

LORD COLERIDGE ON THE LAWS OF PROPERTY.

The following is part of an address by Lord Chief Justice Coleridge:—It seems an elementary proposition that a free people can deal as it thinks fit with its common stock, and can prescribe to its citizens rules for its enjoyment, alienation and transmission. Yet, in practice this seems to be anything but admitted. There are estates in these Islands of more than a million acres. These Islands are not very large. It is plainly conceivable that estates might grow to fifteen million acres or to more. Further, it is quite reasonably possible that the growth of a vast emporium of commerce might be checked, or even a whole trade lost to the country by the simple will of one, or it may be more than one, great land-owner. Sweden is a country, speaking comparatively, small and poor; but I have read in a book of authority that in Sweden at the time of the Reformation three-fifths of the land were in mortmain, and what was actually the fact in Sweden might come to be the fact in Great Britain. These things might be for the general advantage, and if they could be shown to be so, by all means they should be maintained. But if not, does any man possessing anything which he is pleased to call his mind, deny that a state of law under which such mischiefs could exist, under which a country itself would exist, not for its people, but for a mere handful of them, ought to be instantly and absolutely set aside? Certainly there are men, who if they do not assert, imply the negative. A very large coal-owner, some years ago, interfered with a high hand in one of the coal-strikes. He sent for the workmen. He declined to argue, but he said, stamping with his foot upon the ground, "All the coal within so many square miles is mine, and if you do not instantly come to terms not a hundredweight of it shall be brought to the surface, and it shall all remain unworked." This utterance of his was much criticised at the time. By some it was held up as a subject for panegyric and a model for imitation; the manly utterance of one who would stand no nonsense, determined to assert his rights of property and to tolerate no interference with them. By others it was denounced as insolent and brutal; and it was

suggested that if a few more men said such things, and a few men acted on them, it would very probably result in the coal-owners having not much right of property left to interfere with. To me it seemed then, and seems now, an instance of that density of perception and inability to see distinctions between things inherently distinct of which I have said so much. I should myself deny that the mineral treasures under the soil of a country belong to a handful of surface proprietors in the sense in which this gentleman appeared to think they did. That fifty or a hundred gentlemen or a thousand would have a right, by agreeing to shut the coal-mines, to stop the manufactures of Great Britain and to paralyze her commerce seems to me, I must frankly say, unspeakably absurd.

Take again, for a moment, the case of perpetuities, to which I have more than once alluded, as exemplified in gifts *inter vivos*, or in what, by a common but strange abuse of language, are called, "munificent bequests," after a man has had all the enjoyment possible to him, to religious or charitable objects. Persons either not capable of attributing definite meaning to their language, or at least not accustomed to do so, talk of any interference with such dispositions as immoral, and brand it as sacrilege. The wisest clergyman who ever lived, as Mr. Arnold calls Bishop Butler, pointed out nearly a hundred and fifty years ago that all property is and must be regulated by the laws of the community; that we may with a good conscience retain any property whatever, whether coming from the Church or not, to which the laws of the State give title; that no man can give what he did not receive, and that as no man can himself have a perpetuity, so he cannot give it to any one else. No answer has ever been attempted to Bishop Butler; none seems possible; yet men go on, like the priest and le-vite, pass it by on the other side, and repeat the parrot cry of immorality and sacrilege without ever taking the trouble to clear their minds, perhaps being congenitally unable to do so, or to ascertain whether there is any argument which will "hold" upon which to justify the charge. These are they who

"might move
The wise man to that scorn which wisdom holds
Unlawful ever,"

and from whom I part with this one word.