

**ON NATIONAL PROPERTY,  
AND ON THE PROSPECTS OF  
THE PRESENT ADMINISTRATION  
AND OF THEIR SUCCESSORS**

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On National Property, and on the Prospects of the Present Administration and of Their Successors by Nassau William Senior

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**NASSAU WILLIAM SENIOR**

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THE PRESENT ADMINISTRATION  
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*Y. Adams, Cleveland*  
ON *from the author*  
*1851*

**NATIONAL PROPERTY,**  
  
AND ON  
  
**The Prospects**  
  
OF THE  
  
**PRESENT ADMINISTRATION**  
  
AND OF  
  
**THEIR SUCCESSORS.**

By *Nathaniel S. Sears*

"C'est moi qui nomme les ministres, mais c'est la nation qui les renvoie."  
LOUIS XV.

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ON

## NATIONAL PROPERTY,

&c. &c.

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THE subjects of our title-page may appear, at first sight, to be totally distinct. It will be found, however, that they are intimately connected. The nation has now arrived at one of those periods which recur in the history of every free and progressive community, at which traditionary routine ceases to be a guide;—when the file affords no precedent, and we must either submit to act from mere impulse and guess, or must recur to the first principles on which the theory of government is founded.

The great object and the great difficulty in government is the preservation of individual property. All the fraud and almost all the violence

which it is the business of government to prevent and repress, arise from the attempts of mankind to deprive one another of the fruits of their respective industry and frugality. Among savages these attempts produce robbery and theft. To these simple modes of unjust appropriation civilized nations add the less palpable forms of monopoly, combination, and privilege; abuses which, when of long standing, it is not easy to detect and expose, and which it is still more difficult to remedy, without occasioning much immediate injury to individuals. But the most revolting, and perhaps the most mischievous form of robbery, is that in which the government itself becomes an accomplice; when the property of whole classes of individuals is swept away by legislative enactments, and men owe their ruin to that very institution which was created to ensure their safety. It is highly honourable to the honesty and sagacity of the people of England that they have guarded against this evil with almost superstitious care, and have allowed every individual to oppose his own interests to those of the public to the utmost extent to which, with any resemblance to



decency, they can be urged. It may be a question, indeed, whether they have not often gone beyond this point, and allowed pleas of well-founded expectations, or, as they are usually termed, vested interests, to impede the general good to an unnecessary, and, therefore, a mischievous degree. But with all our anxiety, and it is a very proper anxiety, to hold the balance even between individuals and the public, or to lean rather towards the weaker party, there are two landmarks which we have never transgressed :—the individual interests which, whether in possession or in expectation, we have considered as property, even when inconsistent with the public welfare, and therefore either left untouched or bought up at an ample price, have been in the first place lawful, and, secondly, capable of valuation.

No interest, however definite and vested, can be respected if it be unlawful. No voice has ever been lifted up in defence of the vested interests of paupers in poor-law abuses, or of vestrymen and overseers in parochial jobbing. So far, indeed, has this been carried that a profit, based on an illegal act,

is not held entitled to mere ordinary protection against an equally unlawful aggression. The printer who pirated Lord Byron's "Cain," was allowed to plead his own wrong in his own defence; to maintain, and to maintain successfully, that "Cain" being an unlawful publication, was not property, and therefore could not be the subject of plunder.

Nor can any interest, however lawful, be considered property as against the public, unless it be capable of valuation. And for this reason:—If incapable of valuation it must be incapable of compensation, and therefore, if inviolable, would be an insurmountable barrier to any improvement inconsistent with its existence. If a house is to be pulled down and its site employed for public purposes, the owner receives a full compensation for every advantage connected with it which can be estimated. But he obtains no *pretium affectionis*. He is not paid a larger indemnity because it was the seat of his ancestors, or endeared to him by any peculiar associations. His claim on any such grounds for compensation is rejected, because, as the subject matter is incapable of

valuation, to allow it would open a door to an indefinite amount of fraud and extortion: nor is he allowed to refuse the bargain offered to him by the public, because such a refusal would be inconsistent with the general interest of the community. The mere hope of public employment, founded on no contract, express or implied, affords another instance of a lawful expectation, too vague to admit of compensation. If such a claim had been allowed, no incumbrance on the public revenue could ever have been removed, or even diminished. The army could not have been reduced, because many who hoped for commissions must have been disappointed. All improvement must have been stopped if it had been admitted that such expectations are property.

Of course we do not mean to affirm that every lawful interest which is susceptible of valuation is property, and therefore entitled to be either compensated or left undisturbed. In legislation we are constantly forced to choose between motives acting in opposite directions, and to purchase general advantage at the expense of