriculture in the way of giving them equipment and seed for the spring planting.

South-western Slovakia, with its great, thinly peopled stretches, offers a suitable field for colonization. Moreover, the Czechoslovak Government is particularly glad to settle groups of loyal subjects there, in the near vicinity of the Hungarian frontier.

CHAPTER VII

THE QUESTION OF COMPENSATION

It was to be expected that the Law of April 16, 1919, which provided that the great estates should be expropriated, would be immediately followed by another law determining the amount of compensation to be paid. Nearly a year, however, elapsed before this crucial matter was settled. The first sub-committee which was appointed to begin work on the bill never met, because it felt itself hopeless in the face of opinions so widely divergent. Many members of the Assembly had no clear-cut conviction on the subject, but they felt it necessary to take a stand which would win popular applause. A few felt that public opinion abroad must also be taken into account. This last consideration in all probability determined that the compensation should be somewhat higher than it would otherwise have been. The bill was finally passed April 8, 1920.

The first step in taking over an estate is to send due notice to the owner. This is done six months before the transfer is to take place. The owner is required to report in writing within thirty days whether or not he intends to take the area allowed him by law from the estate in question.[1] It will

[1] *The Law Concerning the Taking Over and the Compensation of Expropriated Estates*, April 8, 1920, section 3 (No. 329).

be seen from this provision that the Land Office is expected to designate what part of the entire property it means to take over at the time. As a matter of fact, however, it sometimes sends a notice which covers the whole estate, even though it intends to take only a part of what falls under the law. This is done in the interest of simplifying the work. No detailed legal description need be sent with such a notice, and there is thus less likelihood of a technical error which can be seized upon as an occasion for judicial proceedings. It does, of course, leave the owner in doubt as to just what is going to be done. Notice must also be sent to all persons who are lessees of portions of the estate in question. They, too, must be told six months in advance that the land is to be taken over,[1] and the notice must be so timed as to enable them to bring in their crops.[2] So far as those working only a few hectares are concerned, the notice is simply posted in some public place. No notice need be sent to those whose lease-contract was made subsequent to the Law of April 16th without the consent of the State, nor need one be sent to tenants if the State assumes all obligations toward them,[3] since the mere transfer of title need not affect them in any way.

Owner and tenant alike have the right of appeal within fourteen days, but only on the ground that

[1] *The Law Concerning the Taking Over and the Compensation of Expropriated Estates*, April 8, 1920, section 21. Section 13 provides that the time may be shortened if the land is being badly worked.

[2] *Ibid.*, section 12. If the notice states that the land is to be taken over at the end of harvest-time, this is to be interpreted as September 30.

[3] *Ibid.*, section 14.

the provisions of the law have not been kept.[1] If the court has not rendered a decision with regard to the appeal before the transfer is scheduled to take place, the action of the Land Office is thereby delayed.

It is evident that the matter of taking over an estate cannot be hurried. After the owner has received notice that his estate is to be seized, he must indicate what part he wishes to keep. The Land Office must determine whether or not this part may be kept. If no agreement can be reached, the owner has the right of appeal, and if he is not satisfied with the verdict, he may appeal a second and a third time. Furthermore, in any event, the land may not be taken over while the crop is growing.

The most important part of the law is that which deals with the matter of compensation. It is provided that there shall be none for those estates which belong to the members of the former ruling family, Habsburg Lothringen, except in so far as the Peace Treaties stipulate otherwise.[2] This matter is settled by Article 208 of the Treaty of Saint Germain, according to which Czechoslovakia agrees to remit to the Reparations Commission an indemnity for these domains. It also provided in the law that foundations which rest upon the rights of the nobility may be taken over without payment, if the competent ministry decides to this effect. None such have been expropriated. The practice is to continue these foundations in the public interest. Take, for instance, that of Count Straka. This

[1] *The Law Concerning the Taking Over and the Compensation of Expropriated Estates*, April 8, 1920, section 20.

[2] *Ibid.*, section 35.

was intended to give the sons of poor nobles the opportunity to study. Titles of nobility having been abolished,[1] it now admits students without regard to parentage. If this part of the Law Concerning Compensation is compared with that paragraph of the Law Providing for Expropriation[2] which it is supposed to carry out, it will be seen to read much more gently. It changes the phrase "unrighteously acquired land" to "unrighteously acquired peasant land," a tremendous limitation, and leaves to a special law the matter of taking it over without payment. It may safely be said that such a law will never be passed.

Expropriated estates, then, are to be paid for without exception. Compensation is to be based upon the average price in the open market during the years 1913–1915, inclusive of land exceeding 100 hectares in extent.[3] The price is to be lowered one-tenth of one per cent for every 100 hectares above 1,000, but not more than 30 per cent, no matter how large the estate may be. Beginning with the year 1923, a further reduction of one-twentieth of one per cent is to be made for every year until the estate is taken over.[4]

[1] December 10, 1918.

[2] *Law Providing for Expropriation*, section 9.

[3] *Law Concerning Compensation*, section 35.

[4] *Amendment to Law Concerning Compensation*, July 13, 1922, section 42. The original Law provided that the price should be lowered:—

5	per cent	for	areas	exceeding	1,000 hectares.
10	"	"	"	2,000	"
15	"	"	"	5,000	"
20	"	"	"	10,000	"
30	"	"	"	20,000	"
40	"	"	"	50,000	" .

It was evident from the very first that great care must be taken in determining exactly what the average price was during the years 1913–1915. This task was entrusted to experts whose elaborate tables fix definitely the amount to be paid for different kinds of land. According to these tables the price is determined, on the one hand, by the different zones of production—beets, cereals, potatoes, fodder—and, on the other hand, is based on the kind of land—land without buildings, land with buildings, vineyards, wooded areas. The price arrived at in this way may be increased or lowered according to conditions and circumstances. It is increased, for instance, if the small parcels have been laid together, if the land is near a city or industrial centre, and particularly if it is near a market, if it is drained or irrigated or fertilized. It is lowered, if the estate is cut up into small parcels, is inaccessible, has dilapidated buildings, has not been improved, or is threatened with floods.[1] There are special tables for forests, based upon the different kinds of trees and their age. The compensation for industrial plants, so far as land with buildings is concerned, is based upon the average price during the years 1913–1915; and so far as equipment in the way of machinery and the like is concerned, upon the current price. The law provides that until the price-tables are promulgated, the compensation shall be determined by the opinion of experts as to the price during the years 1913–1915. This has resolved itself into a free arrangement between the Land Office and the owner of the estate in question. The estates which

[1] Government Decree, January 21, 1922.

have been taken over in this way number 38 all told, of which 22 are in Bohemia, 3 in Moravia, 12 in Slovakia and 1 in Carpatho-Russia. The largest of these is 7,853 hectares, and the smallest 77 hectares in extent. They aggregate 73,830 hectares and cost the Land Office 82,337,795 Czech crowns. In some cases the entire price was paid down. In nearly all the others 50 per cent was paid in cash and in many of these the remaining 50 per cent is to be paid the following year. In some few instances it is to be paid out of the instalments remitted by the peasants to whom the estate has been parcelled out. In 6 cases, all of them in Slovakia, the entire price is to be paid thus.[1]

If there are mortgages or claims of one kind or another upon the estate, the State assumes these and the amount of compensation is decreased by just so much.[2] The State may pay the owner in cash or enter the amount due to him in books of indemnity. It is provided that 3 or 4 per cent interest, as the Government may decide, shall be paid upon this sum; but the obligations of the former owner of the estate in the ways of pensions and gifts earned by his employees must first be paid from this interest money, and if this is not enough for the purpose, the sum paid for the equipment taken over may be drawn upon. This equipment, it should be said, is to be paid for in cash and at the current price.[3] What is left in the way of interest shall be paid semi-annually. The State

[1] Data furnished by the Land Office, December, 1922.
[2] *Law Concerning Compensation*, section 59.
[3] *Ibid.*, section 57.

must amortize the principal by at least one-half of one per cent a year. It has the option of paying any part or the whole of the principal, after three months' notice, in cash or in bonds.[1] In determining the compensation, the Austro-Hungarian crown of 1913–1915 is considered the equivalent of the Czech crown.[2] It need hardly be said that the State recognizes that it is to its advantage to pay as rapidly as possible while the Czech crown is still low in value.

The amount of compensation for the expropriated land has been the subject of heated discussion in Czechoslovakia. There were many who did not wish any compensation at all to be paid. They argued that the estates had been taken by force after the Battle of the White Mountain, and should now be returned. And there were those who sincerely believed that the land belongs to him who will work it. The provision for compensation ran counter to the will of all these. The partisans of the law, as opposed to those who regard the compensation as inadequate, reason that there is no ordinary price for these great estates. Entailed as many of them are, they have never been on the market. Moreover, their owners have never wished to sell them and would have found it difficult to find a buyer for so great an area. The only way to get any idea of the market value of these estates is to find out what was paid for them. That price was consistently low.[3] In providing that these

[1] *Law Concerning Compensation*, section 61.

[2] *Ibid.*, section 41.

[3] Ig. Tittel's *Schematismus und Statistik des Grossgrundbesitzes im Königreich Böhmen*, Prag, 1906, gives the purchase price of many estates.

estates shall be paid for at the price of land exceeding 100 hectares in extent, a great advantage was accorded them. Small holdings of this kind, worked more intensely than the larger ones, command a higher price in the market. Moreover, in paying the average price of the years 1913–1915 a distinct concession was made, since this period includes seventeen months of war-time when prices steadily increased. So far as making the Austro-Hungarian crown the equivalent of the depreciated Czech crown is concerned, this is offset by the fact that paying the compensation is spread over a long time, during which the Czech crown will rise and land will fall in value. As for the rate of interest, it represents rather accurately the income from the well-managed estates. Those that were poorly administered brought in much less. That the law does work some hardship to estate owners may be true, but it must be remembered that, if the people were not given the land at a figure which would enable them to buy it, discontent might wax so strong that the landowner would perhaps be despoiled of everything. Such are the arguments of those who uphold the law.

The great proprietors take a different stand. For them the market price of their land is the price at which they could sell portions of it, not the price at which they would be obliged to sell the whole. They believe that the price of 1913–1915 is distinctly lower than that of to-day, and they do not believe that the Czech crown will ever again rise to its pre-war value. The most strenuous efforts on the part of the State have thus far not forced it above one-sixth of that value.

As far as the rate of interest paid on the compensation is concerned, it is so low, they say, that if they are obliged to sell their claims to indemnity, they will not be able to get even approximately their face value. The current rate of interest being ordinarily over 4 per cent, these claims must be sold at a discount.[1]

The law fixing the price to be paid for expropriated estates, and the law dealing with the tax on capital were both passed April 8, 1920, the last day of the session. They are inconsistent. In determining the value of estates they use two different standards. The compensation paid to the owner of the estate when it is expropriated, is to be determined by tables based upon the average price of land during the years 1913–1915 above 100 hectares in extent. The capital tax on the same estate is to be determined by tables[2] based upon the value of land before the war, as measured by smaller and therefore higher priced areas, and an additional 75 per cent of the value arrived at in this way is to be added as representing the increase since 1914. Parliament was perfectly aware of the discrepancy. The temper of the time was such that a higher compensation could not be paid for expropriated estates. On the other hand, the Government's need for funds was such that it was necessary to levy the capital tax on the full value

[1] For discussion of this point see Zedtwitz, A.: "Die Finanziellen Fragen der Bodenreform," *Mitteilungen*, October, 1921, pp. 4–6.

[2] So-called *Brdlík Tables*. Their author used as the basis of his computations the value set by the Mortgage Bank of Bohemia upon land given as security for loans. This value was based upon prices paid for land in the neighbourhood.

of landed property. It was believed, however, that justice could be done by making a distinction between expropriated and non-expropriated land. The supplementary legislation thus required was passed August 12, 1921. It provides that if the estate is taken over within ten years, the Government shall remit to the former owner the difference between the tax based upon the valuation for the purposes of the capital tax law, and the tax based on the compensation paid by the Land Office.[1]

There would be no occasion to say anything more about this matter, if it were not the point of departure for considerable agitation on the part of the landowners. They point out that under the original law the tax on capital may be almost as large as the price set upon the estates by the Land Office. This could conceivably be the case, but, as has already been said, when the Land Office takes over an estate, the Department of Finance must pay back to the former owners the tax on this sum over and above the price paid by the Land Office. In lieu of this sum, the Land Office is obliged to give the Department of Finance 15 per cent of the price paid for the estate. This is less than the amount which the Department of Finance must give back to the former owner. The landowners find their opportunity in this circumstance. They are seeking to persuade the Government to allow them to sell a certain amount of land in the open market, their argument being that in this way the Government will profit through being

[1] *Amendment to the Law Dealing with the Tax on Capital* (No. 334).

able to levy the capital tax on the value set upon the land by the capital tax law. It need not be pointed out that the landowners would also profit and that the land reform would suffer. In any event, such a proceeding as this would have to be sanctioned by the Land Office. It is, however, distinctly envisaged in the Law of Allotment, though it was certainly not meant to operate on so large a scale. The provision, there, is to the effect that 10 per cent of the price of the land thus sold with the consent of the Land Office shall be paid into the Colonization Fund. The price agreed upon by estate-owner and buyer must be sanctioned by the Land Office.[1]

The question of compensation comes up also in the price to be paid by the small farmers for the parcels which they acquire through the Land Office. This price must cover the amount given to the former owner, plus outlay of every kind connected with the transaction. The outlay falls under various heads. The Land Office must pay the State 15 per cent to make good the loss sustained through not being able to collect the capital tax on the full amount at which the Department of Finance has valued the land in question.[2] The Land Office must pay 15 per cent into the Colonization Fund.[3] This was originally intended to aid those poor peasants who were brought down from the hills or

[1] *Law of Allotment*, section 61. This same section provides that the consent of the Land Office must be obtained before leasing agricultural and industrial units, and that one-fourth of one per cent of the cash rental must be given to it.

[2] *Amendment to the Law Concerning Compensation*, August 12, 1921, section 5 (No. 323).

[3] *Ibid.*, July 13,1922, section 77 (No. 220).

who came back from abroad, and whom it was planned to place in groups on rather large empty areas. It is now being drawn upon to help the former employees on the great estates who have lost their positions in consequence of the partition of these estates. The cost of administering the Land Office is estimated at 20 per cent. This covers many items. The largest of these is, of course, overhead expenses and salaries of officials, now about 28,000,000 Czech crowns per year.[1] Then there is the matter of intercalar interest. The Land Office advances large sums, and must often wait a long time for a return. For instance, it pays interest on the purchase price of land, but does not sell this land for months or years. This is notably the case with the estate-remnants. It is often asserted that the peasant pays two or even three times as much for his parcel as the original owner received from the Land Office. This could happen without in any way violating the above arrangement. Let us assume that the original owner was paid 2,000 crowns per hectare for a tract of land. If the Land Office sells the peasants the poorer portion of this tract at 2,000 crowns per hectare, it will be obliged to charge such a price for what remains as will enable it to balance its books. The price paid by the peasant for his parcel, then, is not necessarily the price paid by the Land Office to the former owner plus the various additions indicated above. The Land Office calculates in the large. In selling an estate which it has taken over, it plans to charge the peasants as a whole the price which it has paid for the estate

[1] Statement made by the Land Office.

plus 50 per cent, but some peasants pay less, some more, according to the kind and quality of the land given them. Land on which beetroot can be grown to advantage is priced highest, then that suitable for cereals, for cereals and potatoes, and, lowest of all, that for cattle-fodder. The following table will give some indication as to prices.

Kind of Soil.	Price (in crowns) paid to the Owner of the Estate.	Price (in crowns) paid by the Peasants.
Beet	900–4,800	1,300–8,000
Cereals	800–3,000	1,150–5,000
Potatoes and cereals	850–2,500	900–4,000
Fodder	500–2,100	700–3,500

In exceptional cases the peasants have paid 9,000 and even 10,000 crowns per hectare.[1] In Slovakia, where the peasants are very poor, the land has been sold to them by the Land Office for about one-third less than in Bohemia.

It should be said that the peasant who buys land needs to pay down only one-tenth of the price. The Land Office will give him credit for the remaining nine-tenths and for one-half the cost of buildings which are purchased or newly erected.[2] This credit is long-time and not liable to recall,

[1] Data furnished by the Land Office, December, 1922. The price quoted in the table does not cover the cost of surveying. This is paid by the peasant and averages about 150 crowns per hectare.

[2] *Law Concerning Credit-help for Applicants for Land*, March 11, 1920, section 2 (No. 166).

and the rate of interest may not be increased. The debtor may pay all he owes or any part of it by giving notice that need not exceed six months. He may not alienate the land while it is still encumbered,[1] and he may not alienate it under any circumstances within ten years from the time he received it.[2] Legionaries, war invalids and their dependents are entitled to greater credit-help.[3] The Land Office in the name of the State may guarantee this credit to the amount of 200,000,000 Czech crowns.[4]

The question of compensation touches also the employees, great and small, on the estates. The Law provides that the Land Office shall make a register of all who were on the expropriated land before August 1, 1914, furthermore a register of those who have a right to maintenance claims in the form of pensions or gifts on the ground of service. This record shall state the total length of service on estates in Czechoslovakia, the circumstances of the service, and the claims to maintenance.[5] Proven claims on a particular estate that has been taken over by the Government shall be deducted from the interest on the compensation price [6] paid to the owner, or from the price paid him for equipment.[7] Other claims of this kind, in so far as they have not been provided for elsewhere, shall be paid out of a special fund. The State will advance the sum of 5,000,000 crowns for this pur-

[1] *Law Concerning Credit-help for Applicants for Land*, March 11, 1920, section 6.
[2] *Ibid.*, section 8. [3] *Ibid.*, section 3. [4] *Ibid.*, section 15.
[5] *Law Concerning Compensation*, section 72.
[6] *Ibid.*, section 50. [7] *Ibid.*, section 74.

pose. All owners of expropriated estates that have not yet been taken over, are bound to contribute to this fund with a yearly payment of three crowns for every hectare of land. This is to be paid in advance.[1]

Permanent employees, in so far as they have lost their positions solely as a result of the expropriation of the estates in the interest of land reform, are to be indemnified. The Land Office engages to provide each one with land, with a suitable position, with a pension, or with a money compensation. With this end in view, it has laid upon the estate-owner whose land has not yet been taken over, the obligation to fill every post that falls vacant, or is newly created, with one of its nominees. And in distributing land it may attach the condition that, in so far as the new owner needs steady outside help, he shall engage some one whom it recommends.[2] The task which it has assumed is likely to tax the wisdom and the resources of the Land Office to the utmost. The skilled and unskilled workers upon the great estates number approximately 350,000. It will be a difficult matter to find a suitable position for the technically trained agriculturist who has been director on a large estate, and much of his special training will go to waste if he becomes an independent farmer. Neither the great landowners nor the small farmers will relish having their freedom

[1] *Law Concerning Compensation*, section 73. The owners are justified in placing this amount upon their tenants during the term of their lease.

[2] *Amendment to the Law of Compensation*, July 13, 1922, section 75. The original law, section 75, permitted, but did not oblige the Land Office to provide for these employees.

curtailed in the matter of choosing their own employees. The pension to which reference is made is not large enough to support a family. There remains the alternative of a money compensation. This matter is regulated by two Government decrees. Employees who have lost their positions are divided into three groups according to the grade of work. In each group are seven ranks determined by length of service.[1] Those in the highest group receive from 3,000 to 10,000 crowns the first year, and one-fifth as much each succeeding year, with an addition of 20 per cent if the man is married and 5 per cent for each child under fourteen years of age. The other groups receive distinctly less.[2] It should be said that the choice of provision to be made for the employee rests with the Land Office, and that the money compensation is a last resort. It is to be taken from the Colonization Fund.

It has taken a long time to decide through what agency the financial transactions connected with the Law Concerning Compensation shall be carried on. Some thought that a new bank should be created for this purpose. At one time it seemed likely that authority would be given to the three mortgage banks of Bohemia, Moravia and Silesia, but the Land Office invited savings banks to apply, because it felt that there were advantages for the people in allowing these banks to share in the

[1] *Government Decree Containing Tables Supplementary to the Decree Concerning the Provision for Employees on Great Landed Property.* November 3, 1922 (No. 318).

[2] *Government Decree Concerning the Provision for Employees on Great Landed Property*, section 18. October 21, 1922 (No. 305).

work. Savings banks are to be found in all towns as communal enterprises. The people can transact business with them orally, and personal contacts count for a great deal. The mortgage banks and the savings banks felt themselves rivals, and their conflicting interests were so great and, moreover, the charge for their services so large, that the matter of handling accounts was finally put into the hands of the Post Cheque Bank.[1] There are obvious advantages for the small purchaser of land from the Government in this arrangement. He can pay his annual instalment and interest money to any post office, and the record is sent postage free to the Post Cheque Bank which credits the Land Office with the amount in question. The Land Office knows from the daily reports sent to it by the Post Cheque Bank exactly how much money it has to its credit, and it can draw upon this credit in paying its obligations to great landowners. The law provides that the small buyer of land who has received Government credit shall pay to the Post Cheque Bank, as compensation for its services, a certain percentage on what it owes. This percentage has been fixed by recent regulations at six-tenths of one per cent.

It is obvious that in performing the tasks assigned by the land laws, the Land Office must often advance large sums. The State has, therefore, placed at its disposition 150,000,000 crowns to be paid back in 10 years. This money constitutes a particular fund in the Land Office. It serves to

[1] *Government Decree Whereby the Competency of the Post Cheque Bank is Enlarged by Adding the Service of the Indemnity Bank*, December 17, 1922 (No. 361).

pay mortgages and other obligations on the estates taken over, in so far as these must be paid in cash, and to cover all investments that are necessary to put these estates in shape for distribution.[1]

[1] *Amendment to Law Concerning Compensation*, July 13, 1922, section 79. This sum is to be paid in instalments of 50,000,000 crowns and must all have been paid by the end of 1924.

CHAPTER VIII

COMMASSATION

THE Law of Allotment contains a modest little paragraph which is seldom mentioned in connection with land reform in Czechoslovakia, but which has nevertheless a direct bearing upon it. The strips belonging to one owner, we are told, are to be laid together wherever possible, a process known as commassation. The Land Office may make its distribution of parcels dependent upon the willingness of the applicants to submit the strips which they already own to the surveying and exchange processes necessary for making compact farms. If this is not done when the parcels are distributed, the applicants must promise to place no hindrance in the way of a future commassation.[1]

One has only to travel through the country when the harvest is ripe to see that much of the land is divided into long ribbons, some only several feet wide and often nearly half a mile long. Each crop has its own colour which stands out distinctly from that of every other crop. The wheat is a rich gold, the oats a grey green. Many a peasant has ten, twenty, thirty, even fifty strips, often lying remote from each other. There are peasants who have as many as a hundred. This condition has existed for centuries and has grown steadily

[1] *Law of Allotment*, section 21.

worse. It takes its origin in the custom of dividing the land among the various members of the family. In order that all might be treated alike, each was given a strip of every quality of arable soil. Location, too, was taken into account. Nearness to the village was an advantage, distance from the village a disadvantage. A southern slope was a good that must be shared. As the land passed from father to children, the number of strips had necessarily to be increased, and this could only be brought to pass by dividing them. Thus they became ever narrower.[1] This same state of affairs existed in all parts of the Austro-Hungarian Empire and, indeed, in other European countries, notably in Russia.

The drawbacks of having land cut up in this way are obvious. Much soil is lost to production through the necessity of separating these strips from each other. This is usually done by ploughing a furrow which may chance to be one-third as wide as the strip itself. In doing this, clods of earth are thrown toward the centre of the strip, and the productivity of the soil for forty centimetres on each side is decreased by about one-half. Moreover, these furrows are the breeding places of plant and animal life injurious to crops. The fact that the parcels belonging to one owner lie far apart

[1] The figures for Moravia are as follows:—

5.070,169	strips	in	1880.
5.273.994	„	„	1890.
5.362,284	„	„	1900.
5.470,854	„	„	1910.

Traitner, František: *Stav Agrarních operací v zemích republiky č skolovenské.* Praha, 1920. (*State of Agrarian Operations in the Lands of the Czechoslovak Republic.*)

means a vast expenditure of strength in going from one to the other. A few hours' labour on one strip of soil, and then the horse must be harnessed to the wagon and driven a mile to another strip. Night may come on before the work on this second strip is finished, and it is a question of sleeping under the stars or going back to the village only to return the next morning. Furthermore, the owner of such strips is under the disadvantage of being unable to irrigate or drain them without his neighbour's consent. Often he is dependent upon the goodwill of this same neighbour for access to his own land. And the very circumstances that make it so important to preserve friendly relations offer endless opportunities for misunderstandings and litigation. A furrow is so uncertain a boundary line that it is easily shifted, and the narrowness of the strips makes theft an easy matter.

These hampering conditions were everywhere apparent, but Moravia was the only country in Austria where voluntary commassation took place. Two communities carried it out in 1857, and a few others followed their example later. The advantages were so obvious that the diet of Moravia framed a commassation law in 1868, but because of formal defects this did not receive the necessary sanction from the Austrian Government. In 1883, however, Parliament passed a law which gave the local diets authority to enact legislation for commassation. Moravia was the only one of the countries now composing Czechoslovakia which availed itself of this privilege. There were many financial and technical difficulties to be surmounted, but the work was finally begun in 1890. Jurists were appointed to make all the necessary legal arrange-

ments, engineers were named for such work as surveying, and landowners were chosen to fix the value of the parcels that were being exchanged.[1] The scope of the work was wide. It aimed not only at uniting the parcels of each peasant into as compact a whole as possible, but also at dividing ground held in common, getting rid of enclaves of wooded lands belonging to strangers, and rounding out the boundaries of wooded areas. This was the more easily accomplished when several contiguous villages submitted to commassation at the same time, since this facilitated exchanges of land between the villages.

Commassation is not compulsory, but takes place upon the request of one-half of the peasants in a village, or one-third of the peasants if they own one-half of the land. It can be ordered by law, if it is necessary to carry out drainage or irrigation projects. The approval of one-half of the owners is necessary for laying together strips of forest. Commassation must provide for the necessary roads, bridges, water supply. The work ordinarily lasts two years. The plans are placed where they may be seen by the peasants, and objections are laid before experts and answered by those in charge of the work. In case of dissatisfaction, an appeal is permitted. The new parcels given to the peasant in exchange for his old ones must have the same extent and quality, and must be suited to the same kind of cultivation. Deviations are allowed, not exceeding one-fifth of the whole area. The

[1] *Wirtschaftliche Erfolge der Zusammenlegungen in Mähren im Auftrage des k.k. Ackerbauministeriums*, herausgegeben von der k.k. Landeskommission für agrarische Operationen in Mähren, Brünn, 1913, pp. 5–7.

value of the old and of the new must be about the same, a difference of one-fortieth of the value being allowed, in exceptional cases one-twentieth. The larger parcels must be given back to the owner, and his whole farm as reconstituted must consist of as few pieces as may be, and must be, accessible from a road. Small farms must be as near as possible to their barns and other buildings. The average distance of the farm from the village may not be greater under the new arrangement than it was under the old. As a rule, after commassation has taken place, a farm consists of from 3 to 6 parcels. The cost of the work is now between 300 and 600 crowns per hectare, and is borne partly by the Government and partly by the peasants themselves.

From 1890 until the opening of the War, land belonging to 56 villages had been surveyed and each owner given the equivalent of his many strips in several compact parcels. Seventeen villages were in process of being surveyed when the War began. The task was then interrupted, and was not resumed until 1920. All the old laws are still in force, and the work is being carried on in accordance with them. In Moravia 137 communities all told have profited by commassation. The owners number 16,967, and the land which has been surveyed and redistributed amounts to 74,029 hectares. In Silesia commassation has taken place in 6 communities, involving 314 peasants and 2,579 hectares. In 25 communities in Moravia property owned in common has been divided among 1,737 persons, the total amount of such properties being 1,557 hectares. In Silesia 269 communities have divided their common property among 2,896 persons, the entire

area being 11,836 hectares.[1] Before the War the work was carried on chiefly in the mountainous districts of western Moravia; since then, it has been proceeding in central Moravia, so-called Haná. At first the people there would have nothing to do with it. They hold off for a long time from a new idea, but once they accept it they give themselves up to it wholly. The work in their midst is now proceeding most satisfactorily.

The good results of commassation are striking. Where it has taken place, the amount of arable land has been increased by about 25 per cent simply through removing the need of furrows to separate the strips. Quarrels about boundary lines have been eliminated. Improvements in the way of drainage have been made possible. Machinery can now be used on the larger areas. The peasant is saved the time and labour involved in going from one strip to another.

Thus far, except in the one instance of Osek Přerov, in Moravia, commassation has not been carried on at the same time with the partition of the estate. This is regrettable, but easily understood. It takes a long time to survey and arrange for the exchange of many small parcels of land. The peasant who is permitted to buy a portion of an expropriated estate, wants it at once. Moreover, the fact that commassation is proceeding under the old laws involves an adjustment. It should be said that the Department of Agriculture means to frame a comprehensive measure dealing with the matter as soon as time and opportunity permit.

[1] Data furnished by that Department of the Ministry of Agriculture which has charge of Commassation, October, 1922. The figures for Moravia do not include the partial commassation which took place in ten communities, involving 237 owners and 249 hectares.

CHAPTER IX

THE OPPOSITION

In general it may be said that there is no opposition to land reform, as such, in Czechoslovakia. That some change in land-holding was necessary is conceded by all. Even the old Austrian Government had recognized the necessity of bettering conditions. From 1896 to the beginning of the World War, the Department of Agriculture had busied itself with the elaboration of one project after another, but had not dared to take any definite action because it feared that the various races within the Empire would become rivals for favours and that their mutual hostility would provoke widespread unrest, if not revolution. As the War drew to its close, it became clearly evident that the uneven distribution of the soil had grown to be a menace to society, and that a readjustment according to modern ideas was imperatively necessary. It is the nature of the readjustment that has roused opposition.

The estate-owners are, with few exceptions, German, Magyar, Czech and Slovak. The first two classes belong to the minorities, and the second two to the ruling race, but this fact does not separate them into distinct groups. Many of the

landlords of Czech nationality found their centre of interest in Vienna in past times, and many of those of Slovak blood were oriented toward Budapest. It is true that in Bohemia the Germans are banded together in one union and the Czechs in another, but that is due to causes other than the differences of opinion with regard to the land laws. The Czech union was formed first, because in the beginning the German landowners dared not assert themselves in the new State, and at that time some of the Czech landowners undoubtedly felt that it would work prejudice to their cause openly to make alliance with them. Later the German landlords thought it best to form a separate organization in the interests of maintaining German solidarity. The two unions work together cordially and issue a joint monthly organ in the German tongue. The Czech Union issues in addition a monthly publication in its own language. Czechs and Germans are united in one organization in Moravia; Slovaks, Magyars and Germans in Slovakia. The general run of holdings in Silesia is much smaller, but there is also a union of landowners there who stand in the ranks of the opposition. The total number of members in these five organizations is 924, and the total amount of land owned by them is 2,335,298 hectares.[1] So far as the number of members is concerned it should be said that some estate-owners in Bohemia belong to both organizations. They have registered certain of their holdings in the Czech Union and certain others in the German Union. It should also be said that a con-

[1] Data furnished by the Union of German Great Landowners in Bohemia, December, 1922.

siderable number of members in the Czech Union habitually speak German in their homes and are German in their sympathies.

These five organizations take the stand that the land reform as it is being carried out, violates the right of private property. They acknowledge that the Constitution allows the State to expropriate land and makes no stipulation with regard to the amount of compensation, but they believe expropriation without due compensation to be wrong, even though possible under the Constitution. And they point out that the Law Providing for Expropriation expressly states that the amount of compensation shall be determined by law, whereas the tables upon which the compensation is based were issued by a Government decree. This last is certainly a grave irregularity which cannot be explained away. The Germans go much further in their indictment. They say that the Constitution passed by a Revolutionary Assembly in which the delegates were not elected by the people, and in which the minorities were not represented, has no foundation in right; and that it means nothing that Article 109 of this Constitution expressly permits expropriation, since this Article was purposely framed to cover the laws which had previously been passed.

That the landowners believe the compensation to be inadequate, goes without saying. This subject will not be enlarged upon here, since it has already been dealt with in a previous chapter.[1] It is quite true that the State is taking over the land at less than its present value. This may be justifiable, all the circumstances considered. Those who think it

[1] See Chapter VII.

necessary to find an excuse, say that land is sure to fall in value in the near future, and that the State cannot afford to pay more, since it must sell the land to the small farmer at a modest price, and since this price must cover the amount paid to the estate-owner plus the cost of administering the Land Office. This argument falls to the ground so far as those portions of the forest are concerned which the State intends to keep. It is true, however, that the price paid for the forests is relatively somewhat higher than that paid for arable land.

The landowners count it a grievance that they are not allowed to participate in the land reform, and that they are not represented on the Board of Control and in the Land Office. They feel that their intimate knowledge of the estates, as well as the mere fact that it is their property which is being taken over, entitles them to a place at the council board. While they have sometimes been represented in *enquêtes* of one kind and another, it is their experience, they say, that the discussion was a mere formality. It may be questioned whether the exclusion of the landowners from participation in the land reform was premeditated on the part of the Government. It is true that there were many in authority who agreed with the witticism of an official to the effect that when you want to drain the swamp you do not consult the frogs; but it was the march of events, rather than purposeful intent in the beginning, that determined the issue.

As early as the summer of 1919, individual landowners made known to various members of the new

Government that they were ready to co-operate in providing the people with land. That their offers were rebuffed or passed over in silence, was due to various causes. No political party in power was willing to endanger its influence with the people by parleys with the landowners on the subject of land reform. The landowners themselves were at a loss exactly what to do and lacked the authority which comes from conviction. They wished to make only such concessions as were necessary to save what they could of their estates. When the Union of Czech Great Landowners was asked by President Masaryk to nominate someone on whom they relied as a candidate for the presidency of the Land Office, they declined to do so. In this they acted upon the advice of the then Minister of Agriculture, Mr. Prášek, who assured them that the candidate whom the Agrarian party had in mind for the position, and to whom it would surely be given, was a friend of landowners and would be mindful of their interests.[1] This non-co-operation of the Union with President Masaryk was a tactical mistake. It is almost certain that the political parties would not have permitted the appointment of a candidate brought forward by the landowners, but the mere fact that the landowners had named someone would have furnished definite evidence of their willingness to help execute the land reform.

On November 7, 1919, the Czech Union sent a communication to the Land Office which contained the following paragraph: "The Union declares its willingness . . . voluntarily to give up land either

[1] Information obtained from Union of Czechoslovak Landowners.

in ownership or long-lease for the purposes of land reform and to bring about an offer on the part of its members, in return for which it expects that these members will receive a guarantee enabling them quietly to administer the rest of their property. In order to make possible immediate steps in this direction, so that the reform may be carried on without disturbing agriculture, the Union requests to be informed, if may be in joint council [with the Land Office], how much land is needed in the different districts, and it begs that the representatives of the Union may take part in the discussion concerning the principles according to which land shall be allotted, the compensation, etc."[1] The result of this communication was a joint meeting which took place November 19, 1919. In the course of the discussion, the representatives of the Land Office said that land-hunger existed everywhere, but that it was not advisable to give the peasants land in ownership until laws had been passed concerning the partition of the estates and the compensation to be paid to the owners, and that direct selling of land on their part would work prejudice to the future laws. The representatives of the Czech Union were requested to draw up a plan which would make clear what land they proposed to give, and they were assured that they would be invited to confer with the Land Office concerning the preparation of laws for carrying through the reform.[2] Both these documents throw

[1] "Bericht über die Verhandlungen der Vertreter des Verbandes der Čsl. Grossgrundbesitzer in Prag mit dem Bodenamte in Prag am 11. November 1919," *Mitteilungen*, No. 1.

[2] *Ibid.*

some light on the situation. The proposal of the Czech Union was so guarded as to leave only a narrow basis for negotiation. The Land Office was willing to confer with the landowners, but it had no information to give them. It is not surprising, all things considered, that no definite offer of land from the Czech Union was forthcoming at this time. The attitude of the German Union may have had something to do with this, since it expressed itself as unwilling to sacrifice any of its land until assured that it would be given only to properly qualified and capable persons,[1] a condition which would have operated to postpone the reform and to limit its scope.

On January 5, 1920, eight organizations, among them the Union of German and that of Czech Landowners in Bohemia, and the Union of Landowners in Moravia, sent a memorial to the Land Office in which they outlined the evils which would result from a hasty execution of the land reform. They asked that drafts of the Law of Allotment and of the Law Concerning Compensation be laid before a committee including representatives of landowners and experts in agriculture.[2] This communication brought with it no result so far as the Law of Allotment was concerned. This was passed by Parliament twenty-five days later without having been submitted to such a committee. There were those who thought that there was no reason why the landowners should see this law, since it con-

[1] *Denkschrift des Verbandes der deutschen Grossgrundbesitzer Böhmens*, December 1, 1919.

[2] "Denkschrift der Landwirte in der Angelegenheit der Durchführung der Bodenreform," *Mitteilungen*, No. 1.

cerned them no more than it concerned any other group of society.

A committee of inquiry including representatives of the Czech Union of Bohemia and the Union of Moravia, was called to consider the question of compensation, February 6, 1920.[1] The discussion was limited to three questions:

1. According to what principles shall the compensation be determined?
2. In what way shall the compensation be paid?
3. What interests are to be considered and in how far?

The representatives of the landowners asked that another meeting be called to consider the draft of the law, but none such took place. The truth of the matter appears to be that the Revolutionary Assembly wanted nothing to do with the great landowners. It knew that its aims were opposed to the interests of the landowners, and felt that discussion was useless under the circumstances. So far as giving them representation in the Land Office and on the Board of Control is concerned, that could have been done only with the consent of the political parties in power, and they would never have agreed.

The distinctly critical attitude of the landowners has not helped matters. They have made it abundantly evident all along that they do not approve of the character of the land reform. They neglect its social significance and lay all their stress upon economic considerations, repeating without end that

[1] "Verwahrung des Svaz Československých Velkostatkářů gegen den Entschädigungsgesetzentwurf," *Mitteilungen*, No. 2.

these have not been taken into account. The matter of the state-remnants will suffice to furnish an illustration. It has already been explained that the State is not bound to distribute in small parcels all the land it takes over. It may preserve units of a very considerable size, if that is necessary in order that their buildings and equipment may not go to waste. As to the desirability of such units there is no disagreement. It is conceded by all that farms of middle size play an important part in the agricultural life of a country. But the estate-owners declare unitedly that no expropriation was necessary to bring such farms into existence, that they were eager to alienate units of this kind either by gift to the various members of their family or by sale, and that their knowledge of conditions would have enabled them to select the best. As things are now, they assert, many of the units which have been preserved are of indifferent value, a criticism which contains some truth.

There is another aspect of this matter of estate-remnants to which the great landowners take exception. If, in accordance with the general practice of the Land Office in the distribution of expropriated estates, these farms are sold at the price paid to the landowners plus 50 per cent, the purchaser will acquire them at much less than their market value. This means that the land reform is subsidizing individuals who, to say the least, are not poor. The German landowners have an additional grievance connected with the estate-remnants. They object to the fact that not one of the 167 thus far created has passed into German hands. In answer to this

it may be said that these estate-remnants, albeit most of them did belong to German landowners, lie in regions whose population is predominantly or exclusively Czech.

The apparent intention to expropriate industries on the great estates has also aroused much opposition. The matter was brought to the fore when the Land Office instituted an *enquête* January 27, 1921, to consider the question of breweries in connection with the land reform. There were 55 such plants on those estates in Bohemia which were about to be taken over and broken up. In the course of the discussion, the Land Office made it clear that it thought these breweries could either remain a part of the estate-remnants, or could be given to co-operative societies made up of interested persons such as employees, farmers who furnish the barley, innkeepers; but it assured those who took part in the *enquête* that, before it came to any decision, it would consult the persons concerned in every case.[1] The particular question of breweries did not loom large, since most of them represent little capital; but the landowners were quick to see that if these plants could be taken over with the land, the same would hold true of every other industry. In imagination they already saw themselves deprived of their great sugar factories, and for a time it seemed as though their alarm was not without cause.

The stand which the landowners take in this matter is very simple. They say that the object of the land reform is to divide land suitable for agricultural purposes among the people, that

[1] *Mitteilungen*, January, 1922, pp. 27–28.

factories are wholly outside its scope. If it is assumed that everything on the expropriated land may be taken over with it, then an arbitrary line is drawn between those factory owners that chance to have more land than the maximum allowed by law and those that chance to have less. That the former should lose their factories while the latter keep theirs, is without rhyme or reason. The reply of the Land Office is equally simple. It cites section 3 of the Law Providing for Expropriation [1] as distinctly intimating that industries may be taken over, and asserts that it is inconceivable that opportunity should not be given to the people to participate in the profits of such undertakings. It may be seen at a glance that both the landowners and the Land Office are to a certain degree right, and that neither meets the arguments of the other. It may be doubted whether land reform was meant to be so limited in its scope as the landowners say. The expropriation of certain factories is surely implied in the provision that those plants which are juridically and agriculturally independent are not to be expropriated.[2] On the other hand, the cited phrase is open to many interpretations.[3] Since this point has already been discussed elsewhere,[4] there is no occasion to treat it here. It need only be said that the difficulties inherent in the situation were brought home to the Land

[1] Juridically and agriculturally independent properties which do not serve the cultivation of the land taken by the State, are exempt from expropriation.

[2] *Law Providing for Expropriation*, section 3.

[3] See article by Dr. Miloslav Stieber: "Die Bodenreform und die Zuckerfabriken," *Mitteilungen*, May, 1922, pp. 119–125.

[4] See pp. 31, 85–87.

Office when it served notice of expropriation upon a certain entire estate including a sugar-factory.[1] The owner fought the matter in the courts and won his case.

It should be said in this connection that the owners of great estates have found in the owners of sugar-factories an able ally in their opposition to the land reform. The latter were at first merely concerned lest they be deprived of their raw material through the partition of large areas given over to the growing of sugar-beets. They thought at that time, as they say, that land reform was what the term implied, and not industrial reform. When, however, it became apparent that industries were also to be taken over, the Central Union of the Czechoslovak Sugar Industry sounded a second protest. This memorial emphasizes that interpretation of the law, which liberates from expropriation such plants as are able to exist even when severed from the estates of which they are now a part, and it recommends that the present price be paid for whatever is expropriated.[2] There is good reason to believe that the sugar-factory owners have not contented themselves with arguments, but have also spent large sums in combating the land reform. That they have not fought in vain is evident from

[1] Estate Tobitschau belonging to Dr. W. Gutman. The owner took the stand that the Land Office must first decide what industries on the estate are subject to expropriation under the Law, and how many hectares are to be left to the owner, before it can serve legal notice to the effect that the estate is to be expropriated.

[2] *Denkschrift des Zentralvereins der Tschechoslovakischen Zuckerindustrie über die Novelle zum Ersatzleistungsgesetze vom 8 April*, 1920, p. 292.

the fact that no sugar-factories have been taken over, and that the Land Office has recommended that a law be passed providing that an industry which can continue to exist when severed from the estate of which it is a part, shall not be expropriated.

It is, however, the taking over of the forests that has occasioned the loudest outcry. This appears to have been unexpected. It is true that 265,000 hectares were listed in the first working programme of the Land Office; but this was only a fraction of the whole, and it was known that at least three years would be required to carry out the programme. That the Land Office was in some doubt as to how it would best proceed with the forests, is evident from the fact that it called a meeting of those most interested to discuss the matter January 15, 1921. Representatives of the great landowners were there and were perfectly satisfied with the trend and outcome of the discussion. They reported that it was the almost unanimous opinion of those present that, since privately-owned forests were better cared for than State forests, it was best to leave the forests in private hands.[1]

There the matter seems to have rested for some months. In June, 1921, the President of the Land Office published an article in the *Pozemková Reforma*, which indicates that he at least was not altogether sure just what should be done. "I shall therefore not declare myself for a sudden transference of forest property to the State nor for the transference of all forest property to the State. Experience and the development of the matter must show in

[1] *Mitteilungen*, February, 1921, p. 18.

what measure and in what time-order the State can successfully take over the forests."[1] The article is not clear-cut. It is quite possible to draw from it a hope that the Land Office will carry out its programme somewhat haltingly, stopping every now and then to take note of how well or ill the work is proceeding. It would seem that the opposition cherished this hope. The months passed and nothing was done in the way of expropriating the forests, except as they were part of several estates which were partitioned. Then, in July, 1922, came the announcement that the State meant to nationalize approximately 300,000 hectares. This change of front was brought about by the Department of Agriculture. It has charge of the State forests, and it had long been in conference with the Land Office concerning the question of taking over the private forests. The financial considerations involved in paying for them made it necessary to lay the matter before the Cabinet, and that body rendered the final decision. Without full knowledge of the discussion which took place at the decisive meeting, it is impossible to know what considerations moved the Cabinet. Doubtless each member viewed the matter in his own way. The reasons for the expropriation of the forests which have thus far been given to the world, are to be found in an article by the President of the Land Office. The substance of it may be put into a few words. Czechoslovakia is very rich in wooded land, but the State owns only 15 per cent of it, while the great proprietors own approximately 50 per cent. It is desirable that the State should increase its

[1] Pages 70–72.

possession in order that it may work it more economically, may exercise an influence upon the price of wood, and may protect the sources of water supply.[1] The programme at first covered 298,500 hectares, of which 202,000 are in Bohemia, Moravia and Silesia, 5,400 in Slovakia and 42,500 in Carpatho-Russia. Subsequently the Department of Agriculture decided to omit from this programme for the present the forests listed in Slovakia and Carpatho-Russia.[2]

The Landowners assert that taking over the forests is contrary to the spirit of the land reform, and they cite section 10 of the Law Providing for Expropriation as proof: "In so far as the State does not keep the land taken over for purposes of common utility, the Land Office shall parcel it out to small farmers, etc." State forests serve no purposes of common utility, since, as a rule, they are less well and less economically managed than those that are privately owned. Forest land cannot be divided among individuals and communities, because it must be worked in great complexes. Furthermore, such owners cannot be trusted to preserve the trees, since they may at any time be impelled to cut them down by a critical need of money. To divide forest land into small pieces entails much labour in making these pieces accessible, it means difficulty in enforcing laws, and increased danger of spreading disease.[3] Such are the arguments of the landowners in general.

[1] Viškovský, Karel: "Pozemková reforma a lesy," *Pozemková Reforma*, July–August, 1922, pp. 95–98.

[2] Data furnished by the Land Office, February 9, 1923.

[3] For an elaboration of this point of view see "Die Behandlung des Waldbesitzes im Rahmen der Bodenbesitzreform," *Mitteilungen*, January, 1922, pp. 2–7.

The Germans assert that the policy of expropriating the forests is directed against them, and they have lodged a complaint to this effect with the League of Nations.[1] They point out that a very large percentage of the wooded land taken over in January, 1923, belonged to them, and that most of it lies in districts that are largely Teutonic in character. It seems to them significant that the State should seize well administered forests in Bohemia, when there are so many badly administered ones, particularly in Slovakia, ready to its hand. It must be confessed that this contention of the Germans receives considerable support from Czech sources. It is frequently asserted, and very commonly believed by the Czechs themselves, that the border forests are being expropriated for strategic reasons. Even members of the Cabinet acknowledge that this was one of the considerations which brought about its decision. This is denied in the official reply of the Czechoslovak Government to the German complaint to the League of Nations,[2] but it is not refuted.

In the beginning the German estate-owners ranged themselves against the land reform, because they felt that it violated the right of private property. They still insist upon this point, but they now

[1] *Beschwerde der deutschen Grossgrundbesitzer der Tschechoslowakischen Republik, die die Ankündigung der Konfiskation ihres Eigentumes für den 1. Jänner 1923 erhalten haben, gerichtet an den Völkerbund.*

[2] *Réponse à la requête adressée à la Société des Nations en septembre 1922, par les grands propriétaires allemands de la République tchécoslovaque.* The Foreign Office of Czechoslovakia most courteously furnished me with a typewritten copy, February 8, 1923.

place beside it another to the effect that the land reform is being carried out in a way that violates the rights of the German minority. This has rallied to their cause various elements of the German population. The ground is taken that the Treaty of St. Germain between the Allies and Czechoslovakia is being violated. Article 7 [1] of this treaty provides that all citizens of Czechoslovakia, without distinction as to race, language and religion, shall be equal before the law and shall enjoy the same civil and political rights. Article 8 [2] provides that citizens belonging to the minorities shall be accorded the same treatment and protection as the other citizens. The Germans assert, rightly or wrongly, that the land laws of Czechoslovakia are especially directed against their private property, and that German citizens are not allowed to benefit by this reform to the extent that is their just due.

It is true that an examination of the first programme of the Land Office does reveal that most of the estates there enumerated are German, but this fact does not in itself prove intentional discrimination against the Germans. Land must be expropriated in those regions where the need for it is greatest, or where colonies can be planted. We have then to ask how the choice of properties was made. The guiding principles are stated in the programme. Those estates are first to be expropriated which exceed 500,000 hectares in Bohemia, Moravia, and Silesia or one-half of that amount in Slovakia and Carpatho-Russia, and those which without respect to size are badly administered or permanently leased in small pieces, or belong to

[1] Section 1. [2] Section 1.

absentee owners or serve to cover war gains. In case of need, or if the interest of the State demands it, estates may be expropriated without regard to their extent.[1] This last statement is ambiguous. If it means that mismanaged estates may be expropriated without regard to their extent, then it is a mere repetition. If, on the other hand, it means that estates may be expropriated on the general ground of need, without regard to size, then it is so elastic as to permit of anything. Moreover, there is no way of telling in how far these principles were applied. No reason is given as to why each particular estate was put upon the list of those to be taken over. The Germans say that the choice was to a large extent arbitrary, and this has not been refuted. That political considerations were brought to bear is very likely.

Are German citizens discriminated against in the allotment of land? Certainly not in the execution of the law having to do with long-lease farmers. It will be remembered that that law provided that the peasant who had leased the same parcel since 1901 should be allowed to buy it. Nationality played no part here. The German farmer received land even from a Czech landowner. Nor does it appear that any distinction was made in the matter of compulsory lease. Czechs and non-Czechs were treated alike. So far as the allotment of expropriated land is concerned, there is no way of telling whether or not the Germans have been slighted, since the Land Office keeps no record of the nationality of the applicants. Instances are occasionally cited when Czechs have been given

[1] *Pozemková Reforma*, November, 1920, p. 2.

a preference over Germans, but it is difficult to arrive at the truth even after having heard both plaintiff and defendant. Certainly the laws themselves make no distinction; but they are carried out by Czechoslovak political parties who know that they can increase their following by giving land to their own people, but cannot increase it by giving land to Germans who belong to the parties of the minority.

The opposition of the employees on the great estates has grown from a small stream to a considerable torrent. In the beginning they were carried away by the mere idea of land reform, and groups of them sought to help it on by demonstrations of one kind or another against the large landowners. They did not at first take in the significance for themselves of the new legislation. If they thought about the matter at all, it was simply to rest in the assurance given them that they would not suffer in their rights.[1] When the Law Concerning Compensation was being drawn up, the employees began to speak for themselves, and this law contains a well-meant section[2] which permits the Land Office to provide for them in various ways. It was not, however, until individuals among their number lost their positions and found themselves bereft of the means of earning a livelihood, that the great body of estate employees realized that the new order might touch them to their serious disadvantage. In all probability the Land Office did its best to provide for those who were thrown out of work when an estate was partitioned; but

[1] *Law Providing for Expropriation*, section 9.
[2] Section 75.

it could not give land and money in adequate measures, it could not find positions for all who needed them. Stories of families made destitute, when the estate which gave them a living was expropriated, are frequently related. Whether or not these stories are true, is of no great moment in this connection. The fact that such items find place in the columns of the newspapers shows that the idea was abroad that the employees on the estates would suffer in consequence of their partition. Doubtless some did suffer, and certainly many more felt sure that they would do so unless measures were taken to ward off the calamity. That there was distress and fear of distress is evident from the growing excitement and the increasing number of disturbances. On January 20, 1922, it was reported that employees to the number of 1,200 from 17 large estates had attacked and maltreated the commission sent by the Land Office.[1] One month later, the Czech Union of Officials and Employees at its third general assembly adopted the following resolution:

1. The land reform laws shall be completed by a supplementary law settling definitely and satisfactorily the question of the employees.
2. If this demand cannot be satisfied, the division of the large estates shall be stopped.[2]

The German Union of Officials and Employees took the same general stand and was equally emphatic.

[1] *Národní Listy*, January 20, 1922, p. 4.
[2] *Ibid.*, February 22, 1922, p. 2.

This opposition to one aspect of the land reform assumed increasing importance during the spring and summer of 1922. One has only to read the newspapers of this period to see how serious it had become. In June the supplementary legislation insisted upon was passed, and provided that permanent employees who lost their positions in consequence of the partition of estates should be provided for by being given land, a money indemnity, a pension, or a position elsewhere.[1] These arrangements do not appear to have gone far toward quieting the unrest. The employees feel that a money indemnity cannot make up for the loss of a position exactly suited to the training and capacity of the holder: a clerk in a counting-house may not care to till the soil, and difficulties are sure to attach themselves to the task of finding other positions. The dissatisfaction cannot be said to have greatly abated. On November 8, 1922, the Czech Union of Employees on the Estates held a meeting in Prague in which the members of the German Union were invited to participate. Approximately 6,000 came to the city. The great hall was filled to overflowing, and every attack upon the land reform by the speakers was loudly cheered.[2]

During the very month that Parliament passed the law designed to satisfy the demands of the estate employees, the announcement was made that large areas of forest land were to be expropriated. This aroused the greatest indignation among the workmen in the border forests, nearly

[1] *Amendment to the Law Concerning Compensation*, July 13, 1922, section 75.

[2] *Prager Tagblatt*, December 9, 1922, p. 2.

all of whom are German. Convinced as they are that these particular forests are being expropriated in order that the State may make them Czech in ownership and personnel, they see themselves deprived of their homes and of the means of earning a livelihood. The monthly published by the Central Union of German Employees voices the general indignation in no uncertain tone. In the November number, the Union demands that the nationalization of the forests shall be stayed until all the officials and workmen in them, without exception, shall be given an adequate guarantee that they will be fully compensated for the loss of their positions, and it waives aside as wholly unsatisfactory the provisions which have been made.[1]

The Roman Catholic Church also opposes the land reform, but only so far as its own estates are concerned. It has vast holdings. For instance, the Archbishopric of Prague comprises 24,000 hectares, and the Archbishopric of Olomouc 48,000 hectares. Since the State does not wish to offend the Church, it seems likely that not much land will be taken from it. The Catholic People's Party has more than fifty deputies in Parliament and will probably increase the number of its seats in the next election. It should be said that the Church was hard hit by the law which gave land to long-lease farmers, but it dared not oppose a measure so evidently to the interest of its parishioners. It will be remembered that this law allowed the peasant to buy the parcel which he had held in lease since 1901. Many individual churches and priests habitually leased the lands intended to contribute to

[1] *Der Güterbeamte*, November 15, 1922, p. 1.

their maintenance, and these lands thus fell under the law.

It is most regrettable that an opposition of the proportions outlined in this chapter should have arisen against a reform so genuinely intended to benefit the people. That this opposition has placed difficulties in the way of the reform and has brought to pass some modifications in it, is beyond doubt; but the outcome is assured. Great private estates will vanish from Czechoslovakia, and their place will be taken by small and middle-sized holdings. It will then remain for the owners of the new units to justify the change.

CHAPTER X

CONCLUSION

THERE can be no question of the fact that in carrying out its land reform the Republic of Czechoslovakia has an exceedingly difficult and delicate task to perform. It must square its obligations toward that class of its citizens whose lack of opportunity and resources has acted as an unspeakable handicap, with its obligations toward another class of citizens who possess the means of livelihood needed by the former. In bringing about the necessary transfer of property it must not set aside the principles upon which the State is founded. Expropriation of land with inadequate compensation is easily justifiable if the right of private ownership of land is denied. But in Czechoslovakia this right is affirmed by the mere fact that in the partition of the estates the peasants are given their parcels in fee simple. Therefore in taking over land, the Government may not as far depart from the market price as to violate the principle of private property. The width of the margin depends upon circumstances and may conceivably be great, but to weigh the circumstances correctly is wellnigh impossible. Again, in effecting the transfer of land from one class to another, it is essential that the seeds of ill-will should not be sown, but this demands a rare measure of wisdom.

It must be said in all justice that the Revolutionary Assembly had little time to ponder ways

and means. It was confronted with the mighty task of organizing a Government for a people that had not yet learned to think of itself as one. Czechs, Slovaks, Germans, Magyars, Poles, each group with its own past and used to a particular legal system, had now to be oriented toward the same centre. The complete form and fabric of a new State had to be created. It was breathless work bringing into existence the innumerable laws and the machinery for their execution imperatively needed. Moreover, so far as the solution of the land question was concerned, there were no precedents. Opinions as to what should be done differed widely. Before the matter could be studied from all points of view, the land-hungry people forced the issue. The temper of the time was such that provision for the expropriation of the great estates had to be made without delay. This must never be forgotten in passing judgment upon the law of April 16, 1919.

But this first law was a mere framework. The essential features of the land reform were determined by subsequent laws, and for these the Assembly must take full responsibility. No decisive pressure was put upon it. More than nine months intervened between the Law Providing for Expropriation and the Law of Allotment. The Law Concerning Compensation followed two months later. During this time the people were more or less engrossed in the conversion of long-lease tenure of parcels into ownership, and the legislators were permitted to work in quiet. Yet it does not appear that they gave themselves up to a serious study of the land question. The discussions which took

place indicate that no one of the political parties spoke from conviction. Each tried to say what would hold its followers and win still more. The leaders kept their ears to the ground to catch the rumbling of discontent and the murmur of approval. Now and then they whetted the people's appetite for land, so that in satisfying it they might play the part of benefactors. A single instance will suffice as an illustration. On November 13, 1919, the Czech Socialist Party spread broadcast handbills signed among others by three members of the Cabinet, whether with or without their consent is of no great consequence in this connection. The handbills read as follows:

"Land reform in danger! Small farmers demand the instant allotment of land. The cry of the small farmers and agricultural workers for the division of the great estates . . . solemnly proclaimed by 90 per cent of the nation, was strongly resisted by the capitalist parties who hindered with all their force the execution of the great reform. The law was passed April 16th, but not a bit of land has thus far been given to the small farmers. Yet the Minister of Agriculture sells whole estates to large farmers and war profiteers. Everywhere it is evident that the capitalists are getting the soil into their hands. Small farmers, do not permit that the land which the National Assembly adjudged you be handed over to capitalists, contrary to the law of the Republic. It is necessary that in this decisive hour you raise a storm throughout the whole country and that you force the instant division of estates. We invite you to a protest meeting. . . . Bring with you applications for soil, or

send them to your deputy who will deliver them collectively. Fight for the soil which was harrowed with the ashes of your fathers. There strikes for us the twelfth hour. Do not sleep past the moment which the ages have given you and which will never return." [1]

It must not be concluded that the Czech Socialists were more prone to demagogy than the other parties. All were alike in this respect. It was the misfortune of the State that from the hour of its birth it was administered by political parties who loved their country, but who felt that cost what it might they must live and rule in order to preserve it. They reasoned that in order that a party may live, it must make sure of its constituency, and if it is to wax strong, it must increase the number of its voters. The struggle along this line was especially keen in Czechoslovakia from the very first because, the State being new, there were many voters who had as yet made no fast political connections.

It has already been said that all the land laws were unanimously passed. The German and Magyar minorities were not represented in the Revolutionary Assembly, and the Czech and Slovak political parties were quite agreed that the agrarian question must be handled in a way to satisfy the people. They differed only in the mode of procedure. The policy of mutual agreement and compromise which resulted is mirrored in the land laws. They were born of time and circumstance and give abundant evidence of their parentage. The purpose of the land reform is nowhere clearly

[1] The original handbill.

stated. No fundamental principles are anywhere laid down in the laws to assist in the interpretation of particular passages. This is all the more deplorable since there are ambiguities and contradictions which often serve to obscure the real meaning. In general it may be said that, despite detailed regulations along many lines, the laws are so wide and so vague as to permit of almost anything. The provision which exempts from expropriation those industries which are juridically and economically independent, may be cited as an example. The Land Office has interpreted this phrase first one way and then another, and finds itself at last obliged to give it a definite content before it can proceed any farther. The elasticity of the land laws makes it all the more necessary that they should be honestly and consistently executed. Unfortunately it is the political parties themselves who determine their execution—not all the parties, it should be said, but those that are represented in the Board of Control. This Board determines, among other things, what properties shall be expropriated, and this gives it the opportunity to confer favours upon its political friends. Every member of this Board knows that he is there as a party-man, and that he has been put on the Board to serve party purposes.

It might be supposed that since not all the political parties find a place on the Board of Control, those not there would exercise a corrective influence in the form of a healthy opposition. It is true that they indulge in a good deal of adverse criticism, but the matter does not go farther than that because the minority, however it may be

constituted, plays no real part in the administration of the State. The Government may be described as a coalition of the largest political parties who pull together in every issue through mutual concession and compromise. The fact that the majority is not great binds together all the more closely the parties composing it. And the measures advocated by the leaders of the Coalition are sure to be passed, since every member of the House must vote as his party dictates. The minority in Parliament is powerless except in so far as it can occasionally win the ear of the Coalition leaders and persuade them to adopt its point of view. This state of affairs means, so far as the land reform is concerned, that the political parties in power are able to administer it exactly as they choose. The minority has pointed out defects and shortcomings in vain. The Land Office has been attacked from the floor of the House time and again, but all to no purpose, since it is securely sheltered by the coalition of parties.

Nor is public opinion possessed of any authority. Indeed, it may be said that there is no such thing as public opinion in Czechoslovakia, certainly not so far as land reform is concerned. It is curious but nevertheless true that, except for those whose fortunes are more or less bound up in the land question, the most profound ignorance concerning it prevails throughout the country. There are at least two reasons for this. In the first place, the ordinary individual believes only his own party-paper. It should be said that there are newspapers galore in Czechoslovakia, but very few that do not serve some particular end. In the second place so

much has been said for and against the land reform that people are weary of it, and despair of learning the truth.

It is quite possible that if the Land Office had asserted its independence in the beginning, the course of events might have been different. A wise and strong leadership would probably have been respected. But those with whom the authority lay looked for signs, and the golden moment was lost. As time went on the political parties became ever more conscious that the administration of the land laws could be used as a powerful instrument in securing their own ends, and they tightened their hold upon it. Yet it must not be supposed that this Office is without power. True, it represents the Agrarian Party and must be loyal to it, but it has nevertheless a considerable amount of discretionary authority. And so far as the practical side of its work is concerned it has a free hand. It cannot, however, be said to perform this in a wholly satisfactory way. The reproach that many a property is expropriated in ignorance of the real conditions existing there, is probably true. This accounts for the frequent practice of sending notice to an owner that his entire property is to be taken, although it is intended to leave him a part of it over and above the maximum allowed him by law. The Land Office sends this blanket notice in order that it may look over the property at its leisure, and decide what part it can best use. The result is delay all along the line. In the fall of 1922, land that was to have been allotted to the peasants in time for the autumn ploughing, lay unsurveyed in some places until the frosts set in. The truth of

the matter is that the Land Office does not work out a careful plan in advance. It merely sets up a programme for expropriation, and then proceeds to dispose of land about which it has not adequate knowledge. Thus it is that parcels are often sold to the peasants with the understanding that the price is to be fixed later.

The frequent practice of the Land Office of coming to an arrangement with the landowner, sometimes before it has sent a notice that his estates are to be taken and sometimes afterwards, has led to much adverse criticism. If the Land Office were to publish the details of all its transactions of this kind, a double good would be achieved. On the one side, motives and deeds unable to bear the light would fall away of their own accord and, on the other side, the field for misunderstandings and false judgments from without would be narrowed. One reason why so many discussions concerning land reform in Czechoslovakia have been fruitless, is because it is exceedingly difficult to get at the facts. Yet the Land Office is a public servant whose books should be open to the world. So far as the distribution of the expropriated estates is concerned, it must be remembered that the records are lodged in ten branch offices and are not easily correlated. It is true that the Land Office has a large force, but it has also a great task to perform. It should be said that there are many devoted workers in its personnel who do not breathe the air of political strife, but spend their energies in the furtherance of agrarian reform for the benefit of the people.

It is often said that the Land Office pays far

too little attention to economic considerations; that agricultural experts should have been called to the council board while the laws were being made and should now take part in the decision as to what land should be expropriated, and how it should be distributed. It is certainly true that the break-up of the great estates and their partition among the peasants was determined upon without a careful study as to how it would affect production. The believers in the land reform have been persistently optimistic all along with regard to this matter, and the events may justify them. There is no intrinsic reason why small farms should not be made to yield as much in proportion to their area as large ones, especially when, through associations of one kind or another, they succeed in securing for themselves the privileges and benefits of big enterprises. There will, of course, be a change in the relative proportions of the commodities produced, but that is not in itself an evil. Grain is grown to best advantage on large areas adapted to the use of machinery. Poultry breeding, market gardening, dairying and the raising of cattle are the specialities of small farms. Just how the land reform will affect the sugar-beet crop, it is difficult to say. Many great landowners planted large areas of beetroot because they owned sugar-factories, and because the pulp left after the sugar had been extracted from the root furnished fodder for their cattle. On the other hand, they sometimes exhausted the soil. The small farmer is not likely to commit the latter mistake, and when he plants sugar-beets, he will in all probability tend them so carefully as to get the maximum crop.

That the land reform has to some extent been directed against the German landlords is undoubtedly true. It is openly asserted on all sides by the Czechs themselves, and the facts bear out the statement. To instance the amount of land given to the German farmers through long-lease is somewhat beside the mark, since this law worked automatically through the courts and had nothing to do with expropriation. On the other hand, the fact that most of the estates thus far taken over by the Land Office are German, loses much of its significance when coupled with the fact that the Germans own far the greater number and the greater acreage of estates. The forests named for expropriation in the second programme of the Land Office are nearly all German, and excellent authority could be given for the statement that what are called strategic considerations played a part in determining this action. The Minister of Agriculture says that the employees will be taken over with the forests, but that does not mean that they will necessarily retain their present positions. Some of the higher officials will in all probability be transferred to other parts of the State.

It must be acknowledged that the reform was from the very first a national as well as a social and economic question. It was intended to bring about the transfer of land from alien to Czech hands. In the beginning, the idea of colonization loomed large. It was assumed that great numbers of Czechs and Slovaks living in various parts of the world would want to come back, and it was intended to settle these in groups on land in Slovakia taken from the Magyars and Germans. The loyal popula-

tion of the country would thus be increased, and the State would be strengthened against Hungary But enthusiasm for this idea of colonies is as yet not great enough for the task. New settlements need buildings, roads and wells, and this demands large resources. Many of the families in the 13 colonies planted in Slovakia are now dependent upon assistance. Some of the Slovaks who have been brought down from their hill homes pine for their old environment. There are more difficulties connected with this matter of colonization than was anticipated.

It is quite comprehensible that the work of the Land Office may have to be more or less tentative, adapting itself to a constantly changing situation. There is, for instance, no telling how long the land-hunger of the peasants will continue. That it has already begun to abate is certain. They were eager for soil when the new State was created, because the War had taught them that he who owns a bit of Mother Earth can supply himself with food. The landless poor felt the pinch of hunger far more than the small farmers. Moreover, during the first three years of the Republic, farm produce sold at a high price and large profits were possible. In the light of these circumstances, it was natural that there should be a great demand for land. But times have changed. Food is now plentiful, farm produce has fallen in value. Some of those who took plots in forced lease already wish to give them up. It may be expected that the number of these will steadily grow.

A very evident decrease in the demand for land might influence those of the Czechs, who are not in sympathy with the way in which the land reform

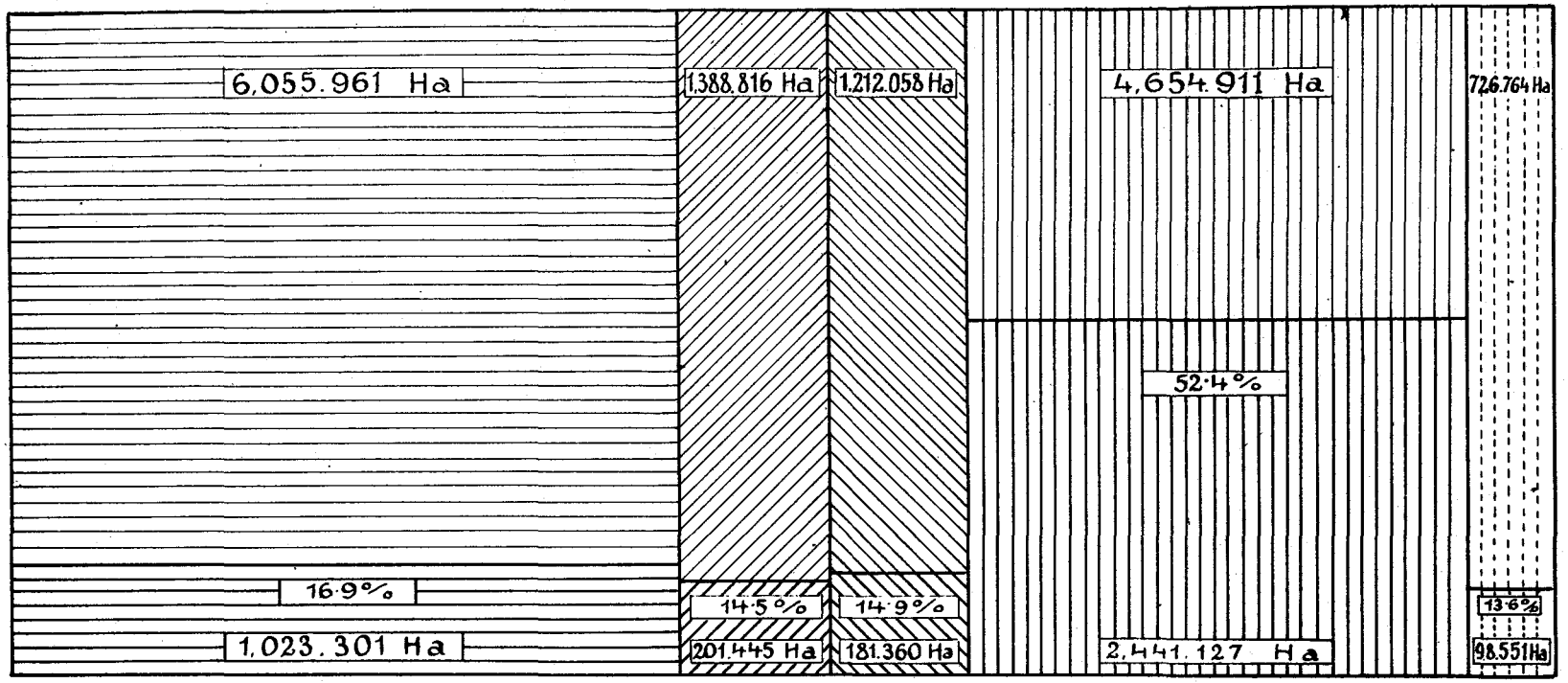
is being executed, to urge a change. There are such in high positions who say nothing now, because they deem it useless. It is quite possible that, under new circumstances, the maximum which the landowner is now allowed to retain, might be increased. It is very probable that later on the State will stay its hand in the taking over of forests.

In passing judgment upon the land reform in Czechoslovakia, it must never be forgotten that it was an absolute necessity. The wide disparity in the sizes of holdings belonging to the great proprietor and the poor peasant could not continue. And that in the distribution of the estates Czechs and Slovaks who, though numerically stronger, are relatively poorer than the Germans and the Magyars, should be given an advantage, is not unjust. To criticize the reform as badly managed is not to condemn it. Despite the way in which it is being carried out, it will result in beneficent and far-reaching social and economic changes. The break-up of the great estates means the disappearance from society of a privileged class that is the survival of an outgrown past. It is inevitable that the older generation should suffer through the necessity of accommodating itself to changed surroundings, but the younger members will speedily find their place in the new order. The partition of the expropriated land will greatly increase the number of small peasant proprietors, and will thus provide the State with a new source of strength. He who owns property does not lightly risk losing it by promoting an upheaval. Moreover, the consciousness of having been justly and generously dealt with makes for loyalty. Land reform in Czechoslovakia will drive deeper the foundations of a democratic State.

APPENDIX

SURVEY OF THE AREA OF CZECHOSLOVAKIA, INDICATING THE CULTIVATION AND THE AMOUNT OF LAND TO BE EXPROPRIATED UNDER THE LAW OF APRIL 16, 1919, AS ASCERTAINED TO NOVEMBER 1, 1922.

TOTAL AREA OF CZECHOSLOVAKIA, 14,038,510 HA.

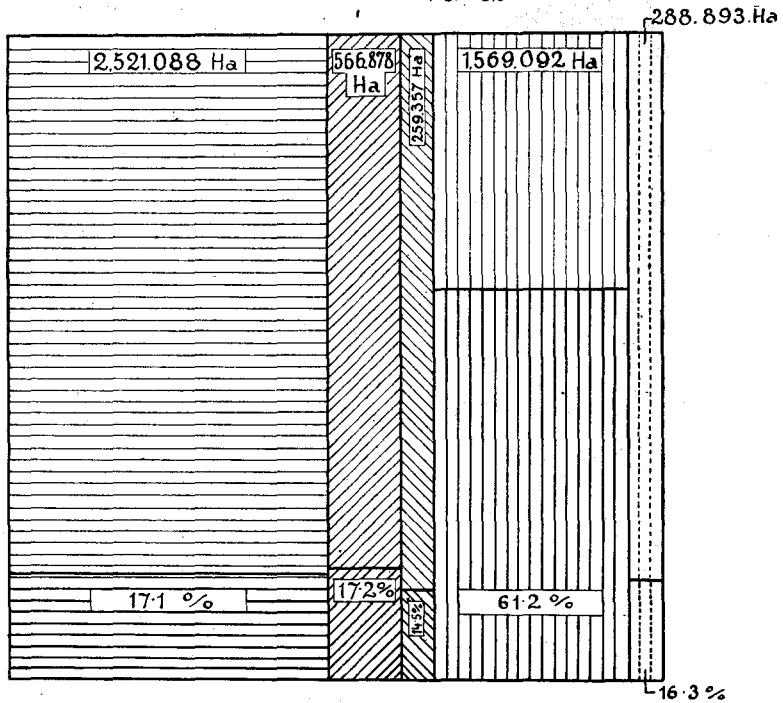


LAND TO BE EXPROPRIATED, 3,945,784 HA.

Fields and Gardens. Meadows. Pastures. Forests. Fish ponds and non-cultivated area.

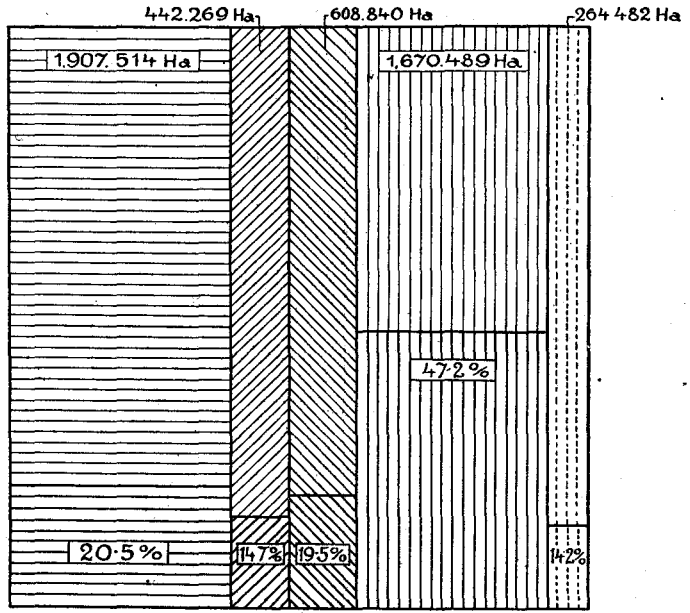
SURVEY OF THE AREA OF CZECHOSLOVAKIA, INDICATING THE CULTIVATION AND THE AMOUNT OF LAND TO BE EXPROPRIATED UNDER THE LAW OF APRIL 16, 1916, AS ASCERTAINED TO NOVEMBER 1, 1922.

TOTAL AREA OF BOHEMIA, 5,205,308 HA.



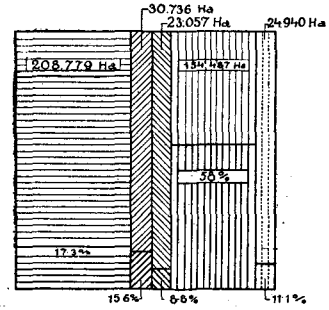
LAND TO BE EXPROPRIATED, 1,574,657 HA.

TOTAL AREA OF SLOVAKIA, 4,893,589 HA.



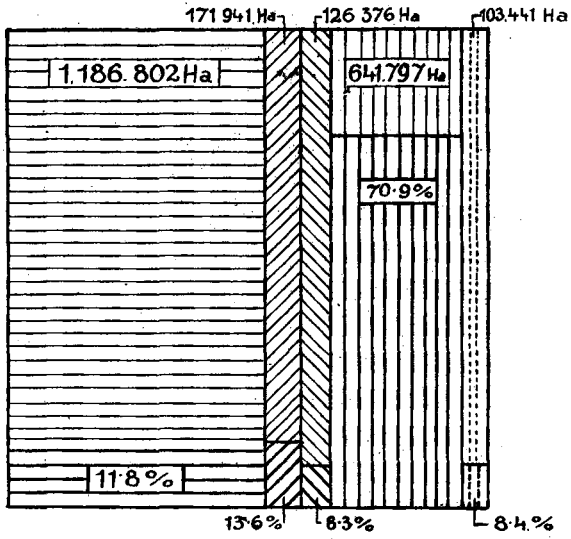
LAND TO BE EXPROPRIATED, 1,399,438 HA.

TOTAL AREA OF SILESIA, 441,999 HA.



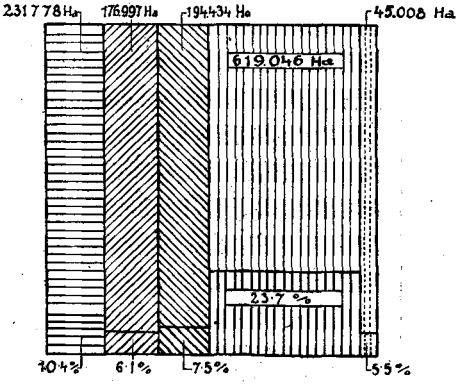
LAND TO BE EXPROPRIATED, 135,138 HA.

TOTAL AREA OF MORAVIA, 2,230,351 HA.



LAND TO BE EXPROPRIATED, 637,809 HA.

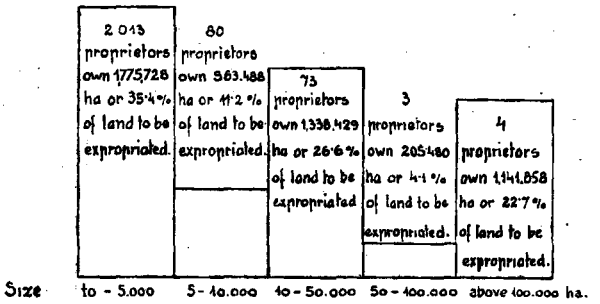
TOTAL AREA OF CARPATHO-RUSSIA, 1,267,263 HA.

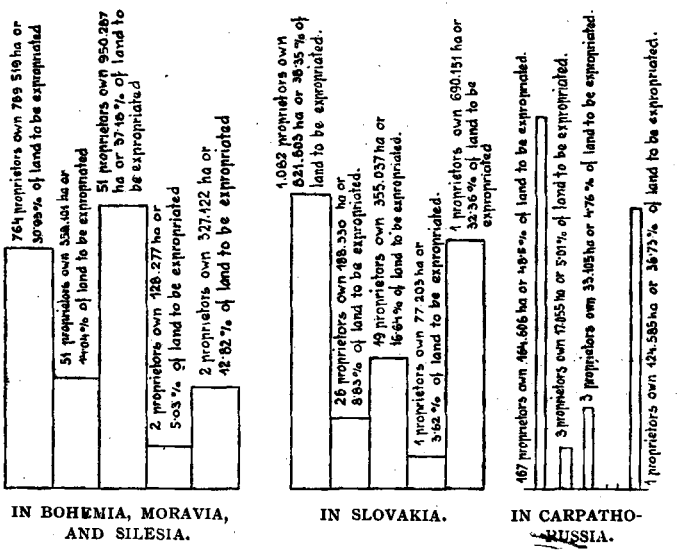


LAND TO BE EXPROPRIATED, 198,742 HA.

SURVEY OF ESTATES TO BE EXPROPRIATED ACCORDING TO SIZE.

IN THE WHOLE REPUBLIC.





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