

Security for the Tenant

IS YOUR LEASE UP? Will you have to move to another farm? Not at all — that is — if you have been doing a fair job of farming your landlord's land. Or maybe you and the landlord can't agree who is to pay for the fertilizer you will use next summer. But that's no problem. It is all spelled out by law. If there is any further question about it, the county agricultural land tribunal, made up of local tenant farmers and landlords, will settle the matter for you.

No, don't try it in America — it won't work. But that is the way it is in Britain. It is all part of the agricultural holding act that gives security to tenants and strips the landowner of power over his own land.

In England and Scotland three-fourths of the farmers are cash tenants and three-fourths of the farm land is farmed by tenants.

The tenant question, left over from medieval days when feudal lords owned the land, has been one of Britain's big problems. Many other countries, particularly in northwestern Europe, have been faced with somewhat the same headache. They generally have broken up the big estates and

parcelled out the land to farm operators. Britain's solution is quite different.

For a long time the British tenant farmer has had many rights under law. Tenancy for individual farmers generally has been long. The average tenant has lived on the same farm for over 20 years, and many British tenant farms have been run by the same family for generations, as each son takes over from his father.

The Agricultural Holding Act

The Agricultural Holding Act of 1948 now gives the British tenant almost complete security of tenure. For all practical purposes he might as well own the farm. In sharp contrast to southern Europe where the tenant is frequently at the mercy of the landlord, the British tenant farmer is definitely in the saddle.

Barring death, about the only way the landlord can remove his tenant is in the rare case when it can be proved that the tenant is doing a very bad job, or failing to observe the law. Nearly every phase of responsibility is outlined in the new law — who should repair the fence, pay for the limestone, or build a concrete walk from the house to the barn.

Now let us take a typical case. John Young is a tenant farmer in northern England. He has lived on the same farm for the last 30 years. Under the new law his lease is practically assured for the rest of his life.

His two hired hands milk the 50 cows stanchioned in his new dairy barn, or plow the hundred acres of cultivated land. The farmstead is well kept, and would be a good farm in any country. Farmer Young doesn't want to own his own farm. He would say something like this: "I run the farm pretty much the way I want to. Why should I tie up my money in the land? I would rather use it to buy more cattle or machinery, or fix up the buildings."

Under special agreement with his landowner, who lives in London, Young built a new dairy barn last year. Should he leave the farm, the landowner would have to pay for the new barn or any other permanent improvements tenant Young has made on the farm.

Last year the landowner built a new machine shed. Of course there was no difficulty since this landowner takes a good deal of pride in his farm. But had the landowner refused to build a machine shed, Tenant Young could have taken the matter up with the land tribunal.

If he could have proved that he needed a machine shed for proper operation of the farm, he could have forced the landowner to build. Under the new law, just as the tenant must keep the farm in good repair and do a reasonably good job of farming, so the landowner must make whatever capital investments are necessary consistent with good farming practices.

"But what if the landowner did not have the

money," you ask? That would be no excuse. He would either have to sell the farm, or the government would take it over and either buy it or sell it to someone else.

Now let us say that you are the landowner and your tenant farmer doesn't do a good job of farming. The Ministry of Agriculture has the power to place your tenant under supervision. Just as the Ministry can direct you to make certain repairs or alterations of permanent buildings, so the Ministry can insist that your tenant change the cultivation of his land, the management of his livestock, or the fertilization of his soil.

If after a year he fails to show satisfactory improvement, the government will dispossess your tenant. You then must get an approved tenant, farm it yourself, or the Ministry of Agriculture will operate it through its county agricultural committee.

Let's get back to Farmer Young who has two sons. He plans for his older son to take over the farm gradually. Since the farm isn't large enough for two tenants, his younger son will have to find a farm somewhere else to rent if he farms. That will not be easy, for there just aren't many farms available.

Many landowners would like to move out their mediocre tenants, but as long as the tenants meet the minimum requirements, they cannot be moved.

The few landowners whose farms are tempo-

rarily without tenants generally prefer older, more experienced farmers since they will have little chance of getting rid of their tenants once they move in. In giving the tenant security, the new law has stopped the competition among tenants. John's second son will just have to wait around for his turn.

Farmer Young's landowner is very lucky. Young is a good tenant. But many landowners find themselves stuck with tenants who are just good enough to keep from getting kicked off the farm, but not top tenants.

This has been reflected in the price of land. A good farm with a poor tenant may go begging. A good tenant increases the value of the farm just as much as good buildings or good land. Farms that have lost their tenants and are ready to be re-leased bring high prices, much higher than farms with tenants.

Many farmers feel that the law is good, but the good husbandry clause has not been enforced. Said one farmer, "You have got to be awfully bad to get kicked off." Said one official on the land tribunal, "If we were too severe, people would cry 'police state.' "

Landowners dislike very much the clause that allows the government to come in and take over if the tenants prove to be bad farmers.

A Scottish agricultural leader told me of one farm owner who farmed only 60 acres. To increase the size of his farm, he bought a neighboring farm

of about 60 acres. Certainly these two farms could be operated more efficiently as one unit, but the farmer could not get possession because the tenant was doing a passable job of farming.

The present law doesn't allow dispossession to increase the efficiency of a farm.

You probably wouldn't like the system. To us, I think, the Scandinavian system of 90-year farm loans to purchase land seems much better. But you must remember that in England there is a limited amount of land, and even before the act was passed it was very difficult to purchase a farm.

Said one farm leader who helped frame the law, "In America, farmers originally got their land from the government, but here all the land was once owned in large feudal estates. Many laws have been passed that helped liberate the tenant, but this act is the cap sheaf."

In America we have long had a tradition of free land ownership. We have sought to correct poor management of land by education through our schools and agricultural extension service. This has at best been a slow process. Absentee land-owners are frequently hard to reach by these methods. In the meantime, many acres of land have been abused, many more ruined, by a tenancy system which any more advanced European system would call scandalous.

They would correct all this by rigid laws. Some people in this country would use laws to regulate tenancy and land ownership.

I am not ready to adopt this method completely. But I do feel America's educational system should be speeded up. Even in a country as large as ours and with so many acres of farm land, there should be a limit to the wastage of land resources.

In America, laws for making farm leases come under the authority of each state. For the most part they are based on common laws and court decisions of the past. Most states are badly in need of well thought out land tenancy laws that would outline at least minimum responsibilities of tenants and landlords, particularly where there is no written lease. Today that would take in more than three-fourths of the rented farm land in our country.

But laws should not substitute for education.