

## THE POLITICS OF URBAN LEASEHOLDS IN LATE VICTORIAN ENGLAND(1)

### I

The prestige of the landlord class, which had stood so high in the long period of prosperity of the mid-Victorian years, fell to its lowest point in the last quarter of the nineteenth century. From the early 1880's landowners were attacked by politicians and land reformers in Parliament, in the Press and in a welter of literature on various aspects of the land question. At the same time there was a revival in the membership and activities of land organisations many of which had been started in the land agitation of the early 1870's only to go down before the onset of the Great Depression.<sup>2</sup> The main cause of the widespread feelings of hostility towards landowners was economic: the instability of trade and employment and the effects of falling profit margins on the outlook and standards of expenditure of businessmen. The conflict of economic interests between landlords, businessmen and workers was expressed in the language of class war. Radicals of the Liberal Party took advantage of the increased support given to them by the business and professional classes to renew their campaign against the landowning aristocracy. They carped at the wealth of landowners and pointed to the burden of rents and royalties which lay on the enterprise of farmers and mineowners. They contrasted the relatively fixed incomes of landowners with the falling rate of return on industrial investments. Turning away from moderate reforms designed to improve the transfer and development of estates, they pronounced that the chief burden on the land was not the law but

<sup>1</sup> I wish to thank Dr. H. J. Dyos for critically reading this paper.

<sup>2</sup> Royden Harrison, *The Land and Labour League*, in: *Bulletin of the International Institute for Social History*, Amsterdam, Vol. VIII (1953), Part. 3.

the landlord himself.<sup>1</sup> Along with socialists and other land reformers they offered to the people either the land, or part of the income from the land, as a practical solution to many of the social and economic ills arising from industrialisation and town life. There were times in the 1880's when events seemed to bear out the prophecy made by Bradlaugh a decade before that "it will be on the Land Question that large sections of the English aristocracy which regards the preservation of territorial rights and privileges as essential to good government, will shortly have to encounter a stronger foe, and to cope with a wider movement than has been manifested in England during the last two hundred years".<sup>2</sup>

One aspect of these complaints against landlordism which has been neglected in the general histories of the times was the attention paid to the ownership and holding of land in towns.<sup>3</sup> The first politician to give public notice of the existence of an urban land problem was Henry Broadhurst, the Liberal-Labour M.P. As he told his constituents at Hanley in 1883:

"Up to the present time the land question has to a great extent been thought to be almost exclusively a rural question, and so far as we have gone we have never ascertained that there was a great and growing evil and injustice in our towns and suburban districts vitally affecting the welfare of our tradesmen, as well as of our working classes, called the leasehold system".<sup>4</sup>

From this time on a large part of the propaganda directed against landlords included a protest about the use of building leases drawn up for 99 years or even less.

There were three main reasons why radicals, socialists and land reformers of all shades of opinion, singled out the town holdings of landowners for particular comment. First, the prevalence of leasehold land, especially in London, was a forcible reminder of the concen-

<sup>1</sup> The Radical Programme, in: *Fortnightly Review*, XXXVIII (1885), pp. 123-35. This should be contrasted with the traditional programme of "free trade in land" put forward by John Kay, brother of Kay Shuttleworth and Liberal M.P. for Salford until his death in 1878, G. C. Brodrick, the leading writer of the Cobden Club and the economist Thorold Rogers.

<sup>2</sup> Charles Bradlaugh, *The Land, the People and the Coming Struggle* (1872?), p. 3.

<sup>3</sup> This is basely noticed, for example, in the account of the land question in H. M. Lynd, *England in the Eighteen Eighties* (1945).

<sup>4</sup> *Leaseholds Enfranchisement* (1883), p. 3.

tration of land in the hands of aristocratic owners.<sup>1</sup> The abuses of monopoly power were now illustrated by showing how restricted was the liberty of townspeople to own their homes.<sup>2</sup> The argument was reinforced by reference to the way in which landowners had enclosed or tried to enclose for building purposes those common lands which had so far avoided the advancing army of villas.<sup>3</sup> Secondly, it was realised that repairing leases were the means by which landowners brought their rents into line with rising land values. The charge here was that the landowners had done nothing to increase the value of their land. They had not physically converted their manor parks into a suburb nor had they supplied many of the amenities for these areas. Paving, lighting and the like were normally the responsibility of the local authorities. The landlords, from this viewpoint, were the residual legatees of the improvements made by others. The rents which they drew from their town holdings seemed to be conclusive proof of the justice of the verdict of John Stuart Mill that the landowner was a "sinecurist quartered on the land". The Fabians drove the point home when they protested in 1892 that the "princely gift of the London workmen to the London landlords in net unearned increment had increased the value of London by one-third in twenty years".<sup>4</sup> It was as much the wealth of the town aristocracy as the difficulties of the rural population which accounts for the remarkable impact on political opinion of the doctrine of Henry George that the Single Tax on land values was the answer to economic inequalities. Lastly, through their town holdings the landowners were connected directly with a number of housing problems. The opponents of town landlords did not hesitate to accuse them of victimisation, of drawing

<sup>1</sup> "Freehold may have comprised about a third of the residential property in London in the last quarter of the nineteenth century, but the proportion of homes which were occupied by their owners was much smaller than this". For the evidence on which this statement is based and an analysis of the development of building estates in one part of London, see H. J. Dyos, *Victorian Suburb. A Study of the growth of Camberwell* (Leicester, 1961), pp. 85-113.

<sup>2</sup> See, for example, A. Wallace, *Land Nationalisation* (1906), pp. 116 et seq.

<sup>3</sup> Some London radicals actively supported the Society for the preservation of Commons and Open Spaces. Even *Punch* made a typically barbed jest during 1884 at the expense of landowners by imagining the accumulation of property taken to its ultimate term in a hundred years time with one Noble Duke the perpetual ground landlord of the entire kingdom. *The Survival of the Fittest*, in: *Punch*, 12 April, 1884, pp. 170-1.

<sup>4</sup> Quoted C. Bauer, *Modern Housing* (1935), p. 25. See the calculation of Sydney Webb given in evidence before the Select Committee on Town Holdings, *Parl. Papers*, 1890 (341), XVIII. For the land organisations set up to campaign specifically for the taxation of land values see F. Verinder, *The Great Problem of our Great Towns* (1908).

rents from slum property and of obstructing the work of slum clearance and the improvement of streets.

The political importance of urban leaseholds was not merely that they were cited by reformers in order to strengthen the case for sweeping changes in the ownership of land. In addition to this, some radicals, most of whom represented London constituencies, set out to organise behind them a discontented tenantry of leasehold houses, shops and business premises. Their object was to channel the agitation against leaseholds into a movement which, though ostensibly intended at improving the legal standing of town lessees, in reality aimed at abolishing the leasehold system altogether. Such was the movement to enfranchise leaseholds. The rest of this paper explores the history of the demand for leasehold enfranchisement first as an ingredient in the local politics of London and some other cities and then as an item in the programme of the Liberal party.

## II

Architects and others interested in building standards had maintained, from the late eighteenth century, that building leases were normally drawn up for such short terms in London that they attracted the worst type of speculative builder. The leasehold system was widely held to be mainly responsible for the scamped and shoddy houses of suburban London. On this objection alone there were some critics who wanted to see the end of leaseholds:

“Had Cannae, or Thebes, or Luxor,  
 Been built upon sixty year leases,  
 Would Egyptians have built of such muck, sir,  
 That long since had tumbled to pieces?  
 I wot, such were likely their case,  
 And now they had not lived to moulder;  
 So away with the short building lease  
 Saith a staunch-building franchised freeholder”.

(Signed) Aberdeen Granite.<sup>1</sup>

<sup>1</sup> For opinion on leasehold building in the eighteenth century, see M. D. George, *London Life in the Eighteenth Century* (1925), p. 76. For an example of professional opinion in the early nineteenth century, see J. Noble, *The Professional Practice of Architects* (1836), pp. 92, 95. By the 1850's the *Builder* was the main vehicle for attacks on leaseholds: X (1852), pp. 693-4, XV (1857), p. 220 and XVI (1858), p. 551. The quotation is from the *Builder*, XIV (1856), p. 599.

By the mid-century those who spoke against leaseholds were voicing also the discontent of suburban house-owners and tradesmen at the many irritations of leaseholds: the burdens of land tax, rates and repair bills, the legal expenses of leases, the insecurity at the end of a lease and the lack of compensation for improvements made during a tenancy. In 1848 and possibly earlier the idea of enfranchisement, of giving the lessee a power, at some time in the lease to become a freeholder, was put forward. It was already a familiar theme in the literature on land tenures. It was currently being debated as one way of ridding the country of Church leases, life leases and copyholds, the “remnants of an outworn feudalism”.<sup>1</sup> When the same remedy was applied to urban leaseholds this would, it was hoped, relieve the problems of the town lessees, limit the spread of leaseholds and hence deter the rich from “absorbing all the property of the towns and cities of the Empire and by unhallowed accumulation erecting their family possessions into principalities of unnatural wealth...”.<sup>2</sup>

This kind of sniping attack was kept up well into the 1870's, but by then the few voices raised against town leases were being drowned by the greater volume of debate on rural land-owning. Despite the unpopularity of short leases in London and elsewhere the problems of town tenants had received little more than a passing interest from politicians. Despite all the efforts of John T. Emmett to keep the subject of urban leaseholds before the public there seemed little hope of raising again the “utterly dejected spirit of the leasehold world”.<sup>3</sup> Yet in 1883 this situation was completely changed. In that year three Bills were introduced into the House of Commons which affected the future of the leasehold system. The most important of these was the first of many Bills presented by Henry Broadhurst to “facilitate the

<sup>1</sup> A. Scratchley, *Treatise on the Enfranchisement and Improvement of Copyhold, Life-leasehold and Church Property etc.*, (3rd ed., 1854), p. 2. Also Select Committee on the Enfranchisement of Copyholds, *Parl. Papers*, 1851 (550), XIII; Select Committee on Church Leases, *Parl. Papers*, 1837 (692), IX.

<sup>2</sup> *Leasehold Tenures and Frail Structures*, in: *Builder*, VI (1848), pp. 616-7 and VII (1849), pp. 39-40, 87-8.

<sup>3</sup> *Would Leasehold Enfranchisement Be Advantageous?* (1885), p. 23. This is the printed version of a paper read before the Congress of the Association for the Promotion of Social Science, Birmingham, September, 1884. Emmett's first article on leaseholds appeared in the *Quarterly Review* (1872) under the titles: *The State of English Architecture*, and *The Hope of English Architecture*. These were followed by *The Ethics of Urban Leaseholds*, in: *British Quarterly Review* (April, 1879).

purchase of the fee simple of leasehold property”.<sup>1</sup> Along with other London radicals such as H. L. W. Lawson, the secretary to the Metropolitan Liberal Members Committee and James Rowlands, the member, from 1886, for East Finsbury, Broadhurst helped to found and run the Leaseholds Enfranchisement Society. The purpose of this organisation was to rally the support of the leaseholders of London and other cities.

The immediate cause of this revival in the campaign for enfranchisement was the number of leases coming up for renewal in West and North London. Resentment spread amongst the tenants of leasehold property as rents increased and widespread evictions accompanied the falling in of leases on some of London’s great estates. The formation of the Leaseholds Enfranchisement Association was primarily due to an outcry against the highhanded and sometimes arbitrary actions of ground landlords or their agents.<sup>2</sup> Henry Broadhurst was one of the first politicians to ventilate the grievances of middle class householders about the terminable character of building leases.<sup>3</sup>

The motives of those politicians who supported this movement in its early stages were not identical. There were some who, fearing the complete overthrow of all property, saw the enfranchisement of leaseholds as a lesser evil and an antidote to the socialist doctrines then gaining ground.<sup>4</sup> Lord Randolph Churchill prepared his Bill, for instance, partly so that he could pose as more radical than the Liberals but also because he too feared worse things to come.<sup>5</sup> Indeed some politicians, who were also ground landlords, were prepared to support an optional measure of enfranchisement. Evelyn, a Deptford ground landlord, voted for the Bill of the Conservative member, Colonel Hughes, because he was convinced that “the ground landlord stands in an invidious and perilous position as regards the community and

<sup>1</sup> The provisions of the annual enfranchisement Bills altered over the years. The earliest one aimed at giving the tenants of leasehold property an option to buy the remainder of a building or repairing lease, provided twenty years of the term was outstanding, at a price to be decided by the judge of a County Court.

<sup>2</sup> For a general complaint against the actions of ground landlords and some cases of hardship collected when a special investigation for the Times was carried through, see F. Banfield, *Great Landlords of London* (1888).

<sup>3</sup> He also promoted a special Bill on behalf of dissenters whose chapels stood on leasehold land.

<sup>4</sup> This fear was clearly stated by C. W. Stubbs, *The Land and the Labourers* (1884), p. 24.

<sup>5</sup> Hansard, 3rd Series, CCLXXXVI (19 March, 1884), p. 241-6. *Fortnightly Review*, XXXV (May, 1884), p. 700.

there is very considerable feeling in favour of the principle of Leaseholds Enfranchisement".<sup>1</sup>

To Broadhurst and his associates and especially the municipal reformers in London, a compulsory measure of enfranchisement seemed one way of striking directly at the town holdings of landowners. It was also thought to be a genuine measure of social reform. Both the Radicals and the "progressives" put the abolition of leaseholds in the same category as the clearance of slums and the provision of cheap trains for workmen: an important part, that is, of their solution to the most pressing social problem of the day, the housing of the working classes.<sup>2</sup> As Broadhurst reminded the House of Commons in 1884:

"During the last twelve months the country has been shocked by vivid descriptions in the Press and else where as to the wretched houses in which the great mass of the poor people in London were compelled to live. He charged upon the leasehold system the main cause of this wretched class of property."<sup>3</sup>

Like many other critics of housing conditions in London, he singled out the activities of house farmers or middlemen as the scapegoats for the slum housing which had developed over the century. These "wholesale dealers in fever dens" he regarded as the creation and one of the worst evils of the leasehold system: it was the middlemen who exploited the poor with high rents; it was the middlemen who bought up the "fag ends" of leases and, interested only in the profits of ownership, crowded the working classes into insanitary and dilapidated tenement houses.<sup>4</sup> Charges such as these had often been made before, but they now appeared to be supported by the evidence given before the *Royal Commission on the Housing of the Working Classes* the same year. The Supplementary Report referred to the alleged effects of short leases on working class housing and recommended the enfranchisement of leaseholds.<sup>5</sup>

The radicals who first took over the leadership of this movement

<sup>1</sup> Minutes of Evidence, Select Committee on Town Holdings, Parl. Papers, 1887 (260) XIII [9242-46, 9252-86].

<sup>2</sup> Henry Broadhurst, M.P., *The Story of His Life, Told by Himself* (1901), p. 143.

<sup>3</sup> Hansard, 3rd Series, CCLXXXVI (19 March, 1884), p. 216.

<sup>4</sup> *The Enfranchisement of Urban Leaseholders*, in: *Fortnightly Review*, XXXV (1884), pp. 345-6.

<sup>5</sup> Supplementary Report, *Royal Commission on the Housing of the Working Classes*, Parl. Papers, 1884-5 [C. 4402-1], XXX, vol. 11.

The signatories included Cardinal Manning and Charles Dilke. See, C. Dilke and F. Proctor, *Papers on the Leasehold System* (1886?).

drew their inspiration from Cobden and Bright rather than John Stuart Mill. They believed in the working classes owning their homes for moral as well as for political reasons. They believed that the enfranchisement of urban leaseholds would encourage all the virtues associated with house ownership by creating a "great permanent class of workman proprietors". H. L. W. Lawson revealed the middle class attitudes of the Liberal-Labour M.P.s when he derided the leasehold system as "hostile to the spirit of thrift and self-help among those classes that most need its development, and fatal to the civic character of those whom we wish to interest and occupy in the public affairs of their own locality".<sup>1</sup> Ideas such as these had earlier inspired the founders of freehold land societies and building societies.<sup>2</sup> They also fitted easily into the doctrines of free trade in land. Interference with contracts was justified because of the monopoly of land holding and because of the inequality in the relations of householder and ground landlord. Hence legislation was a reinforcement of economic freedom rather than an example of state intervention. It was the standpoint of moderate radicals all through the nineteenth century.

### III

For the first ten years after 1884 political controversy on the leasehold issue was kept going by the activities of the Leaseholds Enfranchisement Association. During most of this time the subject of town leases was rarely out of the London, and in some parts of the country, the provincial press. Such publicity was not only indicative of the successful methods of this London reform organisation but reflected also the variety of interests both economic and professional affected by the proposed reform. There was often a touch of drama in the conflicts of politicians intent on raising a crop of freeholders whatever the disturbance to property and those whose fortunes and livelihood depended on the property market.<sup>3</sup>

<sup>1</sup> Hansard, 3rd Series, CCCXXXV, (1 May 1889), p. 899. H. Broadhurst, *The Enfranchisement of Urban Leaseholders*, op. cit., p. 394.

<sup>2</sup> J. Hole, *The Homes of the Working Classes* (1866), pp. 84-6. J. Seymour Price, *From Queen to Queen, The Centenary Story of the Temperance Permanent Building Society, 1854-1912* (1954), pp. 12-19. Sir Harold Bellman, *Bricks and Mortals. A Study of the Building Society Movement and the Story of the Abbey National Building Society, 1849-1949* (1949).

<sup>3</sup> The main source for the work of this Association is the annual reports, 1883/4-1894 (1st-11th Reports with gaps). Its full programme is given at appendix 1, *Select Committee on Town Holdings*, Parl. Papers, 1887, op. cit.



The members of the Leaseholds Enfranchisement Association set out to play on the interest of Londoners in leaseholds and to stir up feelings in other leasehold towns. Up to 1893 they conducted a vigorous if fruitless campaign. Representatives were sent out to tour the country and speak at open air meetings and in the rooms of the local branches which were started. Although the customary tenure in the Midlands and the North of England was freehold or something like it – the rent charge paid on long leases of a thousand years or more – yet by 1914 just under one-third of the urban population of England and Wales were living on short leasehold.<sup>1</sup> Wherever a local landowner with extensive or well-placed holdings had lead the way in successfully using building leases to develop his estates, there others had followed to bring into being a leasehold town. The response made by the local inhabitants of these towns to the approaches of the missionaries from the London Association varied, however, according to the type of property held on this tenure. There was not a great deal of support in the seaside towns and those towns such as Birmingham with a lot of high-class residential property; there was much more of an enthusiastic following in those towns with large estates of working class houses. At Sheffield the Association found, for instance, that the local landowners were already under fire from sitting tenants and the owners of leases. On the Duke of Norfolk's estate to the east of the city the rights of sitting tenants were not recognised in the renewals and rack rents were charged even in the leases of two chapels.<sup>2</sup> In other, smaller towns such as Devonport, Oxford, Grimsby and Tavistock, in all of which a single landowner held a virtual monopoly of developed sites, the members of the Association brought to the surface an under-current of discontent. Southport was but one of a number of towns where the Mayor and corporation made the meeting of the Association an official demonstration of the collective opinion of the town. But it was amongst the cottagers of the quarry towns in North Wales and the villagers and townfolk of Cornwall and the West of England that the strongest branches were founded. Leases in North Wales tended to be very short whilst those in Cornwall, being leases for lives, were extremely insecure. The lease for three lives was perhaps the most hated of all

<sup>1</sup> Report, Select Committee on Town Holdings, Parl. Papers, 1889 (251), XV. Report, Land Enquiry Committee, 11, Urban (1914), p. 34. For an account of the growth of the leasehold system from its beginnings in the fourteenth century, see chapter 1 of my M. A. Thesis, *The Use of Short-term Building and Repairing Leases... in the nineteenth century* (Leicester, 1961).

<sup>2</sup> S. Pollard, *A History of Labour in Sheffield* (Sheffield), 1959, pp. 101-2.

town tenures and was regarded as little more than a speculation in mortality. It was from the Camborne Branch in Cornwall that the Bitter Cry of the Cornish Leaseholders was issued, a pamphlet which, in its title as in its contents, recalled the more famous production of the Reverend Arthur Mearns in London.<sup>1</sup>

In London and elsewhere the executive committee argued their case in letters to the Press, in a spate of pamphlets issued from headquarters, at the meetings of the Social Science and Law Societies and before the members of Parliamentary enquiries.<sup>2</sup> The most important of these investigations and one which was appointed partly because of their pressure was the *Select Committee on Town Holdings*, 1886-1892.<sup>3</sup> The sessions of this Committee became the battleground for the leading protagonists and opponents of the leasehold system, the Association versus the estate agents of the main ground landlords of London. Here informed witnesses gave valuable evidence on the benefits and difficulties of leaseholds. In all this London work the Association was helped by two eminent solicitors: J. S. Rubinstein, who conducted all the legal business, including the defence of tenants who complained of unjust treatment; and Charles Harrison who was the main authority on the legal and historical aspects of leaseholds. His evidence before the Select Committee, though strongly criticised in its Report, was the backbone of the Association's case.<sup>4</sup> They were also well served by a journalist, Howard Evans, one of whose main tasks was to popularise the case of the Association and the findings

<sup>1</sup> I.e. *The Bitter Cry of Outcast London* (1883). The main sources for this paragraph are: J. T. Hughes, *Landlordism in Wales* (1887); *Select Committee on Town Holdings*, Parl. Papers, 1888 (313), XXII [evidence from representatives of English provincial towns]; Royal Commission on the Housing of the Working Classes, op. cit., [evidence Vivian from Camborne]; J. E. Thorold Rogers, *The Laws of Settlement and Primogeniture*, National Association for the Promotion of the Social Sciences, *Transactions* (1864), p. 124; John T. Emmett, *Would Leasehold Enfranchisement be Advantageous?* and J. S. Rubinstein, *On the Same*, *ibid.* (1864), and *First Report*, L. E. A., (1883-4), p. 2.

<sup>2</sup> *First Annual Report*, *ibid.*, pp. 7-8. The speech of W. H. Levinton was given to the Incorporated Law Society (1884). The newspapers and periodicals used included the *Echo* (Evans), *Pall Mall Gazette* and *Fortnightly Review* (Broadhurst), *Nonconformist* (Emmett) and *Birmingham Daily Post* (Jesse Collings).

<sup>3</sup> This Select Committee was concerned not only with leaseholds but also with the taxation of ground rents.

<sup>4</sup> Harrison printed most of his researches: *A Paper on Leasehold Enfranchisement ... Read before the British Association at Bath* (1888). Also *Select Committee on Town Holdings*, 1887, op. cit., - especially QQ. 4006-9 and the Report, 1889, op. cit., para. 105.

of the Blue Books.<sup>1</sup> Apart from organising petitions which they considered too expensive and for which there was no real need, this London reform organisation used every recognised means of pressing its case.<sup>2</sup>

The first and most important task of the Association was to secure the backing of the tradesmen of London. Secondly, they needed to secure the support of those professional bodies whose members dealt with town property. On both counts the Association failed to gain little more than general expressions of sympathy. Indeed by 1891, Howard Evans was speaking of the West-end tradesman who "lies down to be kicked, and ought to be kicked because he lies down".<sup>3</sup> In fact the London retail traders were to set up the Town Tenants League to press for the reform rather than the abolition of leaseholds. The conversion of the professionals in land was an even taller order for, in addition to a naturally conservative bent of mind, they tended to treat the leasehold issue simply on its merits and not as the beating stick of the urban landed estate.

There is no doubt that informed professional men felt that a good case could be made for some reforms in the leasehold system.<sup>4</sup> Thus the economists and others connected with the street improvements of the Metropolitan Board of Works realised that leaseholds complicated the legal and financial difficulties of compulsory purchase. In their turn the lawyers thought that some simplification was necessary in those aspects of leaseholds with which they were familiar: the fraudulent building agreements, the dreary waste of title deeds and the jungle of leases, releases, mortgages and second charges. Both the architects and surveyors were convinced that some legislation was needed to lessen the injustice in the relations between landowner and tenant. There was almost unanimous agreement that leasehold tenures had, with some justice, acquired a bad name. Yet the reforms which

<sup>1</sup> H. Evans, *The Doom of the Leasehold System* (1885) and his reports on the Select Committee on Town Holdings published by the Association in 1887 and 1888, *The Case Against Leaseholds*, Parts I and II (1889).

<sup>2</sup> During 1890 alone 49 petitions were presented to Parliament.

<sup>3</sup> Report, L. E. A. (February, 1891), p. 17.

<sup>4</sup> A variety of professional opinion was expressed at the meetings of surveyors in 1884 and later. See, for example, R. W. Mann, *The Enfranchisement of Urban Leases*, and Howard Martin, *Recent Proposals for Leasehold Enfranchisement*, *The Surveyors' Institution, Transactions*, XVII (1884-5). Professional opinion was also represented before the Select Committee on Town Holdings, 1887 and 1888, *op. cit.* See also F. Perks, *Leasehold Enfranchisement* (1894) and A. W. Tarn, *Prize Essay, The Enfranchisement of Leaseholds etc.* (1893).

were proposed by professional men were, to the radicals, no more than tinkering remedies, while the arguments of politicians for enfranchisement seemed in professional eyes, to be jejune, inconsistent and bristling with difficulties. The surveyors argued, for instance, that many of the things complained of by the radicals, such as overbuilding and slum housing, were due to more fundamental causes. They stressed the dislocation which the measure would cause to the property market, affecting the interests of thousands of prudent investors in ground rents many of whom were looking for a safe rather than a high return on their savings.<sup>1</sup> They also exposed the fallacy that enfranchisement would bring home ownership nearer to the working classes. Few sitting tenants, let alone working men, they argued, were actually leaseholders so that even if this measure did benefit the better off town dweller it would hardly touch the problems of the poor living in the back street mews. The editor of the *Builder* summed up the general tenor of informed opinion when he concluded that this was "too small a benefit to justify the passing of so strong and wholesale a piece of legislation".<sup>2</sup>

Inevitably, the Association came up against more opposition from powerful vested interests, the town landowners and their retinue of solicitors and estate agents. Broadhurst had anticipated fierce resistance from all those interested in the continuance of town holdings for he, as well as the landowners, had realised that the option to purchase would make the future use of building leases a hazardous and unprofitable speculation.<sup>3</sup> It was clear to everyone concerned that landowners would sell their holdings rather than be faced with a power of compulsory purchase at the whim of a lessee. With the future of town holdings at stake, a common front was essential. This was achieved by the formation of the Central Landowners Association and the meeting together of the leading London estate agents.

The logical counter-propaganda for landowners was to insist on the value of building leases as instruments of good estate management. Thus the defence of leaseholds was based on the argument that the covenants in leases were a means of planning urban development, of maintaining housing standards and of keeping up the exclusive character of an area. This might be called the "Chandlers shop-in-Belgrave-Square-argument" because it was buttressed with examples drawn from the residential estates of London's West End. Sweeping aside the lessee's claim that the tenure was uncertain, the landowners

<sup>1</sup> C. A. James, *Leaseholds and Legislation* (1890), p. 25.

<sup>2</sup> *Builder*, XLIV (1883), p. 700.

<sup>3</sup> H. Broadhurst, *op. cit.*, p. 352.

insisted on the rights of free contract and pointed out that the lessees could insure against the time when the land and buildings returned to the freeholder. How far these arguments were effective often depended on personal experience: even moderate land reformers were against enfranchisement if they had lived on or near the estate of an imaginative ground landlord.<sup>1</sup>

The most aggressive face was shown by the political extremists, the left wing land reformers and the right wing upholders of "*laissez faire*". The hopes of H. L. W. Lawson that his cause might serve to unify all land reformers were disappointed. In this case, as in many others, the reformers of late Victorian England were as much taken up with internecine strife as with attacking their acknowledged opponents.<sup>2</sup> The London meetings of the Association were rowdy and confused because of the constant barracking and the alternative motions of the supporters of land nationalisation. Even on the London County Council the Radicals and Socialists were at loggerheads over the Bill, the latter regarding it as a poor substitute for the large scale changes which they contemplated. The Fabians went further and, sneering at the middle class attitudes of the members of the Association, called on all "Radicals and Socialists who are against landlordism" to oppose them.<sup>3</sup>

Whereas the demoralising criticisms of the left wing were resented by the enfranchisers those of the other political extreme were only to be expected. The main literary repulse of the right wing was organised by the Liberty and Property Defence League. Its chief pamphleteer, Lord Bramwell, fired indignant broadsides at the radicals for their presumptuous attempt to set up "small owners in a great estate". On more than one occasion he remonstrated at length on the principle of enfranchisement which, in his view, involved a wholesale destruction of the rights of property. The importance this group attached to upholding the landed estate was phrased by another spokesman, W. H. Mallock, in words which, in this context, have literal as well as symbolic meaning:

<sup>1</sup> A. Underhill, *Leaseholds Enfranchisement* (1887); G. Becken, *Freehold Disfranchisement* (1887); C. J. G. Eiloart, *Leasehold Aggrandisement* (1885); and T. Grosvenor Lee, *The Programme of the Free Land League* (1885), p. 13.

<sup>2</sup> There is much entertaining illustration of this in the unusual study by H. Ausubel, *In Hard Times. Reformers among the Late Victorians* (Columbia University Press, New York, 1960).

<sup>3</sup> Hon. Secs. Report, *The North and West London Branch* (1893), press reports at the back. H. L. W. Lawson, *Hansard*, 3rd Series, CCCXXXV (1 May 1889), p. 904. Fabian Tract No. 22, *The Truth About Leaseholds Enfranchisement* (1890).

“The magnificence of the castle does not come from the plunder of the alley, but is the cause of the alley existing, where otherwise there would be no shelter at all.”<sup>1</sup>

The main support for the Association outside Parliament came from middle and working class house-holders. It was a strong support which in London no politician could afford to ignore. In Parliament the Bill was debated three times during the first ten years and although defeated on each occasion the margin was, in 1891, narrowed to 13 votes. It was not a bad record considering the pressure of the Home Rule issue on parliamentary time. Moreover until 1889 at least feelings ran high on leasehold matters, so high in fact that some ground landlords began to think that the time when the Bill would pass the Second Reading was fast approaching.

To a large extent the changes in urban estate management made by some landowners during the 1880s were influenced by the possibilities of more drastic legislative action. The reaction of the Ecclesiastical Commissioners was typical of other ground landlords at the time. In 1886 the Secretary of the Ecclesiastical Commission broached the idea of anticipating compulsory enfranchisement by converting Church leases in London into long leases of 999 years at an increased rental. This policy was in line with the conversions already being made on northern estates where the Commissioners had felt it useless offering more limited terms. Discounting the warning of their estate agent that the value of gold might conceivably fall in the course of time, the Commissioners circularised the new offer to lessees in 1893.<sup>2</sup> If they were troubled about the clamour against leaseholds even more worrying was the publicity given to some of the congested estates from which they drew rents.<sup>3</sup> This sort of notoriety was particularly unwanted at a time when dissenting radicals were questioning strongly the basis of their authority. As estates of slum houses came into

<sup>1</sup> *The Functions of Wealth*, in: *Contemporary Review*, No. 41 (1882), pp. 195-210, quoted Lynd, *op. cit.*, pp. 75-6. See also, *Self-Help v. State-Help. The Liberty and Property Defence League: Its Origin, Objects and Inaugural Meeting* (1882); Lord Bramwell, *Leasehold Enfranchisement* (1887?), p. 7 and *Nationalisation of Land* (ed. 6, 1890).

<sup>2</sup> Church Commissioners, Memorandum, File No. 62230, Part 2; Select Committee on Town Holdings, 1887, *op. cit.*, QQ. 3821-3 and Return No. 21; *Victoria County History, Durham*, 11 (1907), pp. 257-8; Copy of Circular issued by the Ecclesiastical Commissioners to their Metropolitan Lessees, *Parl. Papers*, 1893-4 (99), LXVII.

<sup>3</sup> H. Lazarus, *An Illustration of the Rise and Spread of Slumland etc.* (1892). This included a virulent attack on the “tainted” sources of Church rents and was a foretaste of similar polemics during the 1920’s and 1930’s. Cf. C. W. Currie, *The Church of England and her slum ground rents* (1930).

possession the Commission decided on a more active policy than hitherto: either they knocked the houses down or handed them over to Octavia Hill and her team of housing managers. By the end of the century the Commission had begun to redevelop the worst areas accepting thereby the moral responsibility of providing suitable houses for wage earners at reasonable rents.<sup>1</sup> Other ground landlords who were either unwilling or unable to lose money on slum clearance preferred to rid themselves altogether of the cares of managing house property. They sold their holdings. In the opinion of the *Spectator* an exchange of ground rents for consols was the wisest course for landowners to take. It seemed to be the only realistic answer when the pressure for the abolition of leaseholds was so strong.<sup>2</sup>

In ten years the Leaseholds Enfranchisement Association had brought the leasehold question to the forefront in London politics and had secured a good deal of support elsewhere in the country. Above all, its members had at last persuaded those leading Radical Liberals who had been indifferent or even hostile to the grievances of leaseholders that this was a cause worth making an item of national policy. Yet they had not done enough to pass the Bill through the House nor to convince the Town Holdings Committee whose Report came down for a half-hearted measure of local and optional enfranchisement. In the pamphlets of the early 1890's and at the Annual Meeting in 1893 the arguments of supporters were tinged with bitterness and disillusionment. They complained of the paralysis which had afflicted the Bills of Private Members and the apathy of the public. They tried to simplify their title and to broaden the issues for which they fought by calling themselves the "Leasehold Reform Association".<sup>3</sup> This action was but the last flicker of the organisation before entering on a long twilight existence from which a pamphlet emerged only occasionally. From the time of its inclusion in the Newcastle Programme of 1891 the fate of leasehold enfranchisement was tied up with the policy and fortunes of the Liberal Party.

<sup>1</sup> For the work of Octavia Hill on Church estates at Southwark (1889) and Walworth (1903), see E. S. Oury, (ed.), *Octavia Hill. Letters to Fellow Workers, 1864-1911* (1933). The policy of the Ecclesiastical Commission was outlined in their pamphlet, *Housing of the Working Classes. London Estates* (1906) and also by G. Middleton, *The Church and Housing. Work of the Ecclesiastical Commissioners* (1934).

<sup>2</sup> *Spectator*, 4 May, 1889. Howard Evans claimed all changes as triumphs for the Association, *Echo*, 6 July, 1888. In one case at least this was hardly just. Cf. Special Committee on the Corporation Leaseholds of Liverpool, *Report and Evidence* (1887-8).

<sup>3</sup> *Annual Reports, L.E.A.* (1894-5). C. Harrison, *Reform of the Land Laws and its rejection by the House of Landlords* (1891).

## IV

The slogan of leaseholds enfranchisement was used by the Liberals, in the first instance, to catch the votes of city workers. The success of Joseph Chamberlain's programme in the 1885 election had been due to the popularity in rural constituencies of his land schemes, dubbed by a scoffing Tory, "three acres and a cow". Chamberlain was, of course, concerned with the condition of town housing but he had failed to see that the leasehold question might provide the urban cow. It was Jesse Collings, his able lieutenant, and to some extent Charles Dilke, who realised the political importance of urban leaseholds. Then in the election campaign of 1888, John Morley, speaking at Clerkenwell, put the ownership of city lands in the forefront of a programme which three days later Gladstone endorsed at Limehouse.<sup>1</sup> In 1892, Sir Charles Trevelyan, hit out at the great ground landlords and, falling foul of the solicitor to the Duke of Westminster, he became the laughing stock of the *Times* and *Saturday Review*.<sup>2</sup> During this time the progress of enfranchisement to its official place in Liberal policy was marked by three milestones: its acceptance by the London Liberal Federation; its inclusion in the variety of land reforms which made up the "omnibus" resolution in the Newcastle Programme; and the acceptance of that programme by the National Liberal Federation. These victories by the Radicals indicate that by the 1890's the influence of the landed interest on Liberal policy was on the wane. In fact the number of landholders belonging to the Party in Parliament had declined from 159 in 1880 to 31 in 1895.<sup>3</sup>

The importance of urban leaseholds to the Liberals was that they provided the link which brought together land and housing. This viewpoint was aptly summarised by Campbell Bannerman when he was reported as saying:

"What is the Housing Question but one phase of the Land Question? and who can fail to see that the forces which demand the opening of the Land Question are strengthening among us day by day."<sup>4</sup>

The thought of the Liberals on urban leaseholds was strongly influenced by the view that the ground rents of landowners, those

<sup>1</sup> Annual Register (1888), p. 229.

<sup>2</sup> *Times*, 17 February, 1892 and *Saturday Review*, 20 February, 1892.

<sup>3</sup> For a detailed analysis of the economic interests of Liberal M.P.'s see J. Alun Thomas, *The House of Commons* (Cardiff, 1939), p. 14.

<sup>4</sup> Reported by a journalist Tim Bobbin in *Peoples Popular Penny Edition* (1892?).



“great unearned increments” Gladstone called them, embodied the enterprise and industry of the rest of the community.<sup>1</sup> Unlike Broadhurst who was no follower of Henry George, the more extreme Radical Liberals did not think of the enfranchisement of leaseholds as an end in itself but rather as an accompaniment to the taxation of ground rents and as a desirable stage in a larger programme of land reform. Sir W. Foster explained his support for the Leaseholds Association in 1891 on the grounds that the “outer citadel in which the landlords live must fall first”, and then will be the time for those larger reforms so that “it will not be long before this abominable landlord system meets a just doom”.<sup>2</sup> Neither Labouchere nor Haldane nor Lloyd George, each of whom spoke against the leasehold system at one time or another, thought that it was a major issue. They believed that the real remedy for urban land problems was compulsory purchase, “enabling the community to acquire what the community had created”.<sup>3</sup> The result of this policy was that despite the Newcastle Programme the demand for leasehold enfranchisement continued to be made to Parliament in a Private Members Bill, annually presented but rarely debated.

There was one final episode in the political history of urban leaseholds before the first World War. In the last year of peace the government of Lloyd George came near to remedying some at least of the grievances of leaseholders. The Liberal land enquiry started by Lloyd George investigated urban as well as rural land tenure and collected together an impressive array of evidence on the “iniquities” of the leasehold system. In 1913 the whole question of lessees’ rights was raised again when another cluster of London leases fell in. Moreover a new twist was given to the speculation in “fag ends” when financial syndicates began to enter the market for old working class houses. This time, too, professional opinion favoured some positive action being taken for it was becoming clear that the covenants of building leases tended to fossilise land use in areas of rapid change.<sup>4</sup>

In August, 1913, Lloyd George was preparing for an onslaught on the town landowner. In October he promised to support the Bill of the Town Tenants League, and in a speech at Holloway in November he promised security and certainty to the lessees of houses. Finally,

<sup>1</sup> Speech at the National Liberal Club in 1887.

<sup>2</sup> Report of the Annual Meeting of Members, L.E.A. (10 February, 1891), p. 12.

<sup>3</sup> Lord Haldane, Hansard, 3rd Series, CCCLII (29 April 1891), pp. 1700-10.

<sup>4</sup> E. A. Collins, *Leasehold Enfranchisement* (1913), pp. 3, 8; *Surveyors’ Institute, Transactions, Urban Land Problems*, XL (1908) and XLVIII (1915).

in a further speech at Middlesborough, he revived the old connection between leases and slum housing in a stinging attack on the Bootle property of Lord Derby.<sup>1</sup> Had the war not intervened it is very probable that some changes would have been made in the leasehold system.

In 1914 annual leasehold Bills had been brought into the House for the last thirty-two years: a persistent, single-minded, but unsatisfied demand for the abolition of leaseholds. This was not the end of the matter. During the years between the two World Wars and even after, both the grievances of leaseholders and the attempts by politicians to redress them have continued. On more than one occasion since the nineteenth century the leasehold system has been appraised, although with inconclusive results, by Parliamentary committees. This lack of agreement about leaseholds reflects a deeper division of opinion on the social functions and ownership of property.<sup>2</sup>

Since the late nineteenth century much of the energy and organisation has gone from the movement to enfranchise leaseholds. It was a product of that vigorous challenging of institutions and accepted ways of living which characterised late Victorian England. It was then significant less as a solution to housing difficulties, real though these may have been, than as a focal point for the radical attack on the ownership of city lands. The history of this movement clearly illustrates the ubiquity of urban land reform in the politics of the late nineteenth century and, at the same time, reveals some of the reasons why even the moderate proposals of land reformers were not achieved until much later, if at all.

<sup>1</sup> D. Lloyd George, *The Urban Land Problem, The Case of Town Tenants* (1913) and *Leaseholds-housing* (1913); Randolph S. Churchill, *Lord Derby, King of Lancashire* (1959), p. 110.

<sup>2</sup> Some improvements were made by the Law of Property Act, 1925 and a minor victory won with the Places of Worship (Enfranchisement) Act, 1920. For discussions on the present day position see, Leasehold Committee, *Parl. Papers*, 1950, Cmd. 7982, XII; P.E.P. Report No. 338, *The Future of Leasehold* (1952); Fabian pamphlet No. 180, *Leasehold Enfranchisement* (1956).