

THE INITIATIVE OF  
LEASEHOLD ENFRANCHISEMENT

BY

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*THE ETHICS OF URBAN LEASEHOLDS.*

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OF  
URBAN LEASEHOLDS.

WITH PREFATORY QUOTATIONS FROM  
THE QUARTERLY REVIEW.

BY  
JOHN T. EMMETT.

“MY AIM IS TO BRING THE MATTER INTO MORE PUBLIC DISCUSSION:  
LET THE SAGACITY OF OTHERS WORK UPON IT.”—*EDMUND BURKE.*

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NINTH THOUSAND.

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*MEN* allow us to proceed, while we confine ourselves to general truths, until they see that they themselves are implicated in them, and have to act upon them; and then they suddenly come to a stand; they collect themselves and draw back, and say they do not see this—or do not admit that; and they look about for excuses, and they say that we carry things too far, and that we are extravagant, and that we ought to limit and modify what we say, that we do not take into account times, and seasons, and the like. This is what they pretend; and well has it been said, ‘Where there is a will there is a way;’ for there is no truth, however overpoweringly clear, but men may escape from it by shutting their eyes; there is no duty, however urgent, but they may find ten thousand good reasons against it in their own case. And they are sure to say we carry things too far, when we carry them home to themselves.—

JOHN HENRY NEWMAN.

## PREFACE.

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THE following essay on 'The Ethics of Urban Leaseholds' \* is intended to supply a detailed explanation of the leasehold system of house tenure. And the object of this explanation is, to advise the public, so that they may understand how great has been the evil influence of leasehold tenure on the distribution of wealth, on individual and social character, on national and local politics, on habits of industry and thrift, on household comfort, and on building art.

Although the leasehold system is comparatively modern, its development in London has almost wholly severed the inhabitants of the metropolis from any interest in the land on which they live, or in the houses they inhabit. In careless ignorance, the men of London have allowed the system to extend, until, in less than half a century, the bulk of the house property of London will be in the hands of a territorial oligarchy; and the mass of the people will be at the mercy of a few score of plutocrats and corporations, who will have acquired, without the least exertion, the invested savings of two generations of the London population. And, till very recently, the whole London population fatuously acquiesced.

Leaseholds are an insidious contrivance for making the poor poorer, and the rich richer; a delusive scheme of unfair

\* *British Quarterly Review*, No. 138, April, 1879.

acquisition, that charms undiscerning freeholders, and delights the greedy ignoramus. The contrivance is, indeed, grotesquely treacherous; for though leaseholds are a grave injustice to the public, the great ultimate lessee, they are a tenfold loss to the lessor, the simple, unsuspecting, or the grasping, but unwary freeholder. Leasehold tenure also practically forbids to men and women of the middle and the lower classes their most natural inducement to frugality and thrift; and substitutes, at grievous cost in money and annoyance, the perfunctory control of agents and surveyors for the individual, interested management, by occupying owners, of their house affairs.

But London is not the sole sufferer; throughout England this bad tenure is extending, so that in a hundred years three-fourths of all the houses in the kingdom will become the property of but a fraction of the population. The great English people will be, essentially, houseless and homeless, lodgers on sufferance; and the landlords, who contribute nothing to local taxation, will receive from them, in annual rent, some hundred millions sterling, paid by the people for the use of their own savings and investments.

The English people are notoriously slow to see a thing that is particularly obvious. And thus they sit and grumble at their wretched homes and houses, and they blame the builders and the landlords; never opening their eyes quite wide enough to see that landlordism is impossible without lessees; that they themselves, the British public, are the true foundation of the leasehold system, by which leasehold landlordism, to the injury even of the landlords, is maintained, and by which their own immense investments on the soil of England will be wholly lost to their descendants. Were they to arouse

themselves to understand this question, their immediate answer would be so distinct and clear that leaseholds would be all in process of enfranchisement within a dozen years.

Such comprehension of this most important question should no longer be deferred. All classes of the people, lessors and lessees, must be enlightened, and be led to see the evils of the leasehold system; that they all may join, with mutual good-will, in undertaking its extinction. To this end an Act of Parliament, conferring on lessors the right to enfranchise leasehold building-land, and buildings having more than twenty-one years' unexpired term, must be obtained. But in this Act there must be no pretence or power of confiscation. On each purchase the full equitable price, together with a premium of ten per cent. for the forced sale, and with due limitations as to user for the term of the estate leases, will be, of course, awarded. But the new titles, being Parliamentary and registered, with large public plans,\* and but a trifling fee for transfers, the enfranchised property will so rise in value as to recoup the purchaser; and all the constantly recurring, needless trouble and expense of leasehold documents and surveys will be ended.

It has been objected that, if leaseholds were enfranchised, residential property would be endangered; and that houses in Belgravia or in Portland Place, for instance, might be used for some base purpose, to annoy the neighbouring occupants, and even to extort black mail for the abatement of the

\* Among the papers bequeathed to the Irish Statistical Society by Sir Thomas Larcom, who for many years endeavoured to procure the registration of titles in Ireland, is the following memorandum: "Map registry will never be introduced by lawyers. Barristers seldom understand maps; solicitors hate them, because they prevent litigation and diminish scrivenry. A map is the only safe foundation for registry of land."



nuisance. Here an unknown eccentricity is foolishly conceived, and then fantastically quoted as a common possibility. But freehold house proprietors do no such things, with such intent. It would not pay; the risk would be too great. A householder in fee would, as a man of business, keep his house in good condition, suitable to its respectable surroundings, and so at its full value, rather than depreciate his property, and vex his neighbours, in the hope, extremely speculative, of gathering black mail.

The objection has entirely missed its way; it should be made directly against leasehold tenure. On the Bentinck, Portman, and the Dean and Chapter property in Westminster, and in other leasehold neighbourhoods of notoriety, there have been, not mere isolated houses, but whole streets of ill repute, with no effective prohibition by the owners of the land. And throughout London an immense proportion of the population are, from ignorance and household incapacity, resulting from their natural want of interest in leasehold houses, a nuisance to their neighbours. And these neighbours have no remedy against them.

But, accepting the suggestion that the leasehold system is protective of the householders in common, let it be, with proper seriousness, proposed to house proprietors in fee, to add to their security, and to promote their undisturbed enjoyment, by surrendering their freeholds to a territorial superior; that he, for ground-rent paid, prospective forfeiture, and other stipulations, might protect them from the accidental danger of proximity to, say, a butcher's shop!

On freehold tenure each man can protect himself and others. He is one of many equals; and partakes of, and is promptly influenced by, local popular opinion. But on lease-

holds this is all inverted. The ground landlord is most commonly non-resident; his interest is comparatively small, and quite different from that of the lessees; and, if he is not in a public station, popular opinion has no hold on him. Instead of being a protector he is an infliction; and, in fact, the very nuisance from which his lessees so frequently desire protection. Thus, for instance, it is a very common, well-known method of the leasing freeholder to let some land, as a commencement, for, conventionally, decent houses; and at once to make these better buildings an advertisement, and a lure for further enterprise in much inferior work. If sufficient ground rent can be thus, with promptitude, secured, it does not matter how the former property is injured. And even when the land is covered, freehold lessors have no scruple about introducing, for a due consideration, paltry shops, with no sufficient limitation as to user, in the midst of the superior residential houses previously built, according to agreement, on their land.

True there are clauses in each lease on an estate that give restrictive power to the freeholder; but leaseholders have no such corresponding right throughout the property. Indeed the notion that a large estate is a security for the lessee is mostly a delusion. Leaseholders are unfairly at the mercy of the land proprietor; who, possibly a man of probity to-day, may, by assignment, or a change of agency, become to-morrow a mere man of business, quite prepared to take advantage of the false position of the too-confiding, unintelligent lessee. And who is to be blamed?

With reference to the present miserable home condition of the poor, attention has been recently directed to "the carelessness and apathy of tenants, and the neglect and cupidity of

landlords, who when leasing their property can, if they so will, leave the lessees less liberty to neglect their duties." And we are to look "to the action of religious, moral, and educational efforts to bring about an improvement in the habits, tastes, and feelings of the poor themselves. What is wanted above everything is superior accommodation for the very poor, which will never be secured as long as the richer classes ignore the subject." But the richer classes know little or nothing about their own houses, which in sanitary matters are generally sorry places enough. What practical intelligence, then, are they to bring to the houses of the poor; and what are they among so many? Certainly their men of business may put further stringent clauses into new leases; but these will not affect the present population. And in the future, as in the past, and now, men of business, agents, and surveyors, and solicitors of freehold lessors, will esteem their time too valuable to employ it in minute investigation of poor tenements. The present theory of benevolence appears to be that the poor are to be superseded in the proper conduct of their own affairs. They are not even, as the almost universal rule, permitted to have houses absolutely of their own. The houses, such as we find them, are provided; and then the landlord is to have "duties," of which the occupant is to be, in charity, relieved. The system is unspeakably absurd. House care is a daily and, at times, an hourly duty; it pertains distinctly to the *houseband*, and no landlord can efficiently assume it. Quite as reasonably a landlady might undertake the duties of a *housewife* to some hundreds of the poor. The poor, especially as working people, should be free to take care of themselves and of their homes. They thus may even be examples to the rich, who

are, in house affairs, particularly ignorant and undiscerning. Poor tenants now, of course, are careless and apathetic; their houses are but leasehold tenements, mere means of rents, not meant for decent dwellings, but as securities for ground rents. No religious, moral, or educational efforts will induce the poor to care about their hired, rack-rented homes. They will remain careless and apathetic, and, still more, destructive; and the landlords will continue negligent, and possibly exacting. Otherwise, with such a class of tenants, the investment will not pay. What, then, is the remedy? The very simple plan of letting each man mind his own peculiar business. Let all leasehold houses be enfranchised; this will bring the people into a position in which carefulness in home affairs will be habitually exercised. As to the very poor, these can best be helped by those most near to them in local, and familiar, and financial circumstances; and they will also get from such as these experienced sympathy, of greater scope and value than the patronising recognition of the rich. Good men despair; they cannot overtake the degradation of the London poor. Why not, then, give the poor the opportunity to raise themselves? They only can effectually do it. They are often poor because they never had the moral training or the proud ambition of a freehold home. The leasehold plague affects, and morally debilitates all ranks and classes of society. Even the middle class are every year becoming more removed from cleanliness, and weaker in their social character. They also are mere tenants, who are duly learning that it is "the landlord's duty" to keep houses clean. Enfranchisement is the first necessary step to general house and home reform.

Leaseholds are not a development of social progress, but a

demonstration of economical disease. The houses are not an extension of accommodation in accordance with the individual, increasing, public need; but they are made a speculative 'slop'-manufacture, constantly produced in wasteful surplusage, in which the public are regarded as mere items in a risky enterprise. The public are the victims of, and not the reason for the system; which is carried on increasingly from year to year without due public recognition and control; and which so hems the population in that they have no immediate alternative, but must submit to the iniquities and miseries of leasehold tenure.

Speculative building, founded on the leasehold system, is a manifest negation of the doctrine that supply should be proportionate to the demand. Indeed, this leasehold house production actually flourishes by reason of, and during any general stagnation in commercial business; and it, therefore, is most active when the public, owing to misfortune, least require increased house supply.

When trade is bad, and discounts and deposit notes bear little interest, and shares and stocks are high, men with a surplus balance go to their solicitors, who quickly find for them securities in mortgage, which are largely manufactured, for financial reasons only, by erecting leasehold carcasses upon the constantly increasing circuit of suburban land. The lawyers and surveyors and the speculating builders all live by the advances made by the confiding mortgagee; and these advances are too frequently discovered to be permanent and bad investments, rather than judicious and recoverable loans.

Until ordinary trade revives, and speculative building consequently is arrested, there is, owing to the present system, an egregious and increasing surplusage of houses around

London. Several millions sterling are invested, with no hope of adequate return. The houses, half of them, remain for years unlet, and thus there is a double injury; there is no rent, and there is the depreciation due to want of household care. The mortgagees, and thus the public, have to bear the loss of this absurd and wasteful outlay. And besides, when business gradually improves and money is again required, the surplus capital that should have rendered discounts easy is locked up in useless, unproductive carcasses and houses, seriously aggravating any monetary crisis in the city.

Such spasmodic, wasteful house extension is in every way pernicious; and the mercantile community should learn to understand how leasehold building speculation tends especially to paralyse their own legitimate commercial trade.

The object of the enfranchisement of leaseholds is, firstly, to abolish an increasing and continuous restraint of trade; to release the whole extent of building-land and property from an injurious tenure, which, in the course of commerce, actually depreciates instead of adding to its value; and then, secondly, to make transfers cheap, that prudent men may be enabled, without waste, to buy or build their houses. Throughout urban districts recent leasehold property is, nearly all, divided between purchasers and mortgagees. A very insignificant proportion, only, is in the possession of the speculating builders. Any measure of enfranchisement would therefore be but in a limited degree for the behoof of the peculiar class who manufacture leaseholds. It would be, almost entirely, a wholesome, suitable relief for the great public; who have been involved in a pernicious custom which they did not introduce, which they unwittingly, or quite unwillingly accept, and from which they suffer grievously in mind, in comfort,

and in finance. Most speculating builders have no capital to invest in houses. Ninety-nine per cent. of all the capital they use is found by clients of solicitors; and is advanced on mortgage, at some sixty-six, or seventy-five per cent. on a surveyor's estimate of measured work erected. And as this estimate is made before the work has time to show one-half of its defects, and also many months before the speculation proves to be a failure, the advance is very often found to be above, and not, with ample margin of security, below the letting value. Mortgagees, then, either sell, and bear the present heavy loss, or they may take possession of the property, and have the care of it throughout their lives. They very seldom part with property thus forced upon them; for the cost of transfer, and the ill-repute of leasehold tenure, scare legitimate investors; and thus a wide and healthy distribution of house property for freehold occupation is prevented. But when both the tenure and the transfer have been simplified, small savings will be eagerly invested in small urban freeholds; and the tendency to save, especially among the middle and the working-classes will increase, in correspondence with the ever-present opportunity for economical investment of their wages in free, unencumbered residences of their own.

It is the universal and enduring public, not a fleeting class of speculators, that would be the social, not to say financial, gainers by the enfranchisement of leaseholds. Speculating builders and their workmen will however, in due time, become transformed by the great, beneficial change of tenure. They will be again, as in the days of art, trustworthy artisans and master-workmen, held in honour by an intelligent, appreciative public, who, by reason of their constant interest in their own freehold houses, will be well instructed in the art of

building. Architecture will again become vernacular among the people, and will rapidly revive; and all the waste and folly of our present pseudo-architectural demonstrations, with their evil influence throughout Christendom, and far beyond, will then for ever cease.

In the *Quarterly Review* of April, 1872, the first article, on 'The State of English Architecture,' contained, in a few pages, a succinct description of the many evils due to leasehold tenure of house property in towns; and also a proposal, founded on this evidence of evil, for the prompt and absolute enfranchisement of urban leaseholds. The demand was strictly and essentially conservative; responding, with intention and directly, to Lord Beaconsfield's lament over the diminished numbers of the class of freeholders. Of course, the enfranchisement of leaseholds would again extend, and gradually restore to permanent security, the present lamentably insecure and narrow base of territorial society. And thus the great majority of worthy men, participating in the freehold of the land, would be efficient and instructed, equitable moderators in the great dispute about the rights or wrongs of land proprietorship throughout the country; an intelligent conservative democracy.

Continuing its simple discourse about 'The State of English Architecture,' the *Quarterly Review* complains that "Architects are not the only plague that desolates our buildings; the lawyers, also, smite them with a paralysing stroke. The visitor to London will remember that in several parts of the town there are groups of streets most regularly planned, and lined with houses very similar to one another in their feeble outlines. They are the 'estates' of noblemen and others, which have been covered with houses



under agreements for building leases, generally for a ninety-nine years' term. These estates are the more obvious instances of the practice; but throughout London and its suburbs, not one house in a thousand is a freehold. The average term of the leases, also, is so reduced by lapse of time and by short renewals, that, on an average, all the houses in London will be lost to their present owners within forty years. When this system began, is not very accurately known; but the nomenclature of the streets and the style of building show that it was considerably developed during the last century; and such has been its recent increase, that the buildings of one year would occupy an extent of frontage of something more than fifty miles. This sounds like a careful provision for the increasing population; a business-like anticipation of a public want. Nothing can be further from the fact; the error is one of common sense, but we are far too clever for any such simplicity of method; the houses are built, not primarily as a comfort for the occupant, but as a security for the freeholder. The expression, that London is 'a province covered with houses,' has an esoteric significance that the inventor of the phrase was not aware of. London houses and the people of London are merely in accidental contact: there is no community of interest or mutual beneficence between them.

"There is nothing that a Londoner will so strenuously condemn as his abode; and this is an excusable result of all the troubles and inconveniences that his house inflicts on him. The house in question is generally a wooden booth, covered at the top with slates, enclosed around with a thin film of brickwork, and daubed about with plaster. It can hardly, in fact, be called a building, and for its size it has far

less strength and stability than the furniture it holds. The occupant knows nothing about his house ; he is in it to-day, but in a twelvemonth he may have forgotten it in the anguish of another equally afflicting tenement. Of the most simple arrangements and details of the building he is utterly ignorant, and he is childishly helpless if anything goes wrong. All that is necessary for the health and cleanliness of the inmates, and for the preservation and security of the house, is a deep, inexplicable, hidden mystery, that tends to derange the stomach and irritate the brain. There is the constant appalling fear of the unknown, worse than a skeleton, in every house ; and all this torment, ignorance, discomfort, and bitterness of life, with very much besides, is due to the pernicious influence of leasehold tenure. Yet there still is hope ; though we must look for it, as usual, at the bottom. The working man must be invoked to raise us all ; but he himself must have sufficient motive. Moses was well conversant with human nature ; and first in his detail of prohibited desires was, not the wife, but ‘thy neighbour’s house.’ And yet we systematically ignore the healthy social and domestic instinct that urges every man to absolute possession of his home. The working man, for whom, as we are told, so much must be provided, is practically forbidden to provide a dwelling for himself ; he is debarred from practising his handicraftsman’s skill in the construction and arrangements of his domicile.

“This leasehold tenure, with its gambling speculation, expensive and often fraudulent building agreements, its heavy law costs, complicated mortgages, releases, re-mortgages, and second charges, its doubtful titles and dreary waste of title-deeds, the risks of penalties, and the shortening term, forbids prudent men of business to erect substantial, well-built

houses. Small plots of freehold land, except on the estates of building societies, are seldom in the market; and these estates almost invariably become traps for the inexperienced, and opportunities for the scamp, since, while this system lasts, they will, by the mere force of custom, fall very much into the hands of speculating builders. There can consequently be no hope that working men or their employers will be well and comfortably housed until this insecurity of tenure is removed. The enfranchisement of leaseholds, and their absolute prevention would do more than anything whatever to improve the dwellings of the whole community. The architectural, social, and political effect of such enfranchisement would be immense. Workmen would build for themselves, and interchangeably for one another; and those who are not workmen, seeing the superiority of the work done by the bricklayer or mason, smith or wright, for himself or for his fellow-workmen, over the ordinary task or day work of the drudging mechanic, would dispense with architects, surveyors, and builders, and all the class of middlemen, and would have their houses planned and built exclusively by local working men, with whom, as well-informed and interested artisans, they could directly and conveniently confer. Art and its employer would go hand in hand, equal, mutually respectful, and confiding; giving no place or opportunity for unions or strikes, or international societies. The great class of working men would soon be freeholders, having an interest in the capital and the soil, as well as in the labour of the country. Nothing has so much tended to demoralize our urban population as their severance from all local and territorial interest in the towns in which they dwell. This is the real cause of the dilapidation and habitual squalor of the dwellings of the

poor; the working men have no domestic local interest, and they therefore seek no status in society; they lose all seriousness and self-respect, and become dirty, dissolute, and improvident. Among the younger men there is a very general desire to improve their homes; but the respectful, wholesome pride, that would maintain and multiply the decencies and comforts of a well-built freehold house, in full possession, is depraved; and workmen's means are wasted on the cumbersome profusion of bad furniture and trashy vanities that go to form that dreadful institution, the 'best front parlour.'

"The greater part of the house property of London and our large towns belong to no one in particular; there is great division of property, but in the worst possible way, horizontally, we may say, instead of vertically. First, there is the freeholder, who has a ground rent; then, secondly, a leaseholder, with an improved ground rent; and third, the nominal proprietor, with the rack-rent; fourth, the first mortgagee; and probably, fifth, the second mortgagee; and sixth, the tenant, or leaseholder, with, perhaps, a sub-tenant, yearly, and probably some lodgers by the week or month. Besides these interests there are the lawyers, with their bills of costs, collecting agents, repairing builders, water rates, and insurance charges. This, or something like this, may be taken as the probable condition of three-quarters of the house property of London; the whole metropolis is, in fact, under a curse of law, which has in our great towns destroyed domestic building as an art. Its decadence can be historically traced in proportion to the extension of leasehold tenure. This tenure breeds the class of surveyors, who gradually engross all power, and simultaneously abandon all care, except for the freeholder. These men are, in fact, the spurious

successors of the old builders, the ruck of the profession, a mass of struggling impotence, to whom we owe the travesties of Grecian, Gothic, and Venetian styles, that speculating builders use to decorate their ill-conditioned works, and satisfy the 'public taste' for ornament and 'art.' Their patrons are the lawyers, the solicitors of the estates, who are the chief contrivers and manipulators of this inartistic and demoralizing system; and to whose deeds the degradation of domestic building work is principally due.

"It is a remarkable instance of the 'Chinese' endurance of Englishmen, that the people of London have not unanimously struck against this evil tenure. They have so small an interest in the houses, that they might, with proper independence and moderation, urge the cessation, by legislative means if necessary, of a custom which, although injurious to all, is more particularly so to those large classes that are now the objects of chief national and social care. Much that is meant to be severe is sometimes said about the manners of the working classes; but a few, who know them in their homes, can testify that their unfortunate condition and their mode of life is greatly due to the pernicious customs, the injurious greed, and the defective or bad legislation of their territorial superiors. Peabody Buildings, and others of the kind, are but in part, exemplary; and all the good that they can do is hardly visible in presence of the enormous evil that remains. The real duty of the upper classes is, not to provide new dwellings for the poor, but to remove every hindrance to their making proper houses for themselves. Of these hindrances the greatest evidently are, our almost universal leasehold tenure, complexity of title, and litigious transfers; and, while these obstacles exist, the power of im-

mediate self-interest, the only power that naturally seeks the universal, sound improvement of the dwellings of the poor, has no free exercise. At present legislation can do little positively good, except to stigmatize and possibly prevent these foolish and pernicious customs. If the working man should rise in self-respect, and free himself from one profession, he would still, in all things that affect his home, remain oppressed and fettered by these legal bonds; and Parliament alone can utter the command to loose him and let him go. He, like another Issachar, is now 'a strong ass crouching down between 'two burdens.' But if he could be relieved of the oppressive twofold incubus of architects and law, he would begin to have his own again. His social status would be soon restored, his mental energy developed, his self-respect enhanced, and his address and manners softened. Nothing would be more conducive to our social progress than such elevation of the men whose works continually affect our daily life. The first great benefit would be the extinction of the architectural profession; drawing-master architects would all subside into graphic artists, business men, students of symbolism and archæology, and become pupils and illustrators of those very workmen whom they now profess to direct and to control. Thus then it will again be recognized that the glory of a nation is in its instructed working men; and not, as lately we have been taught to believe, in its machines.

“ Leaseholds, then, like copyholds, should, at least in urban districts, be enfranchised; the freeholder receiving the full value of his property in fee. The thing might easily be tried without any interference with private interests. A score or two of civic, ecclesiastical, and charitable corporations hold a large proportion of the London freehold land and ground.

rents, the development and care of which must grievously divert the limited attention of trustees from their administrative duties. Were each ground-rent separately sold, with proper preference to the leaseholder, and the proceeds invested in Government securities, the corporate incomes would be increased, the care and expense of management would be saved, and the enfranchisement of many thousand leaseholds would be an honour and a blessing to the metropolitan community. But charitable corporations are, by law, forbidden to buy up, and so enfranchise, urban leaseholds which they have, by law, created on their own estates. For lawyers understand the tenure much too well to let substantial clients sink their funds in leaseholds; they create the plague, and then they shrewdly institute a selfish quarantine.

“The tenure being purged, all titles should be certified and registered, so that every transfer may be prompt and cheap, enhancing greatly the commercial value of all urban property, and resulting in the general improvement of house-building. It may be objected that London freeholds are still in the market. We are not discussing accidents, but an almost universal rule, which causes needless injury to fixed and life-long residents, and to the poor enormous suffering, from which, unlike those who thus afflict them, they can never possibly escape. We have in urban leaseholds a pernicious and expensive, very foolish custom, and a bad example; their entire abolition would be a real conservative reform, and it ought at once to be undertaken.”\*

Again, expatiating on ‘The Hope of English Architecture’ (October, 1874), the *Quarterly Review* demands that “each man should possess and care for his own freehold. The occasional correspondence in the daily papers makes us see

\* *Quarterly Review*, No. 264, pp. 325-329.

that in their architectural affairs our modern Englishmen are 'mostly fools,' and this especially in their consent to live in leasehold houses. Art never can exist on such a tenure. We could distinctly show its bad effect, not on architecture only, but on the sister arts of sculpture, metal work, and painting. Each has sunk, is sinking, and will sink, unless the firm and stable freehold tenure is restored. No one can think of any of our fine old buildings, sacred or secular, as leaseholds, nor will substantial houses be constructed upon leasehold ground. And when the public understand that individual benefit and the general good are equally involved in freehold tenure, all proprietors will join in a demand for such legislation, essentially conservative, as would allow, and, if required, compel urban enfranchisement. The project has its precedents; and tithe commutation, copyhold enfranchisement, and canal and railway Acts, have made the public and the lawyers understand that the proprietors of land encumbrances, and ground rents, may be forced to sell, and yet be very willing vendors."\*

These quotations from the *Conservative Quarterly Review* contain the germ and essence of the article on Urban Leaseholds in the *Liberal British Quarterly*. And as these essays, published and republished several years since, have at length aroused and educated popular opinion, and, in fact, initiated and informed the present agitation for the enfranchisement of leaseholds, both Conservatives and Liberals are following the lead of their respective periodical reviews; which are on this occasion happily consentient. The question, therefore, is one common to the public and to politicians of all classes; and is thus above the sphere of ordinary party politics. Indeed, in 1884, a bill for the enfranchisement of leaseholds was

\* *Quarterly Review*, No. 274, p. 384.



brought into the House of Commons from each side of the House; and to an enquiring Conservative, Lord Randolph Churchill wrote, March 24, 1884: "If you will study the course of legislation during the last fifty years you will find that the Tory party have interfered with, and restricted freedom of contract, quite as largely as the Liberals have done. During the present Parliament, the Duke of Richmond's Commission, and the House of Lords, must divide with Mr. Gladstone's government the responsibility of the Irish Land Act, and the Agricultural Holdings Act. The Duke of Richmond's Commission laid down the principle on which this legislation was founded; and the House of Lords declined to use their power to reject the bills. In comparison with legislation of that kind, the compulsory conversion of long leaseholds into freeholds, in towns, full compensation being paid to the freeholder, is, as I called it in the House of Commons, 'a trifling matter.'

"You will find this conversion of leaseholds advocated, twelve years ago, in that very orthodox organ of Tory doctrine, the *Quarterly Review*. You will find the principle again in the 65th section of the Conveyancing Act passed by Lord Cairns in 1881. Lord Cairns also dealt a very severe blow at the rights of owners of freehold property when he gave to the Courts of Law power to protect leaseholders from forfeiture for breaches of covenant. Under all these circumstances, I think that you will agree with me that this outcry against compulsory enfranchisement, this gabble about socialism, communism, &c., is highly inconsistent and ridiculous, and indicates a prevalence of very deplorable and shocking ignorance."

Among Conservatives, Lord Randolph Churchill has, apparently, the somewhat rare intelligence to see how futile

and absurd it is to seek Conservative support from people, the immense majority of whom have neither house nor freehold to conserve; and who, wherever they may be, are merely cosmopolitan and temporary residents. To reduce the numbers of this fugitive, unstable class should be the aim of patriotic statesmanship. The Tory party has its present duties; and will have, in time, abundant opportunity for government and legislation. But, to achieve success, its statesmen must be, first of all, conservative of moral energy, of national intelligence, of manliness and dignity of life; and not mere sticklers for superannuated privilege, in either Church or State. Prescriptive oligarchy is becoming weaker year by year, and cannot be depended on as a support, or even as a notable ally. The numbers of the people are arrayed against it. Territorial exclusiveness repels the lackland population, and enlists them as opponents. This most obvious fact Conservatives should learn to recognize; and then they should determine to extend their narrow basis of political support, to increase their constantly diminishing constituency of free owners of the land. Freeholders are born, or they become, conservative; and now, when numbers rule, the Tory party should take care that freeholders are multiplied. In politics, as in the culture of the land, broad acres are of little use when men are wanting. Day by day, unhappily, the people have less interest in the soil of England; and a lackland, almost homeless population cannot be, externally, a moral power and a national defence: they are a weakness, rather, without force of nerve and will that could maintain the liberties of England, and her name and place among the powers of Christendom. They would be little likely to 'speak with their enemies in the gate,' except in a

submissive way. And so when trouble comes, perhaps across the sea, the tenants, for three years or less, may see no reason why they should defend the honour of a land in which they are allowed no territorial interest. A ship is at the quay, and they will emigrate. 'The world is all before them, where to choose.' Why, then, should they stay?

No nation, when enlightened, will continue to endure its systematic severance from the land on which it dwells. A party, therefore, that would be conservative, must not make acreage alone its trust, though represented by an aristocracy. The landed interest may become so narrow and exclusive as to be but scarcely human. In the State, however, human interest is paramount. Landed proprietorship is politically useful only as it gives to men in multitude that local interest which combines them into nationality. In feudal times the lord was local head and representative of numerous retainers; but the modern freeholder of urban leaseholds is no representative at all. The land, in London almost wholly, and increasingly throughout the country, is, by leasehold tenure, made devoid of human interest. It is a ledger item only, without social sympathy; an alien territory in the midst of England, and politically dead.

From English statesmen leasehold tenure will of course demand attentive, wise consideration, since the system evidently tends to undermine the constitution of the State. Society is an organic growth; but urban leaseholds have become a means of social dissolution. Mutterings, distinctly heard by people who have ears to hear, suggestively inquire why the freeholders of England are so few, and why so many urban freeholds are accumulated in the ungenerous hands of Corporations and mere rent receivers; making good building

work impossible, prohibiting continuous improvement, and annihilating individual interest in the homes and houses of the population. The whole system, in its methods and effects, is felt to be unnatural and absurd. A change is therefore urgent, for the public good; and, in the interest both of lessors and lessees, it should be diligently made.

Besides, there is, increasingly, an element of confiscation in the air that even legislators breathe. And, as we now are ruled by numbers, it is hardly prudent for the owners of the land to sanction, or permit, a custom that is placing freeholders so rapidly in an invidious minority. For them it would appear more politic, by general enfranchisement, to gain the urban population throughout England as fellow-freeholders and sympathizing friends. The proprietors of building land, with foolish eagerness and want of circumspection, have supposed that when they granted leases they were merely multiplying their securities. Forgetting, possibly, that every act and cause has more than one effect; and failing to observe that, though securities are multiplied by leases, they are correspondingly made insecure. But now, as there cannot be, apart from residence, a sentimental interest in urban property, the lessors' simple plan would be to change their leases into mortgages; and in the place of paltry ground rents, with their long-deferred reversions, they should have the good sense to rejoice in getting ten per cent. increase of price for a forced sale, with ample opportunity for good security on registered debentures, and without the care of deeds.

A registry of title should, however, be made universal and compulsory; the subject matter being properly defined on plans developed from the Ordnance Survey. This proposal will no doubt be very shocking to conveyancers and others,

who affect to think that by disclosure titles would become endangered. Lawyers keep their clients under a delusion of this kind, with the effect, if not with the intent, that these unbusinesslike, and timid, and confiding landowners become mere subjects of their patrons, the mysterious family solicitors. It is quite time that men of landed property throughout the country were relieved of this enthrallment. No class in the nation is, from their factitious circumstances, more to be compassionated than those interested in entailed estates. They are so hampered, morally and financially, by their confused possessions, and by trammels of the law, that they lose civic courage; and, half paralysed, seclude themselves, or, made fractious by the subtle influence of these territorial affairs, become habitual opponents of the wishes of the people. They have therefore greatly lost the public influence that would be due to their long recognized position on the land, or would be yielded to their territorial income and their large expenditure. It is however, among county families, a matter of concern that men of commerce rival them in gifts of fortune. This increasing rivalry is certainly a fact; and while the aristocracy submit to be, in their affairs, mere infants, under lifelong legal tutelage, they scarcely can develop, as a class, the fortitude of character and flexibility of mind that are essential to aggrandizement in any sphere. Their only hope and remedy would therefore be to clear themselves and their estates from the encumbrances of law; that they and their descendants may in every way be free to enter on some fruitful and intelligent career. The old nobility were, in their fashion, actually *duces*, leaders of the people; but a duke is now, for the immense majority of Englishmen, a gentleman of family and fortune, with a pecu-

liar, perhaps historic name, and nothing more. A "Duke of Edom" could have hardly less political acknowledgment in England than one half of those who constitute our highest order of nobility. The aristocracy still, however, have historical position in the country and before the nation; and herein is their advantage over rising men. But they are made unbusinesslike by long seclusion from responsibility. Why, therefore, do they not abandon fruitless jealousies, and take to vigorous action; manfully assert their individual freedom, and combine with the great multitude of equally oppressed lessees to gain immediate enfranchisement? They then could set their property in order, and increase their incomes in some businesslike, efficient way. And, having rectified their own position, they might seek again, as sympathizing, well-conditioned friends, to lead the nation in its honest enterprise and in its great political career.

Enfranchisement, although conservative, is yet a liberal policy; by multiplying freeholds it diffuses social and political responsibility; and thus benefits the nation while it fortifies the government. Discerning politicians, therefore, will seek earnestly to raise the English people to become the owners of their domiciles in fee; and thus to be the natural and self-respecting conservators of the State. This, then, is the urgent duty of both parties in the legislature; they must speedily enfranchise urban leaseholds. And thus fortifying what is ancient in the commonwealth by what is young, and vigorous, and new, they will establish all our institutions on the firm foundation of the general need, and on the natural and worthy, circumspect and just desire of the people.

MAIDENFIELD,

*April 21, 1884.*