

Paley holds, the law of the land,—if there had been no previous foundation of right on which the law itself rested,—we would have to regard as miserably inadequate and precarious indeed the tenures of our lairdocracy, and to recognise the aspirations of the levelling Chartist and the agrarian ten-acre man as at once rational and fair. The right which the law had created at one time it might without blame disannul at another ; for if the law did not rest on a heaven-derived justice, but was itself a primary foundation, and rendered just whatever rested on *it*, justice would of course be as variable in its nature as opinion among the law-making majorities of the country ; and so it would not be more than equally just for the Conservative majorities of to-day to secure their estates to the existing proprietors, than for the Chartist majorities of to-morrow to break up these estates into single fields, and give a field apiece to the working men of the country. The law of the land cannot create property : it can merely extend its sanction and protection to those previously existing rights of property on which all legislation on the subject must rest, or be mere enacted violence and outrage, abhorrent to that ancient underived justice which existed ere man was, and which shall long survive every merely human law.

Nay, even in cases where man's labour has not yet been incorporated with the soil,—on wide moors and among rugged hills, where he has neither ploughed nor planted,—it is for the benefit of the species that individual rights of proprietorship should exist and be recognised. The proprietor virtually holds, in many such cases, not merely in his own behalf, but in that of the country also. We were never more forcibly struck by the fact than when travelling several months ago in the mainland of Orkney, in a locality where the properties are small, and there exists a vast breadth of undivided common. Wherever the rights of individual proprietors extended, we found land of some value ; we at least