

# ISLAND OF VATERSAY.

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RETURN to an Order of the Honourable The House of Commons,  
dated 16 March 1908;—for,

RETURN "of the CORRESPONDENCE between LADY GORDON CATHERY and the  
SECRETARY FOR SCOTLAND and the LORD ADVOCATE, with reference to  
the SEIZURE and OCCUPATION of the ISLAND of VATERSAY by SQUATTERS;  
and with regard to proposed future arrangements in that Island."

Scottish Office,  
March, 1908.

REGINALD MACLEOD.



(*Mr. Sinclair*).

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Ordered, by The House of Commons, to be Printed,  
16 March 1908.

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RETURN of the CORRESPONDENCE between LADY GORDON CATHOART and the SECRETARY FOR SCOTLAND and the LORD ADVOCATE, with reference to the SEIZURE and OCCUPATION of the ISLAND of VATERSAY by SQUATTERS; and with regard to proposed future arrangements in that Island.

CORRESPONDENCE BETWEEN THE SECRETARY FOR SCOTLAND AND LADY GORDON CATHOART IN 1906 AND 1907, REGARDING THE SITUATION IN THE ISLAND OF VATERSAY.

*Barra.—Vatersay.*

DEAR SIR,

27th June 1906.

It will be within your recollection that in the early part of the present year difficulties arose with some cottars in Castlebay and elsewhere in Barra, who maintained that they had been promised potato ground in Vatersay by the local representative of the Congested Districts Board, and who threatened to take violent possession of land if the alleged promise was not given effect to. Lady Cathcart intervened in the matter at the request of the Congested Districts Board, and ultimately an arrangement was made under which the tenant of Vatersay agreed to let 20 acres of his farm for two seasons at a rent of 10s. per acre to cover both seasons, and we understand that this arrangement was accepted by the Congested Districts Board. On 15th March we wrote the Secretary of the Congested Districts Board stating what the tenant was prepared to do, and we added, at the request of the tenant's representative, that in agreeing to meet the wishes of the Congested Districts Board in the matter, the tenant relied on the Government preventing any invasion of the remainder of his farm such as had been publicly threatened.

We have to-day received from Lady Cathcart's Factor a letter reporting that a few days ago some of the cottars in Barra had taken cattle over in boats from Barra to Vatersay and had put them on lands in the occupation of the farm tenant. The Factor went over to inquire into the matter and saw Mr. Duncan Campbell, who is understood to be the mouthpiece of the cottars, but he could not get any information as to the people to whom the cattle belonged. Mr. Duncan Campbell, however, informed him that it is the intention of the cottars to put more cattle on Vatersay this week. The tenant of Vatersay is very seriously concerned at the position of matters, and is afraid to take any step for his own protection in case of injury being done to his stock by the cottars. We think that if the Government were to cause intimation to be made locally, that these high-handed proceedings would not be tolerated, the cottars would probably remove their stock quietly. Unless something is done promptly and vigorously the situation is pretty certain to be very seriously aggravated.

We shall be very much obliged if you will consider this matter and let us know that we can count on such protection being given as was stipulated for by the tenant when he agreed to meet the wishes of the Congested Districts Board in the matter of giving potato ground to the cottars.

Under Secretary for Scotland.

We are,  
Yours faithfully,  
SKENE, EDWARDS, & GIBSON.

2063C/621.

GENTLEMEN,

9th July 1906.

I AM directed by the Secretary for Scotland to refer to your letter of the 27th ultimo stating that certain cottars from Barra had conveyed their cattle on to that portion of the Island of Vatersay in the occupation of the farm tenant and to inform you that, having been in correspondence with Sheriff Wilson, he learns the latter has communicated with you.\*

\* The reply of the Sheriff to the Scottish Office letter, requesting his observations on the police report narrating the action of the cottars, is contained in his letter of the 5th July 1906, printed in Appendix II, page 32.

I am to add that the Secretary for Scotland considers, as advised, that the remedy against what has occurred seems to be placed both by common law and also by the old Statute of 1686, c. 11, expressly in the hands of the possessor of the ground.

Messrs. Skene, Edwards, & Garson.

I am, &c.  
REGINALD MACLEOD.

Vatersay. 2063C/621.

DEAR SIR,

10th July 1906.

We have received your letter of yesterday in which you state that the Secretary for Scotland considers, as advised, that the remedy against what has occurred seems to be placed both by common law and also by the old Statute of 1686, c. 11, expressly in the hands of the possessor of the ground.

Under Secretary for Scotland.

We are, &c.  
SKENE, EDWARDS, & GARSON.

2063C/643.

GENTLEMEN,

5th September 1907.

I AM directed by the Secretary for Scotland to refer to your letters of the 27th June and 10th July 1906, on the subject of the occupation of lands in Vatersay by certain cottars from Barra, and to my letter of 9th July, 1906.\* Mr. Sinclair instructs me to say that in his view the best course now open is for the proprietor to clear up the doubts which seem to exist as to the water resources of Vatersay, and, having done that, to arrange for its settlement by the number of families which may properly be settled there. For this purpose the Congested Districts Board would, he assumes, place at disposal their 60 acres and facilitate in their usual way any approved scheme. The scheme should aim at providing such a final settlement of these Barra and Vatersay troubles as would command the support of succeeding Governments. In view of the local influences, which no absentee landlord can hope to arrest, this seems to him to be the only hopeful course.

Mr. Sinclair is well aware the Barra Vatersay situation is trying and difficult for everybody involved, for none more so than for the proprietor. He regrets greatly to think of her anxieties.

He is well aware that she is genuinely and deeply concerned about the welfare of the people; he believes that such action by her will be estimated in that light, and may evoke appreciative response; that the severance of her connection with the islands would be a loss to those who live there; and that the course proposed is the best course now open.

Mr. Sinclair will be most willing to co-operate in every possible way.

Messrs. Skene, Edwards, & Garson.

I am, &c.  
REGINALD MACLEOD.

2063C/643.

SIR,

9th September 1907.

WE have received your letter of 5th inst. in which, with reference to our letters to you of 27th June and 10th July 1906 and your letter to us of 9th July 1906, you state that in the view of the Secretary of Scotland the best course now open is for the proprietor to clear up the doubts which seem to exist as to the water resources of Vatersay, and, having done that, to arrange for its settlement by the number of families which may properly be settled there, that the Congested Districts Board would facilitate in their usual way any approved scheme, that the scheme should aim at providing such a final settlement of the Barra and Vatersay troubles as would command

\* For a statement of the situation as it existed in the spring and summer of 1907, see the Sheriff's report, dated 23rd May 1907, upon his visit to Vatersay made at the request of the Secretary for Scotland, in APPENDIX II., pages 23-36.

the support of succeeding Governments, and that in view of the local influences which no absentee landlord can hope to arrest this seems to him to be the only hopeful course. You add that Mr. Sinclair is well aware that the situation is trying and difficult for everybody involved, for none more so than for the proprietor, and that he regrets greatly to think of her anxieties, that he is well aware that she is genuinely and deeply concerned about the welfare of the people, and that he believes that such action by her will be estimated in that light and may evoke appreciative response.

Lady Cathcart, to whom we have submitted your letter, directs us to say that being intimately acquainted with the local conditions and the influences that have been in operation, and having anxiously considered the whole position, she is quite satisfied that the difficulties of the present situation cannot be met by such measures as the Secretary for Scotland suggests.

In many communications addressed to the Scottish Office Lady Cathcart has detailed what has been done in Barra in the way of dividing land into small holdings, and she is most unwilling to reiterate what she has so often said, but the circumstances leave her no alternative. About 25 years ago she divided some 4500 acres formerly occupied by farmers into small holdings, and thus provided land for 115 cottars and fishermen. Twenty years later there was a new generation of cottars clamouring for land, and she brought about an arrangement under which some 3000 acres were purchased by the Congested Districts Board and divided into small holdings, thus providing land for other 58 cottars. All the land belonging to Lady Cathcart in the main island of Barra is now in the occupation of crofters, with the exception of curing stations, building ground, and other small areas. The only farm now belonging to Lady Cathcart in the Parish of Barra is the farm of Vatersay, which consists of the islands of Vatersay and Sandray with some smaller islands.

A few years ago a number of fishermen and cottars at Castlebay, on the main island of Barra, applied to the Congested Districts Board for patches of potato ground in the Island of Vatersay, and Lady Cathcart made an arrangement with the tenant under which she was enabled to sell to the Board 60 acres, to be used as potato ground. The Castlebay people were not satisfied with the quality of the soil, and subsequently negotiations took place between the Castlebay people, the Congested Districts Board, and the tenant as to additional land for potato growing. In the early part of last year these matters were under discussion, and it was stated that some misunderstanding had arisen in consequence of the local representative of the Congested Districts Board having given some more or less vague assurance or promise that land would be made available. While these discussions were proceeding, some of the Castlebay people threatened to take violent possession of land in Vatersay, and that was the beginning of the trouble which has now attained such serious dimensions. As the tenant of the farm and the Congested Districts Board had failed to come to terms, Lady Cathcart intervened and was able to bring about a temporary arrangement, but by that time some of the Castlebay people had invaded Vatersay and taken forcible possession of land there, and from then until now the lawless movement has been extending. At first a number of young men and boys organised a demonstration and went to the Island of Vatersay and went through the form of marking out lots and afterwards returned to Castlebay. Shortly afterwards some cattle were shipped over from the main island of Barra and put on the farm of Vatersay. This was done under cover of night and it was not known to whom the cattle belonged. The tenant pointed the cattle, but the enclosure was broken down during the night and the cattle were again turned out on the farm. The tenant then removed the cattle to the main island, but they were taken back during the night. Ultimately the tenant appealed to Lady Cathcart for protection in the peaceable occupation of his farm, and her Ladyship applied to the Government for protection, pointing out that the Government could proceed against the raiders under the Trespass Act of 1865. The Government declined to put the Trespass Act in force, and the people became bolder and numbers of them went over to Vatersay and put up huts and began to prepare land

for cultivation. Lady Cathcart then applied to the Court of Session and obtained interim interdict, which was served on eleven of those who had squatted in Vatersay. The interdict has been disregarded and the people who were interdicted are still in Vatersay, and others have since gone in, with the result that there are now considerable numbers of people who have squatted on Vatersay and who have built houses and taken cattle to the island. They have defied the proprietor and the farm tenant. Threats of prosecution for breach of interdict have no effect, as the people believe that they have the approval of the Government in their action, and it is obvious that they are being advised from the outside, as when threatened with proceedings for breach of interdict some of the parties have stated that they cannot be prosecuted without the consent of the Lord Advocate, and that the Lord Advocate will not give his consent.

When Lady Cathcart was in correspondence with the Secretary for Scotland as to the purchase and division of land in 1901, she pointed out that the policy of creating new crofter holdings under the circumstances existing in Barra would be altogether futile, and that such a policy would inevitably lead to a recurrence on a larger scale of the difficulties then existing. That prediction has received its fulfilment much sooner than was anticipated at the time it was made.

In our letter to you of 14th March 1906, in which we requested the Government to take action under the Trespass Act to put down the lawless movement which was then in its beginning, we pointed out that civil process was ineffective, difficult, and expensive, while proceedings at the instance of the criminal authorities could be easily taken and would be effectual, that it was more in the public interest that the commission of offences should be prevented than that the offences should arise and the offenders should be punished, and that if the people were convinced that the Government would not tolerate any lawless action or any violent interference with the lawful rights of the peaceful subjects of the King, we did not believe that any outbreak would occur, notwithstanding the strong efforts that were being made to incite the people to lawless action. Unfortunately, the Government took no effective action, and the lawless movement has now attained such proportions that we do not think order can be restored unless the Government interpose and use such force as may be necessary.

The remedy suggested by the Secretary for Scotland for the state of matters we have described is that Lady Cathcart should clear up the doubts which seem to exist as to the water resources of Vatersay, and should arrange for its being divided into small holdings.

With regard to the water supply, Lady Cathcart has already made inquiry and has been assured by competent authorities that in dry seasons the water supply becomes inadequate. If the Secretary for Scotland is not satisfied as to the facts, Lady Cathcart will give all facilities in her power for enabling him to make independent inquiry. If it be the case, as Lady Cathcart is advised, that there is not a sufficiency of water on the Island of Vatersay it may be taken as certain that as soon as the shortage is felt demands will be made for a supply, and it is quite possible that the Sanitary Authorities might proceed against the proprietor under the Public Health Act to compel a supply to be provided.

There is no school in the Island of Vatersay, and if a considerable population of crofters were settled there it would become necessary to provide a school. In the recent negotiations which led to the breaking up of certain farms in South Uist into small holdings and the creation of new crofter townships there, we pointed out this difficulty and stipulated that if it should become necessary in consequence of the creation of the new holdings to erect new schools to accommodate the increased population of school age, the Congested Districts Board should make a grant to meet the cost of erecting such schools. The Board sympathised with the stipulation, but it being doubtful whether the Board had power to entertain such a proposal, the formal agreement entered into merely provided that the Board should favourably consider a request for a grant to meet the cost of building schools. Within the last few days we have received intimation from the

\* See Appendix I, page 26.

Board that the Public Accounts Committee has decided that the Board have no power to assist in the erection of schools.

The farm of Vatersay is in the occupation of a tenant who holds under a lease which does not expire until 1926, and there is no break in the lease until 1917. The tenant holds the farm on very favourable terms, and it is not to be expected that he will be prepared to surrender his lease without compensation.

We believe that most of the people who have taken violent possession of land in Vatersay and who are now in possession would not be regarded as suitable tenants of new holdings if new holdings were created, but they are there and we doubt whether they can be removed without Government action. Apart from all other difficulties Lady Cathcart would not go into a scheme of creating new holdings where she would practically be compelled to accept as tenants persons who have taken possession by violence and who are not considered suitable tenants.

In all the circumstances it seems to Lady Cathcart that there are only two courses before the Government: either they must take effective action for putting down the present lawless movement and protecting the tenant of Vatersay in the peaceable enjoyment of his farm, or they must purchase the farm, make terms with the tenant for renouncing his tenancy, and deal with the farm and with the squatters now on it in such way as they may consider proper.

With reference to the expression of Mr. Sinclair's belief that if she were to divide the farm of Vatersay into small holdings such action would be estimated in the light of her genuine and deep concern about the welfare of the people and would evoke appreciative response, Lady Cathcart desires to observe that the present lawless action of the people, which is the response to what she has done in the past in the way of creating small holdings or enabling small holdings to be created, can hardly be described as appreciative.

You mention that Mr. Sinclair regrets greatly to think of Lady Cathcart's anxieties, and her Ladyship desires us to remind Mr. Sinclair that if he had taken the action which was open to him and which was strongly pressed on him at an earlier stage, her anxieties would have been very greatly lightened and the present difficulties would not have had to be faced.

While Mr. Sinclair is good enough to say that he is well aware that Lady Cathcart is genuinely and deeply concerned about the welfare of the people, it must be within his knowledge that his colleague the Lord Advocate in the House of Commons on 6th August made references to Lady Cathcart and to the difficulties which form the subject of your letter which have been very generally regarded as meaning that Lady Cathcart's action does not command the approval of the Government, and that the people who have broken the law are deserving more of pity than of blame.

As you say that Mr. Sinclair will be most willing to co-operate in every possible way in carrying out a scheme for the settlement of small holders in Vatersay, we shall be glad to assist him in coming to an arrangement with the tenant and to discuss with you the terms on which the farm might be sold.

We are, &c.

SKENE, EDWARDS, AND GARSON.

Under Secretary for Scotland.

20630/644.

GENTLEMEN,

27th September 1907.

I AM directed by the Secretary for Scotland to refer to your letter of 9th instant on the subject of difficulties that have arisen in the Island of Vatersay.

Mr. Sinclair is not at present willing to entertain the idea of purchase, but he proposes with the utmost promptitude possible to take advantage

of the assurance you convey on Lady Cathcart's behalf that all facilities shall be given for an independent inquiry as to the condition of the water supply. He is in communication on this subject with the Congested Districts Board, whose duty it would be to conduct the inquiry, and with the Local Government Board as the Public Health Authority, and will inform you of the arrangements made as soon as practicable. The Secretary for Scotland desires to do his utmost to ensure that this inquiry should be conducted in such a way as to be authoritative and convincing to all concerned, and I am therefore to add that if you have any suggestion to make it will receive his consideration.

I AM, &c.

REGINALD MACLEOD.

Messrs. Skene, Edwards, and Garson.

*Lady Cathcart's Estates, 2063C/044.*

Sir,

12th October 1907.

In your letter of 27th September you intimated that Mr. Sinclair is not at present willing to entertain the idea of purchase of Vatersay, a course which had been suggested by us on Lady Cathcart's instructions in our letter of 9th September. Lady Cathcart is unable to understand why Mr. Sinclair should object to the acquisition of the farm by the Congested Districts Board at a fair price since that Board has statutory power as well as machinery for carrying out projects of settlement of this nature. She thinks that Mr. Sinclair does not yet fully realise the gravity of the situation, a large body of squatters having held forcible possession for many months of land belonging to her and of land belonging to the Congested Districts Board, 21 houses having been erected by the squatters on her property, and a large number of cattle having been brought to Vatersay, the occupying farmer having thus been deprived of the use of the land he holds under lease. Mr. Sinclair is aware that interim interdict was granted by the Court of Session and served last April upon 11 persons then in illegal occupation of land. The interdicts have not been observed, and Lady Cathcart has no option, now that the long vacation is over, but to bring the matter before the Court, which, it is presumed, will take the usual steps to enforce their decrees. But while this course is pending, Lady Cathcart desires to make one final effort to bring about an arrangement so that these unfortunate and misguided people may, if possible, be saved from the penalties which defiance of the orders of Court must involve.

Reverting to your letter of 5th September, you stated that in Mr. Sinclair's view the best course now open is for the proprietor to clear up the doubts which seem to exist as to the water resources of Vatersay, and, having done that, to arrange for its settlement by the number of families which may properly be settled there. For this purpose the Congested Districts Board would, he assumed, place at disposal their 60 acres and facilitate in their usual way any approved scheme.

Lady Cathcart reiterates her offer to sell to the Congested Districts Board, which she holds to be the proper course; or reluctantly, as an alternative directly suggested by the Secretary for Scotland, she would invite the Congested Districts Board to arrange for the settlement of the farm of Vatersay on reasonable conditions, as follows:—

- (1) That the Board satisfy themselves that the farm is properly suited for crofter settlement in respect of water, fuel, situation, &c.;
- (2) That they arrange with the sitting tenant for the surrender of his lease;
- (3) That they draw out a scheme of settlement for Lady Cathcart's approval and acceptance;
- (4) That when the number and size of the crofts are ascertained, the names of the persons to whom they shall be offered may be suggested either by the Board or Lady Cathcart, and the list adjusted after conference.



- (5) That no person shall be offered a croft or be allowed to settle upon the holdings unless he comes from Lady Cathcart's estate in the parish of Barra, and is a suitable and competent tenant able to cultivate his holding properly and pay a fair rent.
- (6) That any person already on the farm who may not be found competent and suitable is to be removed by the action of the Board.
- (7) That the rent of the holdings shall be fixed by the Crofters Commission, and the Board shall compensate Lady Cathcart for any loss in rent that may be sustained by the change, whether through the rent being reduced or the new holdings not being occupied.
- (8) That all expenses of adaptation be defrayed by the Board and the other details be arranged on the same lines as at Kilbride.

In making this offer Lady Cathcart wishes it to be clearly understood that she has in no way altered her opinion as to the unwisdom and even danger of establishing a crofter settlement in Vatersay, and leaves the responsibility with Mr. Sinclair. As the matter is very urgent she hopes Mr. Sinclair may be good enough to intimate his answer with the least possible delay.

We are, &c.

SKENE, EDWARDS, AND GIBSON.

Under Secretary for Scotland.

*Vatersay.*

GENTLEMEN,

4th November, 1907.

In reply to your letter of the 12th October, I am directed to state that the Secretary for Scotland is glad to learn that Lady Cathcart is disposed to adopt the plan of meeting the difficulty in Vatersay by creating some small tenancies there.

It is of great importance to the success of any such effort that it should be made by the proprietor in order that it may have in its support all the strength and influence of her name and authority. If this course be adopted the Secretary for Scotland will be glad to propose to the Congested Districts Board that their co-operation should be given to the proprietor in the usual manner in drawing up a scheme, in adapting and preparing the ground, and generally in arranging and carrying out the settlement.

The removal of persons already illegally on the island must lie with the proprietor; but it is the hope and belief of the Secretary for Scotland, that when announcement is made in name of Lady Cathcart that she has come to this decision, and has obtained the co-operation of the Congested Districts Board, it may be possible—as it is certainly very desirable—to secure the voluntary withdrawal of the present squatters, and he will be very willing to consider further with the Congested Districts Board what means can be taken in concert with the proprietor to attain this end.

It is obviously proper that the new tenants should be Barra men, or failing them, from other parts of Lady Cathcart's estate; and that they should be approved by Lady Cathcart and by the Congested Districts Board.

The number and size and situation of the holdings will, it is assumed, depend partly on the number of available suitable tenants, and partly on the water supply and other resources of the island. Again, upon the extent of land to be newly occupied will depend the loss of letting value of the farm, for which compensation will be paid by the Congested Districts Board. In regard to these matters, the services of the Crofters Commission will be at the disposal of the Congested Districts Board.

If there is in the lease an obligation upon the proprietor to take over the Sheep Stock, involving loss of acclimatisation value, the Congested Districts Board will, no doubt, be prepared to consider the propriety of following their usual practice as to compensation in that respect; the understanding being that all other arrangements as to the surrender of the lease shall be made by the proprietor in the event of the scheme of settlement proving practicable.

These observations seem to cover the whole ground discussed in your recent letter, and subsequently discussed informally at recent interviews; and indicate the lines and limits of the co-operation which the Government will be able and willing to give in this matter.

Messrs. Skene, Edwards, and Garson.

I am, &c.

REGINALD MACLEOD.

2063C/851.

*Vateray.*

Sir,

6th November 1907.

We duly received your letter of 4th inst., which we communicated to Lady Cathcart, and we have now received her Ladyship's instructions to reply.

The proposals formulated in our letter to you of 12th October arose out of your letter of 5th September, in which you stated that, in Mr. Sinclair's view, the best course now open is for the proprietor to clear up the doubts which seem to exist as to the water resources of Vateray, and, having done that, to arrange for its settlement by the number of families which may properly be settled there. You mentioned that the Congested Districts Board would, Mr. Sinclair assumed, place at disposal their 60 acres and facilitate in their usual way any approved scheme. You also stated that Mr. Sinclair would be most willing to co-operate in every possible way.

Lady Cathcart assumed from the terms of your letter of 5th September that what was contemplated by Mr. Sinclair was that the farm of Vateray should be broken up into small holdings on arrangements similar to those under which Lady Cathcart has broken up into small holdings several farms in South Uist. In your letter now under reply you say that the number and size and situation of the holdings will, it is assumed, depend partly on the number of available suitable tenants and partly on the water supply and other resources of the island, and that upon the extent of land to be newly occupied will depend the loss of letting value of the farm for which compensation will be paid by the Congested Districts Board. Lady Cathcart presumes that Mr. Sinclair now contemplates the possibility that suitable small tenants may not come forward in sufficient numbers to occupy the whole of the farm, and that only a part of the farm may be required. She has not the information as to the resources of the people who are asking small holdings necessary to enable her to form an opinion as to the number of suitable tenants available, but she regards it as probable that, if a number of small holders are settled on Vateray, it will become extremely difficult, if not impossible, to find a suitable tenant at a reasonable rent for the remainder of the farm, and that state of matters cannot be overlooked in considering the scheme now under discussion.

Lady Cathcart does not find in your letter of the 4th inst. a definite acceptance of any of the conditions stated in our letter of 12th October. It is of course possible that Mr. Sinclair intended that your letter of the 4th should be regarded as a general acceptance of these conditions, but, in dealing with a matter which is likely to involve considerable loss, it is necessary that there should be a very clear and definite arrangement and that there should be no room for misunderstandings. It will be within your recollection that after Lady Cathcart had agreed, at the request of the Government, to break up certain farms, including Kilbride, in South Uist, into small holdings for occupation by crofters, a Committee of the Congested Districts Board dealing with the matter, urged that the farm of Glendale\* adjoining Kilbride should also be divided into small holdings, that Lady Cathcart accordingly arranged with the tenant of Glendale to surrender his lease, and that when the farm was afterwards inspected by members of the Crofters Commission it was found that only a few small holdings could be formed, and that the bulk of the farm was unsuitable for small holdings and would be rendered unlettable if the part suitable for small holdings were detached from the rest of the farm. In the result, the idea of dividing Glendale into small holdings had to be abandoned, and Lady Cathcart had to take over the sheep stock and has

\* See Appendix IV., page 89.

not been able to find a tenant for the farm, which is left on her hands. Mr. Sinclair will no doubt agree that any danger of a repetition of such an experience must be avoided.

At the meeting we had with you, Mr. Angus Sutherland, a member of the Congested Districts Board, and Mr. MacGregor, Secretary of the Board, on 24th ult., and again at the meeting we had with Mr. Sinclair, the Solicitor-General for Scotland, yourself and Mr. MacGregor on the 1st inst., reference was made to conditions 2 and 6 in our letter of 12th October, and exception was taken to Lady Cathcart making it a condition of the arrangement regarding Vatersay that the Congested Districts Board should arrange with the sitting tenant for the surrender of his lease, and that they should take action for removal of any persons already on the farm who may not be found competent and suitable for new holdings. We explained that, in order to meet the objections stated, Lady Cathcart would be willing to conduct the negotiations with the sitting tenant on the footing that any compensation that may have to be paid as a condition of the surrender of his lease should be provided by the Board, and that her Ladyship would also be willing to take action in Court for the removal of any of those now on the farm who may not get new holdings and who may decline to remove, provided the expense of such action is borne by the Congested Districts Board. Please let us know that these suggested arrangements are accepted by the Government.

You state in your letter that if there is in the lease an obligation upon the proprietor to take over the sheep stock involving loss of acclimatisation value, the Congested Districts Board will no doubt be prepared to consider the propriety of following their usual practice as to compensation in that respect. We wrote you on 24th October stating that the lease contains a provision that the tenant is to be entitled to valuation for the acclimatised stock. We do not think there is the slightest chance of the tenant waiving his claim to receive valuation at his waygoing for the sheep stock, and he could not be expected to discuss the idea of giving up his lease on the footing that the Congested Districts Board will "no doubt be prepared to consider the propriety" of making good any loss on the sheep stock. When the arrangements for breaking up Kilbride were under adjustment, it was pointed out that the effect of creating a crofter settlement in that district would be to render a new school necessary, and that it would be a hardship for the ratepayers to have to add to the intolerable burden of taxation in South Uist the additional assessment necessary to provide for a new school, and the Congested Districts Board undertook to favourably consider a request for a grant to meet the cost of erecting a school, it being understood that the Board had doubts as to their powers. Ultimately it was intimated that the Board could not make such a grant, and the burden must therefore fall on the ratepayers. You will therefore see that something more than favourable consideration is necessary.

We presume that the Congested Districts Board have taken or are taking steps to satisfy themselves as to the sufficiency of the water supply and as to fuel, &c., and we shall be obliged if you will let us know, if possible by return of post, whether the Government are satisfied on these points and whether the conditions stated in our letter of 12th October, subject to the modifications of conditions 2 and 6 above stated, are accepted by the Government.

We are &c.

SKENE, EDWARDS, AND GIBSON.

Under Secretary for Scotland.

2063C/651.

GENTLEMEN,

7th November 1907.

I AM directed by the Secretary for Scotland to acknowledge the receipt of your letter of the 6th instant and to reply to the questions contained in the last paragraph in the following sense. As to suitability of the Island of Vatersay for settlement Mr. Sinclair does not deem it necessary to institute any special and direct inquiry. Vatersay was scheduled as

suit for Crofters by the Deer Forests Commission and this is sufficient, in his opinion, to justify action on that basis, though the number of holdings that may be advisedly formed will depend *inter alia* on the water supply and other resources of the island.

As to the terms and conditions on which Mr. Sinclair is prepared to move the Congested Districts Board to co-operate with Lady Cathcart, I am to refer you to the terms of his letter of November 4th. On the specific points raised, however, I am to add the following observations.

In regard to the surrender of the lease, Mr. Sinclair cannot enter into any obligations either in the matter of negotiation or of compensation. The former must be conducted by Lady Cathcart and the cost of the latter, if any, must be defrayed by her; but at the recent interview it was understood you did not anticipate the sitting tenant would make any difficulty on this score.

When, however, the surrender is arranged and the land thus rendered available, Mr. Sinclair is confident the Board, of which he is chairman, will in pursuance of their usual practice meet the loss on valuation of sheep stock since he now definitely learns that an obligation to that effect lies upon the landlord in terms of the lease.

On the question of compensation for loss of letting value, Mr. Sinclair thinks the terms of his letter of the 4th instant are clear.

On the question of removal of existing squatters, the Secretary for Scotland is of opinion that if the proprietor in the exercise of her discretion deems it necessary to proceed by way of legal compulsion she must act directly and alone.

It is, however, his opinion that when it is understood she is prepared to utilise the island for small holdings, the existing squatters will voluntarily vacate, and his own influence and that of the Board will be used in support of Lady Cathcart in this matter.

What might happen in the unlikely event of their persistent refusal is a matter for future consideration.

If Lady Cathcart is prepared to proceed in this matter Mr. Sinclair will place the correspondence in the hands of the Congested Districts Board, with whom you are in ready touch.

I am, &c.

REGINALD MACLEOD.

Messrs. Skene, Edwards, and Garson.

No. 2063C/631.

GENTLEMEN,

8th November 1907.

I AM instructed by the Secretary for Scotland to enclose copy of a memorandum by him on the Vatersay question of to-day's date which he desires to be read together with and as forming part of his letters of the 4th and 7th instant.

I am, &c.,

REGINALD MACLEOD.

Messrs. Skene, Edwards, and Garson.

*Vatersay.*

It should be made clear in writing to Mr. Garson—my letter of November 4th was intended to leave it so, but it is better to be explicit upon the point—that, assuming Lady Cathcart's concurrence with the plan now under consideration—as this is her scheme, to be carried out by her as proprietor, with the C.D.B. aid and under it she is responsible for arrangements with the present tenant—any action taken by her at this stage of the proceedings in reference to the tenant and his existing agreement should in her interest be provisional and contingent upon the character of the proposals presently to be submitted to her. Otherwise such action may be prejudicial to her interest. For besides the water and other physical

difficulties, the number of available suitable men, their means, &c., &c., will have to be considered before the size and character of the holdings can be suggested, and until our proposals are defined it is not possible to say how much land will be required, and to estimate the extent of the disturbance to the present tenant. It would be well, I think, to supplement yesterday's letter to this effect; adding of course that as soon as we are free to proceed to formulate proposals, no time shall be lost.

2063C/651.

SIR,

11th November 1907.

We duly received your letters of the 7th and 8th inst., the latter enclosing by instructions of the Secretary for Scotland copy of a memorandum by him on the Vatersay question bearing date 8th November, all of which we have submitted to Lady Cathcart.

We are instructed by Lady Cathcart to say that she is unable to understand the meaning or purpose of the memorandum of 8th November, and she would be greatly obliged if Mr. Sinclair would explain his views somewhat more fully so that she may be able to comprehend them and deal with your letter of the 7th.

It is observed that in the Secretary for Scotland's memorandum reference is made in the first paragraph to proposals presently to be submitted to Lady Cathcart, and in the second paragraph it is stated that as soon as the Government are free to proceed to formulate proposals no time shall be lost. From these references Lady Cathcart gathers that Mr. Sinclair has it in contemplation to submit proposals not now before her for dealing with the situation, but that he is not free to do so at present.

Lady Cathcart would be much obliged if you will let us know what prevents the contemplated proposals from being submitted now, and when she may expect to receive them.

We are, &c.,

SKENE, EDWARDS, AND GARSON.

Under Secretary for Scotland.

*Vatersay.*

GENTLEMEN,

14th November 1907.

In reply to your letter of the 11th inst., I am directed by the Secretary for Scotland to request that you will lay before Lady Cathcart the following statement, which it is hoped may explain the intention of his memorandum of the 8th inst.

Mr. Sinclair desires to remind her Ladyship that the whole farm of Vatersay may not be required for the formation of new holdings; therefore it is not to be understood that at this stage any undertaking can be given to take over the whole farm, or such part of it as may not be required for settlement.

The remainder of the farm, if there is a remainder—and it is impossible to say now how great it may be—will still belong to the present proprietrix; it may not be necessary to disturb the present tenant in his occupancy of it, and it may be in the interest of the proprietrix to retain him if possible.

Mr. Sinclair desires me to remind you that in regard to any loss of letting value an undertaking has already been given.

In mentioning "proposals" in his memorandum Mr. Sinclair meant the scheme of settlement which has got to be prepared, and in the preparation and execution of which the co-operation of the Congested Districts Board has been offered.

I am, &c.,

REGINALD MACLEOD.

Messrs. Skene, Edwards, and Garson.

Vatersay 2063, C/852.

Sir,

16th November 1907.

We have received your letter of 14th inst., which we have communicated to Lady Cathcart.

With a view to narrowing, if possible, the questions under discussion, Lady Cathcart has instructed her Factor to see the tenant of Vatersay and ascertain whether he is prepared to give up his tenancy at Whitsunday next on the same footing as if the lease then came to its natural termination, that is to say, on receiving valuation for the sheep stock and the other items for which valuation is payable at the termination of the tenancy. The Factor has also been instructed to ascertain whether, in the event of its being desired only to take a part of the farm for small holdings, the tenant will be prepared to continue his tenancy of the remainder of the farm at a rent to be adjusted.

After the Factor's report is received and considered Lady Cathcart is to give us instructions as to the reply to be sent to the recent communications from you.

We are, &amp;c.

SKENE, EDWARDS, AND GARSON.

Under Secretary for Scotland.

No. 2063C/853.

Sir,

25th November 1907.

REFERRING to our letter of 16th inst., we are directed to inform you that Lady Cathcart's Factor has seen the tenant of the farm of Vatersay, who states that he is prepared to renounce his tenancy at Whitsunday next on the footing of receiving valuation for the sheep stock and other items for which he is entitled to valuation at the end of his lease, and on receiving reasonable compensation for surrendering his lease, but that he is not prepared to surrender without compensation. He has not indicated his views as to what reasonable compensation would be, but he has expressed his willingness to come to Edinburgh, accompanied by his nephew, who advises him in business matters, and to discuss the position at a personal meeting.

We think it would be of very great importance that Mr. Sinclair should meet the tenant and hear his views on the question of compensation, and also on the question of the suitability of Vatersay for small holdings; and on the effect which the appropriation of part of the farm for small holdings would have on the value of the remainder of the farm. On this latter point we may say that the tenant informed the Factor that he would not be prepared to discuss terms for continuing his tenancy of the remainder of the farm if a part were appropriated for small holdings.

If Mr. Sinclair cannot make it convenient to meet the tenant of Vatersay in Edinburgh, perhaps it might be arranged that some other members of the Congested Districts Board should meet him.

We shall be much obliged if you will let us hear from you as to the proposed meeting as soon as convenient.

We are, &amp;c.

SKENE, EDWARDS, AND GARSON.

Under Secretary for Scotland.

No. 2063C/854.

GENTLEMEN,

27th November 1907.

I HAVE laid before the Secretary for Scotland your letter of the 25th inst., wherein you suggest that Mr. Sinclair or some members of the Congested Districts Board should meet the present tenant of Vatersay in Edinburgh to hear his views on certain questions.

Mr. Sinclair desires me to say, in reply, that your communication seems to be, in effect, a return to your former proposal that the Government and not the proprietor should arrange with the tenant, and this before any definite proposals as to the extent of land required have been or can be formulated.

To neither of these propositions, as the Secretary for Scotland has already indicated in former correspondence, can he consent; and, so far as he can see, no useful purpose would be served by such an interview, as is suggested, now.

The Secretary for Scotland desires me to add that the views of the Government, which, he need scarcely say, is bound to consider and to endeavour to be fair to all interests concerned, have already been fully stated, and further delays are, he thinks, to be regretted. He can accept no responsibility for them on the part of the Government.

I am, &c.

REGINALD MACLEOD.

Messrs. Skene, Edwards and Garson.

2063C/654.

Sir,

3rd December 1907.

We duly received your letter of 27th November, in which, with reference to our suggestion that Mr. Sinclair or some members of the Congested Districts Board should meet the tenant of Vatersay, you intimate that Mr. Sinclair regards our communication as in effect a return to our former proposal that the Government and not the proprietor should arrange with the tenant, and this before any definite proposals as to the extent of land required have been or can be formulated, that to neither of these proposals can he consent, and that so far as he can see no useful purpose would be served by such an interview as is suggested.

We have submitted your letter of the 27th, along with your letters of the 7th, 8th, and 14th November and the Secretary for Scotland's memorandum of the 8th November, to Lady Cathcart, and we have now received her Ladyship's instructions to reply.

The farm of Vatersay has been for many years in the occupation of the present tenant, Mr. Donald Macdonald, whose lease expired at Whitsunday 1907. In accordance with the usual custom, negotiations for a renewal of the lease took place some time before the expiry of the tenancy, and in August 1906 a new lease was entered into for a period of 19 years with a break at 10 years at a reduced rent. In the early part of the present year the farm of Vatersay was invaded by a number of cottars and other persons, who squatted on the farm, erected houses on it and put stock on the farm. All endeavours to induce these invaders to remove peacefully having failed, Lady Cathcart in May last applied to the Court and obtained interim interdict against 11 of the invaders and served the interdicts on them, but the interdicts have been defied and the invaders remain on the farm. Others have since joined them, and there are now on the farm some 50 people who have taken and retain violent possession of the land and who have erected over 20 dwelling houses and have about 50 cattle, 14 horses, and a number of sheep grazing on the farm. The public authorities have taken no steps to protect the tenant against the high handed action of the invaders, and the tenant complains that his pasture, which should have been available for the winter keep of his sheep, has been eaten up and that many of his sheep will die of starvation during the winter.

On 5th September you wrote that in Mr. Sinclair's view the best course now open is for the proprietor to clear up the doubts which seem to exist as to the water resources of Vatersay and to arrange for its settlement by the number of families which may properly be settled there, and that for this purpose the Congested Districts Board would place at disposal their 60 acres and facilitate in their usual way any approved scheme. On 9th September we replied, by Lady Cathcart's directions, that her Ladyship had already made

inquiry and had been assured by competent authorities that in dry seasons the water supply in Vatersay becomes inadequate, and we set forth other serious difficulties which in her view rendered it highly inexpedient that Vatersay should be broken up into small holdings, and we offered to give Mr. Sinclair all facilities for enabling him to make independent inquiry as to the water supply. We stated that Lady Cathcart would be prepared to sell the farm to the Government and allow them to deal with it and the squatters on it in such a way as they might consider proper. On 27th September you wrote that Mr. Sinclair was not at that time willing to entertain the idea of purchase, but that he proposed with the utmost promptitude possible to take advantage of Lady Cathcart's assurance that all facilities would be given for an independent inquiry as to the condition of the water supply, and that he was in communication on the subject with the Congested Districts Board, whose duty it would be to conduct the inquiry, and that he would inform us of the arrangements made as soon as practicable.

Some time afterwards you had a personal meeting with Lady Cathcart and discussed the whole subject, and as a result of that meeting, we, on 12th October, addressed to you, by Lady Cathcart's instructions, a letter in which, while reiterating her offer to sell, she offered as an alternative to invite the Congested Districts Board to arrange for the settlement of the farm of Vatersay in small holdings on conditions similar to those which had been arranged by the Congested Districts Board in other cases. Those conditions included a stipulation that the Board should satisfy themselves as to the suitability of the farm in respect of water, fuel, situation, &c., and that they should arrange with the sitting tenant for the surrender of his lease. On 24th October we had a meeting with you, Mr. Sutherland, and Mr. MacGregor of the Congested Districts Board, when the conditions in our letter of 12th October were discussed in detail, and we understood that they were generally accepted in principle subject to various points of detail remaining for adjustment. One of the points of detail was as to the mode of settlement with the sitting tenant, the representatives of the Congested Districts Board putting forward the view that the arrangements with the sitting tenant would require to be made by the proprietor. We expressed Lady Cathcart's willingness to conduct or assist in the negotiations with the tenant on the footing that such compensation, if any, as should have to be paid to him for surrendering the lease should be provided by the Congested Districts Board, as had been done in other cases.

On 1st November we had a further meeting with Mr. Sinclair, Mr. Ure, yourself, and Mr. MacGregor, and at that meeting Mr. Sinclair expressed the opinion that the new lease of Vatersay ought not to have been granted, and that any compensation payable to the tenant must be provided by the proprietor. On 4th November you wrote that the Congested Districts Board would no doubt be prepared to consider the propriety of following their usual practice as to compensation in respect of loss of accretion value of sheep stock, but that all other arrangements as to the surrendering of the lease must be made by the proprietor. On 6th November we replied that Lady Cathcart would be willing to conduct the negotiations with the tenant on the footing that any compensation should be provided by the Board, and we asked you to let us know whether the Congested Districts Board had taken steps to satisfy themselves as to the sufficiency of the water supply and as to fuel, &c. On 7th November you wrote that as to suitability of the island of Vatersay Mr. Sinclair did not deem it necessary to institute any special or direct inquiry, inasmuch as Vatersay was scheduled as suitable for crofters by the Deer Forest Commission, and that in regard to the surrender of the lease, Mr. Sinclair could not enter into any obligations either in the matter of negotiation or of compensation, that the former must be conducted by Lady Cathcart and the cost of the latter, if any, must be defrayed by her.

The question who was to provide the compensation which might have to be paid to the tenant for giving up his tenancy was vital to the negotiation, but it was thought that the tenant might be willing to surrender his lease without claiming compensation, and with the view of narrowing the matters under discussion, Lady Cathcart instructed her Factor to see the tenant of Vatersay, and ascertain whether he would be prepared to give up his tenancy at Whitsunday next on the same footing as if the lease then came to its natural



termination, that is to say, without payment of compensation for breaking the lease, and this was reported to you on 16th November. On 25th November we wrote you that the Factor had seen the tenant and that the tenant had expressed his willingness to renounce his tenancy on receiving reasonable compensation for surrendering his lease, and had offered to come to Edinburgh and to discuss the position at a personal meeting. Mr. Sinclair has declined to adopt the suggestion of a meeting with the tenant, and has repeated his refusal to pay the tenant any compensation.

Assuming that the other details of the arrangements set forth in our letter of 12th October can be adjusted, there are now two important points which have still to be arranged. One is as to the suitability of Vatersay for settlement in small holdings. Lady Cathcart has pointed out, as she pointed out in 1883, the inadequacy of the water supply, which, in her view, is an absolute bar to settling a considerable community in Vatersay. On this vital question no proper inquiry has, so far as she is aware, been made by the Government. On 27th September you stated that Mr. Sinclair proposed at once to make an independent inquiry as to the condition of the water supply, and Lady Cathcart is quite unable to reconcile with that letter the attitude now taken by Mr. Sinclair, as stated in your letter of 7th November, that no special or direct inquiry as to the suitability of the island is necessary. The other point is the question who is to provide such compensation as may have to be paid to the tenant as a condition of his surrendering his lease. On the question whether compensation ought to be paid if loss is involved we do not think there is room for difference of opinion. The tenant has been long in occupation of the farm and would not have been disturbed in the ordinary course of management. The new lease was entered into in good faith on both sides and in the ordinary course of estate administration, and if Lady Cathcart had had the compulsory powers of the Lands Clauses Acts to enable her to resume the farm she would have had to pay such reasonable compensation as might be found by arbiters to be due. The Agricultural Holdings Act of 1906 provides for compensation in certain circumstances where the tenant is refused a renewal of his lease at its natural termination, and obviously a tenant has a stronger claim in equity where his farm is taken from him during the currency of the lease for reasons of public policy than he would have at the termination of his lease. We have no means of forming an estimate as to what would be reasonable compensation in the circumstances, but the tenant has expressed his willingness to discuss that with the Secretary for Scotland or representatives of the Congested Districts Board, and it seems to us that his attitude on the subject is a perfectly proper one. We have little doubt that if Mr. Sinclair were to express his willingness to enter into arbitration with the tenant such a suggestion would be agreed to. It being common ground that the tenant must be treated fairly, we are quite unable to see why the Government should not, through the Congested Districts Board, provide in this case, as has been done in other cases, for making reasonable compensation to a tenant who is to be dispossessed to enable the Government's policy to be carried into effect. It would be unfair and unreasonable to seek to impose upon Lady Cathcart the expense and loss incident to carrying out a policy which is not hers, but the Government's, and which she thinks unsuitable and inexpedient having regard to all the circumstances of the case.

Lady Cathcart has in Barra and in South Uist carried out large schemes for breaking up farms into small holdings. She broke up many thousands of acres into small holdings in Barra before the passing of the Crofters Act, and she has more recently, in deference to the representations of the Government, and with the co-operation of the Congested Districts Board, broken up large areas in South Uist. She has waived her own views and her own judgment in order that the Government might be enabled to carry their policy into practical operation, and we submit that she deserves not only fair treatment but every consideration at the hands of the Government in the circumstances now existing in Vatersay. She is profoundly disappointed that having done so much to meet the Government she should now be treated in a harsh, unfair, and oppressive manner, and she instructs us to say that she has carried concession beyond all reasonable limits and that she is not

prepared to assume the burden of compensating her tenant, whom she has no wish to remove, for giving up his farm in order that it may be made the subject of an experiment which she has every reason to apprehend will be a failure.

We are, &c.,  
SKENE, EDWARDS, AND GARRON.

Under Secretary for Scotland.

*Land Agitation at Vatersay.*

GENTLEMEN,

14th December 1907.

I AM desired by Mr. Sinclair to say that he cannot acquiesce in the statement of the case contained in your letter of the 3rd instant, and that it seems to him to contain inaccuracies of detail. Thus, you speak of the invasion of the farm of Vatersay as happening in the early part of the present year; it appears from the records in this office that cattle were landed upon Vatersay in June 1906, while threats to seize the island were made on several occasions before January 1906, and petitions for land were made in 1903, if not earlier.

Again, your letter charges the Government with treating the proprietrix in a harsh, unfair, and oppressive manner, and represents the Government as urging her to allow them to make an experiment upon her property which she thinks inexpedient and likely to end in failure. Mr. Sinclair would remind you, however, that the Government is not responsible for the present Vatersay difficulty, and it is for the proprietrix to deal with it. The Government only intervenes as offering the assistance of the Congested Districts Board if the proprietrix chooses to deal with it in a certain manner.

Your letter suggests a certain inconsistency in the behaviour of the Government, but there is no discrepancy or doubt as to their attitude. Believing from general information, which is accessible to the proprietrix and to the public, that it is a practicable policy to settle upon Vatersay as tenants a limited number of persons, the Government is willing that the Congested Districts Board should, if desired, help the proprietrix to accomplish that purpose. If and when the proprietrix approves the conditions of this offer, the Congested Districts Board will take steps to obtain further and more precise information, and will submit definite proposals (including the number, character, and size of the proposed holdings, with other details), towards the execution of which they will be prepared to contribute upon the conditions already stated. It will lie with the proprietrix to adopt and proceed with these proposals or not. As has already been pointed out to you, until definite proposals are formulated it is impossible to say how much or what portion of the area of the farm they will affect. The Government is not prepared to assume responsibility for such part of the farm (if there be any, as may be the case) as is not devoted to the purposes of this scheme, nor for the arrangements to be made with the sitting tenant, except, as has already been stated, in regard to compensation in respect of loss of acclimatization value of sheep stock.

It should be borne in mind that this is not a scheme for the settlement of crofters or fishermen initiated by the Congested Districts Board, or indeed by the proprietrix, spontaneously and on its merits; it is a scheme which, if undertaken, will be undertaken by the proprietrix, to which Government aid will be given, in order to relieve the proprietrix in circumstances of considerable difficulty, arising from local conditions, for which the Government is in no sense responsible. Mr. Sinclair desires me to add that he regrets that the terms of the letter under reply—into the long argument of which he does not now enter further—tend to show that the proprietrix is not likely to follow the course which seems to offer the only hopeful and peaceful solution of the problem, and in which the Government is still willing to co-operate.

In her previous transactions of this kind the proprietrix has not found cause to charge the Government with acting towards her with harshness

and unfairness, and it would have been more intelligible if some other reason had been put forward as the cause of her reluctance to accept the help now offered.

I am, &c.,

REGINALD MACLEOD.

Messrs. Skene, Edwards, and Garson,

Vatersay, 2063C/855,

Sir,

20th December 1907.

We duly received your letter of 14th inst., which we have submitted to Lady Cathcart, and we have now received her Ladyship's instructions to reply.

Lady Cathcart regrets that Mr. Sinclair has not seen his way to deal with the very serious practical difficulties set forth in our letter of 3rd instant and in previous communications. The statements made in that letter were made after careful inquiry, and, to the best of Lady Cathcart's knowledge and belief, they are absolutely accurate.

You say that our letter seems to Mr. Sinclair to contain inaccuracies of detail, but the only definite point in our letter which you attempt to meet is the statement that the invasion of the farm of Vatersay took place in the early part of the present year. You suggest that that statement is inaccurate, inasmuch as it appears from the records in your office that cattle were landed upon Vatersay in June 1906, while threats to seize the island were made on several occasions before January 1906, and petitions for land were made in 1903 if not earlier. What we stated in our letter of the 3rd was that in the early part of the present year the farm of Vatersay was invaded by a number of cottars and other persons, who squatted on the farm, erected houses on it and put stock on the farm. That statement is in accordance with the fact. It is quite true that applications for crofts in Vatersay have been made from time to time dating back to 1883. If you refer to the Report of the Deer Forest Commission, published in 1895, you will find on page 932 copy of a letter which Lady Cathcart wrote in March 1883 to parties who were then asking holdings in the Island of Vatersay, in which she mentioned, among other objections, that the water supply failed in dry seasons. Ever since the crofter agitation began there have been applications for land by those who had no land, and as we have explained in previous correspondence, Lady Cathcart has done a great deal to satisfy the demand for land, to her own serious loss, and, in many cases, without much, if any, benefit to those who got the land. After all, this question as to the date when the present invasion took place is somewhat of a side issue. Mr. Sinclair has represented to Lady Cathcart his view that the best course now open is to create a certain number of small holdings in Vatersay, and Lady Cathcart, while holding and expressing the view that that course would be unwise, has offered to endeavour to make arrangements which will enable such a scheme to be carried out, provided, among other things, that the Government, through the Congested Districts Board, find the money for settling with the present tenant. The tenant has expressed his willingness to give up his lease on condition that he is paid the valuations which he would receive at his outgoing and reasonable compensation (which, we have mentioned, would probably be referred to arbitration) for surrendering his lease. Mr. Sinclair has expressed his willingness to pay the compensation in respect of loss of acclimatisation of sheep stock, and this is the principal item in the tenant's claim for valuation at his waygoing, but he refuses to pay such reasonable compensation as the tenant may be found to be entitled to for the surrender of the lease, and insists that this must be borne by Lady Cathcart. It is in this connection that the question as to the date of the invasion of the farm came up. At the meeting we had with Mr. Sinclair on 1st November, when the question of compensating the tenant for surrendering his lease was under discussion, Mr. Sinclair said that the lease ought never to have been granted, and that it was granted subsequently

to the date of the invasion of the farm, and he evidently was under the impression that the lease had been entered into by proprietor and tenant with the object of shutting out any scheme for the creation of small holdings in Vatersay. In this view Mr. Sinclair was entirely mistaken, but he appears while under that impression to have arrived at a decision not to pay any compensation to the tenant for surrendering his lease, and, notwithstanding that the impression under which that decision was arrived at has been shown to be erroneous, he still adheres to it. If Mr. Sinclair is right in taking the attitude that a new lease of the farm of Vatersay should not have been granted to the sitting tenant in August 1906, it would follow that for the last 20 years and more Lady Cathcart ought not to have granted a lease of any of the farms on the estates of Barra, South Uist, and Benbecula, as we think that during that time demands for breaking up every farm on the estates have been made from time to time. In these remote districts where there is practically no industry except fishing and farming, and where the fishermen still cling to the idea of having small holdings instead of devoting themselves exclusively to fishing, there always is a simmering agitation which results in many people applying for small holdings who could not manage holdings if they got them, and whom no proprietor in his senses would accept as tenants. Lady Cathcart believes that through the breaking up of farms in Barra, in the first instance by herself and more recently in co-operation with the Congested Districts Board, she has done all and more than all that could be reasonably expected of her, and she strenuously objects to being penalised, as Mr. Sinclair proposes to penalise her, for granting in good faith a renewal of his tenancy at a reduced rent to an old tenant with whom she is entirely satisfied. If, therefore, the scheme is to proceed the Government must pay whatever compensation is payable to the tenant.

You say that the Government is not responsible for the present Vatersay difficulty, and that it is for the proprietrix to deal with it, and that the scheme is one which if undertaken will be undertaken by the proprietrix, to which Government aid will be given in order to relieve the proprietrix in circumstances of considerable difficulty arising from local conditions for which the Government is in no sense responsible. Lady Cathcart cannot accept this disclaimer of responsibility. The position is that some 50 people have combined to seize and occupy land violently and without the pretext of legal right, dispossessing the tenant who is entitled to possession under a contract of lease and who is paying rent and rates and taxes. In Lady Cathcart's view such a combination as now exists for taking and keeping violent possession of private property constitutes a condition equivalent to anarchy or to civil riot, and she most strenuously protests against the suggestion that the Government has no responsibility and that it is for a private individual to deal with the matter.

From your letter it appears that the Government is only acting on general information in arriving at the conclusion that it is a practicable policy to settle upon Vatersay as tenants a limited number of persons and that it will be necessary for the Congested Districts Board to obtain further and more precise information as to details. It has already been pointed out to the Government that the water supply is believed to be inadequate; that peats are not to be had on Vatersay; that there are no roads, landing place, school or church, and that the land is not suitable for cultivation inasmuch as the machar ground if broken up would be liable to be destroyed by sand-drift, and the higher ground is not adapted for cropping. All these are definite and specific objections which could as easily be inquired into by the Congested Districts Board now as later, and which go to the foundation of the whole scheme. You state in your letter that it is impossible yet to say how much or what portion of the area of the farm will be required, and that the Government is not prepared to assume responsibility for such part of the farm, if any, as may not be devoted to the scheme. We have informed you that the present tenant has stated that he would not be prepared to continue his tenancy if part of the farm is taken away, and we think it extremely doubtful whether another tenant could be got to enter upon the farm if part of it is broken up into small holdings. The tenant of the farm offered to come to Edinburgh and to put at the disposal of the Secretary for Scotland or the

Congested Districts Board his intimate knowledge of the conditions, and to discuss the question of terms for surrendering his lease, and we have no doubt that, if on re-consideration Mr. Sinclair is prepared to take the course which seems to us the only practical course—viz., to ascertain the facts, and, if these are regarded as satisfactory, to endeavour to adjust terms with the tenant—a meeting might still be arranged.

If the Secretary for Scotland is prepared to accept the principle of settling the reasonable claims of the tenant, Lady Cathcart is still prepared to go into the matter on the general lines sketched in our letter of 12th October, but if part of the farm only should be taken for small holdings, and if as the result the remainder of the farm should be found to be practically unlettable, Lady Cathcart cannot be expected to bear the loss which would result from part of the farm being left practically derelict. In this connection we would again remind you that the farm of Glendale, which Lady Cathcart took off the hands of the tenant at the request of the Government for the purpose of being broken up into small holdings, and which was afterwards found by the Crofters Commission to be unsuitable for small holdings, is still left on Lady Cathcart's hands and is likely to be the occasion of serious loss.

It is necessary that this matter should be brought to an issue without loss of time, as we are informed that the lawless movement is spreading and that other invaders are joining, and we must ask you to say whether the Government is prepared to settle with the tenant and go on with the scheme, failing which Lady Cathcart must do the best she can to protect her tenant, and the responsibility will rest with the Government.

We are, &c.

SKENE, EDWARDS, AND GARSON.

Under Secretary for Scotland.

2063C/656.

*Vatersay Farm.*

GENTLEMEN,

31st December 1907.

In reply to your letter of the 20th instant, in which you reiterate the proposal that the Congested Districts Board should pay the tenant of Vatersay Farm compensation for the surrender of his lease, I am desired by Mr. Sinclair to say that he has nothing to add to his previous letters on this subject. The conditions on which the Government is willing to further by its aid the purpose of the proprietrix of Vatersay—viz., to settle upon that island some of the landless cottars who are on her property in Barra and elsewhere—were finally stated in the Scottish Office letter of the 4th November. He can only repeat that he greatly regrets that the conditions laid down by the Government are not considered satisfactory by the proprietrix, for on these conditions the Government is still willing to help, or to endeavour to do so, in spite of delays; and so soon as the proprietrix intimates her concurrence, steps will be taken to prepare and submit for her consideration the more definite proposals, which are necessary.

Mr. Sinclair desires me to add that the argument of your letter under reply seems to be founded partly upon statements and impressions attributed to him, to which he must not be taken to assent and into the discussion of which he must decline to follow you.

I am, &c.

REGINALD MACLEOD,

Messrs. Skene, Edwards, and Garson.

CORRESPONDENCE BETWEEN THE LORD ADVOCATE FOR SCOTLAND AND  
LADY GORDON CATHCART IN AUGUST AND SEPTEMBER, 1907.

I.—COPY LETTER, LADY GORDON CATHCART TO THE LORD ADVOCATE, dated  
13th August 1907.

Cluny Castle, Aberdeen,  
13th August 1907.

MY LORD ADVOCATE,

THE Scottish newspapers of 7th inst. contain a report of a discussion which took place in the House of Commons on 6th inst. on the Small Landholders (Scotland) Bill, in the course of which Mr. Balfour stated that he believed there were parts of the country where the crofters had seized land they had no right to, and on being challenged by your Lordship to specify the parts of the country referred to, stated that he was informed that there were serious difficulties in Barra. The reports bear that your Lordship interjected the observation that so far as the enforcing of the law goes there are no difficulties. They set forth that at a later stage in the discussion you stated with reference to these matters that you would gladly have had the veil of comparative secrecy over the events referred to; that in the whole of the jurisdiction over which your rule as Lord Advocate extended there had been absolute peace except in an island owned by one proprietor who had been unfortunate in his relations with his tenants; that "these poor things" went across to the Island of Barra and planted a few potatoes and returned home, hoping to go back in the spring to reap what little crop there was, and that substantially they were interfering with no human soul and were cultivating land which was practically a barren waste. The reports further bear that your Lordship stated that you had been asked to treat this as an offence against the criminal law of Scotland, that the people claimed that they had rights on this barren shore, that you had not interposed in a question of disputed civil possession, and that you held the scales fairly between the parties and preserved the public peace. It is further reported that towards the close of the discussion your Lordship stated that you had since previously speaking received information to the effect that in addition to the operations you had described there was the importation of a few cattle and the erection of some small huts.

My first impression on reading the newspaper reports was that in making the references I have mentioned your Lordship was not aware that you were referring to me, the reference to a proprietor who was unfortunate in "his" relations with "his" tenants suggesting this, but your allusion to the request which I made that your Lordship should take action under the Trespass Act shows that you must have known who the proprietor was.

The tone of your Lordship's remarks, and especially the reference to the proprietor of Barra as one unfortunate in his relations with his tenants, and your allusion to the people who have seized land as "poor things" who were substantially interfering with no human soul and cultivating land which was practically a barren waste, have been generally interpreted as meaning that I have been a harsh or at all events an unsympathetic landowner, that the people who have seized land have been oppressively treated and have been driven to take possession of useless and uncultivated land, and that they have the sympathy of the Government in their action. That this is not a strained or forced construction is evidenced by the fact that many of my friends have written expressing their indignation at the unfairness and injustice of the references to me and their sympathy with me in the circumstances.

Before referring more particularly to the seizure of land in the Island of Vatersay in the parish of Barra, I would like to refer as briefly as possible to my own attitude towards the crofters and cottars in order to satisfy your Lordship that I have not been a harsh and unsympathetic landowner as you appear to regard me.

In 1878, when I succeeded to the estates of Benbecula, South Uist, and Barra, the bulk of the estate of Barra was in the occupancy of farmers as distinguished from crofters. The total area of the estate of Barra is 22,000 acres or thereabouts, and of that area over 14,000 acres were occupied as farms and under 8,000 acres were in the occupancy of crofters. In Barra, as in other parts of the Hebrides, the members of crofters' families very often remain at home with their parents after they are grown up. In many cases they marry and squat on the paternal croft or on the township common. The crofts are not sufficiently large to provide either work or sustenance for a second family, and these squatters, who are called "cottars," do a little at fishing during the fishing season and such casual work as they may be able to get. They get ground on the paternal croft to grow potatoes, and they keep a cow on the township common, and in these ways eke out a precarious livelihood. When I succeeded to the property there were a good many of these cottars in Barra and they were anxious to obtain crofts for themselves. I was of the opinion, and I am still of the opinion, that these cottars would have done better if they had devoted themselves entirely to the fishing instead of attempting to extract a livelihood from small holdings in a place like Barra, the soil of which is not adapted for cropping and the climate of which is unfavourable to the growth of cereals, and I endeavoured to promote the prosecution of the fishing by erecting a deep water pier at Castlebay, building a hotel to accommodate fishcurers and others engaged in connection with the fishing industry, giving a guarantee to the Government to extend the telegraph to Barra, and co-operating in schemes for improving the means of communication. I also in some cases gave assistance to fishermen to procure boats. I had had experience of the mode of prosecuting the fishing on the east coast of Scotland, where at one time the fishermen had small lots of ground and divided their energies between the land and the sea, but where they had found it to their advantage to give up the land and devote themselves entirely to the fishing with results that have been altogether satisfactory. My views on this subject did not commend themselves to the cottars in Barra, who continued to press their request for land. In 1883 I resumed about 3,000 acres formerly occupied by farmers and divided that area into small holdings, thus providing land for about 75 cottars and fishermen. Shortly afterwards I divided up another 1,500 acres among 40 cottars and fishermen. There were then in the occupation of crofters over 12,000 acres, or considerably over one-half of the total area of the parish of Barra, and of the area not in the occupation of crofters about 5,400 acres consisted of islands other than the main island of Barra. In the main island of Barra the total area not in the occupation of crofters was less than 4,500 acres. This division of land and creation of new holdings provided land for the bulk of the cottar population then existing, but the same conditions which had led to the presence of the cottar population in 1883 were continued: the crofters' families remaining on the paternal holdings, and the new crofters following the example of the older generation, with the result that 20 years later there was a new generation of cottars clamouring for land. Between 1884 and 1901 the population of Barra increased by 400 souls, representing about 80 families belonging to the cottar-fishermen class. These families were as little disposed as their predecessors 20 years previously to devote themselves to fishing and were clamorous for land. On the main Island of Barra, where all the facilities in connection with the fishing existed, there were left only two farms, one held on lease with a good many years to run and the other held on a short lease. The Government, through the Congested Districts Board, opened negotiations for purchasing these two farms with a view to the creation of additional crofter holdings, and after negotiation an arrangement was come to under which one of the farms and a part of the other were purchased by the Congested Districts Board, the remainder of the other farm being sold to the tenants who made that a condition of giving up their lease of the part sold to the Board. About 3,000 acres were in this way purchased by the Congested Districts Board and divided into new holdings, with the result that the whole of my property in the main Island of Barra is now in the occupation of crofters with a few unimportant exceptions. The only part of the Barra estate belonging to me not occupied by crofters consists of the Islands of Vatersay and Sandray, which, with some small islands, are held as one farm by Mr. Donald Macdonald.

Subsequently to the transaction with the Congested Districts Board some of the fishermen at Castlebay in Barra applied to the Congested Districts Board for assistance to obtain potato ground in the Island of Vatersay, and I made an arrangement with the tenant for resuming 60 acres at one end of the island which I sold to the Congested Districts Board to be used for potato ground. The people were not satisfied with the quality of the land purchased, and at a later stage I brought about an arrangement between the tenant of Vatersay and the Board under which the tenant gave the temporary use of an additional area in Vatersay for potato ground.

I think that these facts show that I have not been unkind or unsympathetic, and that I have not turned a deaf ear to the requests of the people for land. I do not intend to deal in this letter with the results of the breaking up of farms into small holdings beyond saying that a number of those who clamoured for land and got it have not been able to manage it profitably for themselves and that many of them are deeply in arrear. All that I wish to do at present is to satisfy your Lordship that I have done more than most proprietors in the way of providing land for cottars, and that in Barra it cannot be said that the land is in the hands of large farmers and that the bulk of the people are deprived of the opportunity of getting small holdings.

Early in spring of last year information reached me that a scheme was on foot for reviving the land agitation in Barra, and that a number of young men at Castlebay and elsewhere were to organise an expedition to the Island of Vatersay and to seize the island with a view to its being divided up into small holdings. The fishing the previous year had been successful, and I was informed that the fishermen were for the most part better off than usual, but the early spring is a slack time and there has always been a good deal of agitation in Barra, sometimes stimulated from outside, and it turned out that a number of young men organised an expedition to Vatersay. The affair was duly heralded and was exploited by a section of the Press, and one newspaper sent out a representative who supplied descriptive articles and photographs. He was able to obtain a photograph of the parties who organised the raid to Vatersay, and the photograph was published in the papers. It was a photograph of a band of young men and of boys, the majority of whom were little over 20 years of age and a considerable number of whom were only obviously not more than 14 or 15. After the demonstration most of the so-called raiders went back to Castlebay. Some cattle, presumably belonging to the cottars, were shipped over from the main Island of Barra and put on the farm of Vatersay, but it was not known to whom the cattle belonged. The tenant of Vatersay pointed-folded the cattle, but the enclosure was broken down during the night and the cattle were again turned out on the farm. The tenant then removed the cattle to the main Island of Barra, but they were taken back during the night. The tenant then appealed to me for protection in the peaceable occupation of the farm for which he was paying rent. I was advised that the simplest mode of dealing with the situation was to have the parties who had gone to Vatersay proceeded against under the Trespass Act of 1865, which provides that every person who occupies or encamps on land being private property without the consent or permission of the owner or legal occupier of such land shall be guilty of an offence punishable by fine or imprisonment, and that every prosecution for an offence under the Act shall be raised and proceeded in at the instance of the Procurator Fiscal. I represented the circumstances to the authorities and requested that the Act should be put in force, but the Secretary for Scotland did not see his way to give the necessary instructions, explaining that questions of the assertion of a right to traverse or occupy heritable subjects fall to be decided in the civil courts. There was no assertion of any right by the raiders to occupy or traverse the subjects, and their action was without pretext of legal right and was meant to be provocative, but as the Secretary for Scotland would not authorise a prosecution by the Procurator Fiscal, and as a private individual is not entitled to put the Act in operation, nothing was done. Some of the raiders then started to build houses on Vatersay, and a number of huts have been erected on one of the best parts of the farm near the farm house and on a place which the tenant regards as essential for the proper management of his own stock. As the tenant could get no protection from the public



authorities in the peaceable enjoyment of his farm, he again appealed to me in the beginning of the present year, and I brought an interdict in the Court of Session against 13 of those who had taken violent and illegal possession of land in Vatersay. Interim interdict was granted and a messenger-at-arms was sent out from Edinburgh to serve the interdicts and effected service on 11 of the 13 against whom the interdicts were brought. The interdict granted by the court required the parties to desist from interference with the farm of Vatersay, but the interdicts have been disregarded and the court has been defied.

These were the circumstances to which, I understand, Mr. Balfour made allusion in the House of Commons, and it was of these circumstances that your Lordship spoke when you said that there was no difficulty in enforcing the law, that the "poor things" who had seized land were substantially interfering with no human soul, and that they were cultivating land which was practically a barren waste.

The impression conveyed by your Lordship's speech was that the people who had seized land in Vatersay have done no real harm to anyone; that they are deserving of sympathy and have the sympathy of your Lordship and of the Government, and that they are the victims of a system of estate management over which your Lordship would gladly have the veil of comparative secrecy rest, the management being that of a proprietor who is unfortunate in his relations with his tenants.

I put it to your Lordship that that is not a fair representation of the state of matters that exists, and that it was not fair to me that I should by implication be represented to the House of Commons as a harsh and unsympathetic landlord whose relations with my tenants have been unfortunate and have led to circumstances which your Lordship would gladly conceal; and I hope that your Lordship will take an early opportunity of making a public statement withdrawing the aspersions that have been most unjustly thrown upon me and correcting the erroneous impression that your Lordship's observations have given rise to.

I do not know whether it was within your Lordship's knowledge, but it is the fact, that I am now, at the request of the Government, carrying through arrangements in co-operation with the Congested Districts Board for dividing four farms in South Uist into small holdings. I am taking that course contrary to my own judgment of what is best for the estate and best for the people and solely in deference to the views of the Government, and I feel it particularly hard that, while these matters are in progress, the mouthpiece of the Government should convey to the House of Commons and the country the impression that I am a harsh and unsympathetic landowner.

I remain,

Your Lordship's faithful servant,  
(Signed) EMILY CATHCART.

The Right Hon. Thomas Shaw, P.C., K.C., M.P., &c.,  
Lord Advocate for Scotland,  
Scottish Office, Whitehall, London.

2.—COPY LETTER, THE LORD ADVOCATE TO LADY GORDON CATHCART, dated  
23rd August, 1907.

Lord Advocate's Chambers,  
Dover House, Whitehall,  
23rd August 1907.

DEAR LADY GORDON CATHCART,  
EXTREME pressure of parliamentary duty has prevented by replying  
ere now to your letter of the 13th inst.

(0.61.)

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I fear that you are importing into the expression used by me something which is derogatory to yourself, and which was quite foreign to the subject or purpose, and I beg of you to disabuse your mind entirely of such ideas. The topic into which I was suddenly plunged was being dealt with solely on its public side. It was not part of the matter to deal out or apportion blame to individuals, and you may take it from me absolutely that all the inferences, "implications," &c. of personal reflections on your Ladyship, as unfolded in your communication, are quite unwarranted.

I trust you will not think me guilty of any discourtesy in not entering upon the narrative of administration, &c., which your letter contains, but I so highly respect the anxiety which your letter displays on the personal question that I have thought it right to give you at once the absolute assurance as above.

Believe me to be,  
(Signed) THO. SHAW.

To Lady Gordon Cathcart,  
Cluny Castle, Aberdeenshire.

3.—COPY LETTER, LADY GORDON CATHCART TO THE LORD ADVOCATE,  
dated 7th September 1907.

CLUNY CASTLE, ABERDEEN,  
7th September 1907.  
MY LORD ADVOCATE,

I HAVE received your Lordship's letter of 23rd August written in reply to mine of the 13th.

In my letter I explained that certain observations made by your Lordship in the House of Commons had been generally interpreted as an attack on me in relation to the management of my estate in Barra. I dealt with the circumstances of that estate in some detail, so as to show that no charges such as those which your Lordship was understood to have made could fairly be made against me, and I expressed the hope that your Lordship would take an early opportunity of making a public statement correcting the erroneous impression that your Lordship's observations had given rise to. Parliament was still in session at the time when my letter was sent and for more than a fortnight afterwards, but no such statement as I suggested has been made.

In your letter you say that I have imported into the expression used by you something derogatory to myself which was quite foreign to the subject or purpose, that it was no part of the matter to deal out or apportion blame to individuals, and that all inferences, implications, &c., of personal reflections on me are quite unwarranted, that the topic into which you were suddenly plunged was being dealt with solely on its public side, and that you so highly respect the anxiety which my letter displays on the personal question that you think it right to give me an absolute assurance that the inferences and implications of personal reflections on me are quite unwarranted.

I take it that your Lordship intended your letter to be an absolute disclaimer of the attack upon me which so many people have read out of your observations in the House of Commons, but I could have wished that that disclaimer had been more definitely expressed, and I very strongly represent to your Lordship that the disclaimer ought to have been made in the House of Commons where the statements of which I complain were made. I continue to receive many communications expressing surprise at what is described as your Lordship's "attack" on me, and inquiring whether any public correction or explanation is to be made, and it is obvious that no private assurances can remove the impression created by your Lordship's speech on the minds of my friends and the public generally.

As Parliament is no longer sitting, and it is now impossible for your Lordship to give me the measure of redress that I asked, I shall be glad to

know what steps your Lordship proposes to take in order to correct the widespread misapprehension to which your observations have given rise.

I remain, &c.

(Signed) EMILY CATHCART.

The Right Hon. Thomas Shaw, P.C., K.C., M.P., &c.,  
 Lord Advocate for Scotland,  
 Scottish Office, Whitehall, London, S.W.

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4.—COPY LETTER, THE LORD ADVOCATE TO LADY GORDON CATHCART,  
 dated 12th September 1907.

Cobairdy House, Huntly, N.B.,

12th September 1907.

MY LADY,

I REGRET that my letter to you of 23rd August has not been received in the spirit in which it was written. I think it will be better that I should make no remark on your reply; and I have nothing to add to my previous communication.

As to whether any further public statement shall be made by me, that will, of course, largely depend on the requirements of the public service.

I have, &c.

(Signed) THO. SHAW.

To Lady Gordon Cathcart.

## APPENDIX I.

CORRESPONDENCE BETWEEN THE SECRETARY FOR SCOTLAND AND LADY GORDON CATHERART IN 1906, REGARDING THE APPLICABILITY OF THE TRESPASS ACT TO THE DISTURBANCES IN SOUTH UIST.

Messrs. Skene, Edwards, and Garson in their letter of the 9th September 1907, at page 6, speak of the proprietress as having applied to the Government for protection to the tenant of Vatersay in the peaceable occupation of his farm, "pointing out that the Government could proceed against the raiders under the "Trespass Act of 1865. The Government declined to put the Trespass Act in "force."

The accompanying correspondence contains the suggestion regarding the Trespass Act and the reply thereto. It will be seen that the suggestion was made with reference to disturbances in South Uist rather than to the "invasion" of Vatersay.

## South Uist and Barra.

DEAR SIR,

14th March 1906.

We refer to the meeting the writer had with you in London on 12th inst. At that meeting we mentioned that we had been engaged with Mr. McCaskie, tenant of Killbride farm, on the 10th and that we were to have a further meeting with him on the 13th to endeavour to adjust an arrangement under which he will cede possession of the farm of Killbride, of which there are two years of his lease to run, so as to enable the scheme for breaking up Kilbride and Glendale into small holdings to be carried out. We yesterday had a long meeting with Mr. McCaskie, at which Sir Henry Cook, W.S., Agent of the Congested Districts Board, was present, when terms were arranged, and it now seems that the scheme can go through.

You mentioned at the meeting on the 12th that there has been some misunderstanding in connection with the negotiations for making available some 20 acres of land in Vatersay for potato ground, and that the local representative of the Congested Districts Board had given some more or less vague assurance or promise that the land would be available and that this is being founded upon, and you asked us to co-operate with the Congested Districts Board in endeavouring to bring about an arrangement under which the land will be made available. You mentioned that Mr. Angus Mackintosh, the land agent of the Congested Districts Board, and Mr. Macdonald, the representative of the tenant of Vatersay, were to meet in Edinburgh, and as Mr. Macdonald, Lady Cathcart's Factor, had come over in connection with the negotiations regarding Killbride, we have requested him to remain in the hope that something definite may be at once settled while representatives of all the parties are here. We expect to have a meeting on this subject to-morrow.

In the "Scotsman" and the "Daily Record" of to-day paragraphs appear stating that the cottars from the Iochdar district of South Uist have taken possession of the farms of Gerinish and Drimore, that at Bornaish the cottars have built huts, and that at Ormiclate the Stoneybridge crofters are manuring the machar land. The South Uist Factor is here just now, and we have not, therefore, the usual facilities for getting information as to what is doing in the islands. It is tolerably obvious that the paragraphs in the two papers we have mentioned come from the same source, and the "Scotsman" states that that source is a North Uist correspondent. It is quite evident that a sustained and determined effort is being made to incite the people to violent action, and as it is quite possible that as the result of such incitement breaches of the law and of the public peace may take place, we hope that the authorities are making their arrangements with the view of preventing the public peace from being disturbed and violence being done to the property of the peaceful subjects of the Crown.

The mode of dealing with these threatened disturbances was discussed at the meeting we had with you, and you explained that the official view of the position is that such acts as are reported to have taken place and as are threatened are not such as to render the perpetrators amenable to the criminal law, but are matters of civil action and that Lady Cathcart and her tenants must protect themselves by the civil process of interdiction or otherwise.

In expressing the view that persons who invade lands in the manner now under discussion do not render themselves amenable to the criminal law, we think you have

omitted to advert to the provisions of the Trespass (Scotland) Act, 1865, 28 & 29 Vict. c. 56, which provides that every person who occupies or encroaches on any land being private property without the consent and permission of the owner or legal occupier of such land shall be guilty of an offence punishable by fine or imprisonment. The Act further provides that every prosecution for an offence under the Act shall be raised and proceeded in at the instance of the Procurator Fiscal, and that every prosecution shall be commenced within one month after the offence has been committed. We submit that this Act imposes on the authorities the clear duty of taking action. It is no doubt true that the proprietor and tenants of the lands unlawfully occupied are entitled to appeal to the civil courts just as the victim of an assault or of any breach of the criminal law is entitled to appeal to the civil courts, but the public authorities do not concern themselves with the question whether the person against whom an offence has been committed is to have recourse to the civil courts. The public authorities are, we submit, bound to proceed against persons guilty of a statutory offence, especially in a case where the Procurator Fiscal is alone competent to prosecute and where the prosecution must be instituted without delay.

Apart from the considerations with which we have already dealt there is another consideration to which we think the Secretary for Scotland ought to have regard. Lady Cathcart is, at the request of the Secretary, co-operating with the Congested Districts Board in arranging a scheme for breaking up farms in South Uist into small holdings for the relief of congestion among cottars. Her Ladyship is taking that course in deference to the views of the Government and contrary to her own very decided opinion as to what is in the interest of the estate and in the interest of the people. She has also been asked and has agreed to co-operate with the Government, through the Congested Districts Board, in obtaining potato ground for the Castleby cottars. In these matters she is giving the Government facilities which she is under no legal obligation to give. In doing so she is entitled to rely on the Government protecting her and her tenants in the peaceable possession of the remainder of her estate, and we very strongly represent that it would not be suitable or appropriate that the Government should request and accept Lady Cathcart's co-operation in carrying out their policy, and, when she asks them to give the protection usually accorded to law-abiding citizens against threatened breaches of the law, that they should refuse to exercise their executive powers and inform her that she can get no protection unless she appeals to the civil courts.

It is, we believe, known to the Secretary for Scotland that to use civil process in these remote islands is both difficult and highly expensive. There is no local sheriff court, and there is no messenger-at-arms or sheriff officer settled in the locality. In order to execute diligence or serve an interdict it would be necessary to send a messenger-at-arms from Edinburgh or Inverness, and the cost is practically prohibitive. The fear of deforcement makes messengers who are not under legal obligation to go to these outlying districts stipulate for very high fees, and there is, through want of the usual machinery available at reasonable cost, a practical denial of justice in these remote districts.

While civil process is ineffective, difficult, and expensive, proceedings at the instance of the criminal authorities could be easily taken and would, we believe, be effectual. As it is more in the public interest that the commission of offences should be prevented than that the offences should arise and the offenders be punished, we would suggest that the civil forces of the Crown should be temporarily strengthened in these islands by sending a few additional policemen to assist those now in the localities. If the people were convinced that the Government will not tolerate any lawless action or any violent interference with the lawful rights of the peaceful subjects of the King we do not believe that any outbreak would occur notwithstanding the strong efforts that are being made to incite the people to lawless action.

We are, &c.  
KEENE, EDWARDS, AND GARDON.

Under Secretary for Scotland.

2063C/603.

GENTLEMEN,

22nd March 1906.

With reference to your letter of the 14th instant wherein you suggest, in connection with certain acts reported to have taken place on Lady Cathcart's estate in South Uist, that proceedings might be taken against the persons responsible under the Trespass (Scotland) Act, 1865, I am directed to inform you that, after careful

consideration, the Secretary for Scotland, as advised, is not satisfied that the provisions of the Act cited can properly be set in motion to meet the existing situation in South Uist. Questions of the assertion of a right to traverse or occupy heritable subjects fall to be tested in the civil courts by way of interdict, and it is only when a breach of that interdict occurs that criminal proceedings follow.

I am, &c.

(Signed) REGINALD MACLEOD,

Messrs. Skene, Edwards, and Garson, W.S.

2063C/003.

DEAR SIR,

6th April 1906.

We duly received your letter of 22nd March, in which, with reference to our letter to you of 14th March, you state that after careful consideration the Secretary for Scotland, as advised, is not satisfied that the provisions of the Trespass Act, 1865, can properly be set in motion to meet the existing situation in South Uist, and you explain that questions of the assertion of a right to traverse or occupy heritable subjects fall to be tested in the civil courts by way of interdict, and that it is only when a breach of that interdict occurs that criminal proceedings follow.

The position is that a number of cottars and other persons in South Uist and Barra are dissatisfied with their circumstances and are desirous that legislation should be passed under which provision would be made for acquiring land and giving them a right to occupy it. These cottars are for the most part, if not entirely, members of the families of past or present tenants of crofter holdings. All the land in South Uist and Barra is in the occupation of the proprietor or of tenants, some of whom are tenants of farms and others are tenants of crofter holdings. The cottars do not assert any legal right to occupy the land, and there is therefore no question of civil right to try. They say that they have long been anxious to have land made available for their occupancy; that they have applied to Parliament, to the Government, and to the proprietor without success; and that they are now determined to take forcible possession of what they have not been able to obtain otherwise. From reports in the public Press, which have no doubt been brought under the notice of the Government, it appears that meetings have been held at various places, and that threats have been made to seize land on various farms in South Uist and Barra, to occupy and cultivate the land and build houses on it, and to dispossess the present tenants, all by the strong hand and without any pretence of legal right.

It may be appropriate that we should mention at this stage that the present agitation began in the Island of Barra in connection with a demand by cottars and fishermen at Castlehay for land in the neighbouring Island of Vatersay, which they wished to occupy for growing potatoes. Certain negotiations took place between representatives of the Castlehay people who wished potato ground, the tenant of the farm of Vatersay, the Congested Districts Board, and the proprietor, in the course of which the tenant stated the terms on which he would be willing to sublet a certain area of land, and Lady Cathcart expressed her willingness to give her consent. It is said that the representatives of the Congested Districts Board gave a promise to the people that the arrangement would be carried into effect, and that they were relying on the fulfilment of that promise. The Congested Districts Board, when the matter came before them, did not see their way to sanction the proposed arrangement, and we have been informed that the Castlehay people, who had been counting on the arrangement being carried out, were so disappointed and angry that they determined to seize the land which they understood the Congested Districts Board had promised to obtain for them. If this narrative be correct it is obvious that the trouble arose through a misunderstanding between the people and the Congested Districts Board, which is in effect a Government department.

The agitation which had its origin in Barra in the circumstances we have explained spread to South Uist, and it has been stated, with considerable show of probability, that certain persons interested in promoting agitation on the question stimulated the movement, with the result that the minds of the people have been excited and disturbed, and that there is now considerable danger that violent action may be resorted to and breaches of the public peace may occur. Already the movement is assuming a more serious aspect than it bore at the date of our last letter to you. The latest reports from South Uist are to the effect that a number of cottars and others have collected seaweed and deposited it on the machar land of the farm of Bornaish without the permission and against the wishes of the

proprietor and tenant, and that they are now breaking up land for cultivation on Barmish. The people engaged in this unlawful occupation of land are, we believe, watching closely the attitude of the Government, and will regard the absence of any action by the Government as tacit approval of their doings. The simplest method of dealing with them is to put the Trespass Act in force, and that can only be done by the Procurator Fiscal as the executive officer of the Government.

Lady Cathcart has, at the request of the Authorities, co-operated with the Congested Districts Board in bringing about an arrangement with the tenant of Vatesay under which land for growing potatoes has been made available to the Castlebay cottars and fishermen for the present season. Her Ladyship has also, at the request of the Secretary for Scotland, agreed to break up several farms in South Uist into small holdings with a view to providing land for about 50 cottars, which it was the view of the Secretary for Scotland would be sufficient to relieve the situation. The action which Lady Cathcart has taken in connection with these matters has, we submit, been such as to entitle her Ladyship not merely to the ordinary protection of the law usually given without distinction to all law-abiding citizens, but to the fullest consideration and the most adequate protection which the Government can properly give, having regard to the somewhat exceptional circumstances of the isolated localities in which disturbances are threatened. It would, we submit, be unworthy of any Government to invite and accept Lady Cathcart's co-operation, which has been loyally given, in the matters to which we have referred, and to deny her such protection as the Government can properly give in the difficult circumstances in which she is placed.

There is, we believe, a good deal of popular ignorance as to the state of the law of Scotland with regard to the unauthorised occupation of land, and we understand that the provisions of the Trespass Act of 1865 are not very generally known. That Act, as we have already taken the liberty of pointing out to you, renders it an offence punishable by fine or imprisonment for any person to occupy any land being private property without the consent and permission of the owner or legal occupier, and provides that every prosecution for an offence against the provisions of the Act shall be raised and proceeded in at the instance of the Procurator Fiscal. It would clearly be an offence within the meaning of the Act for a single individual to proceed without any assertion of legal claim to take possession of land being private property, and the Procurator Fiscal on the matter coming to his knowledge, would be bound to prosecute. Much more obviously is it the duty of the Procurator Fiscal to take action when land being private property is taken violent possession of by an organised body of men acting in concert and after threats, publicly uttered and brought to the notice of the authorities, that they intend to perpetrate the offence.

In your letter now under reply you say that questions of the assertion of a right to traverse or occupy heritable subjects fall to be tested in the civil courts by way of interdict, and that it is only when a breach of that interdict occurs that criminal proceedings follow. To that we reply that breach of interdict equally with the interdict on which it follows is dealt with in the civil courts. With all proper respect for those who may have advised the Secretary for Scotland in the matter, we submit that it is out of the question to suggest that a civil interdict and a breach thereof must precede a prosecution under the Trespass Act. That is sufficiently obvious without any argument, but if argument is required we would say that the point is made clear beyond question by the provision of the Act that every prosecution must take place within one month after the commission of the offence. It would be impossible to obtain a civil interdict and to take proceedings for the breach of it within the space of one month from the commission of such an offence. Furthermore, a prosecution for breach of interdict is not brought at the instance of the Procurator Fiscal but at the instance of the person by whom the interdict is obtained and with the concurrence of the Procurator Fiscal.

It seems to us that the question of the duty of the Government in this matter stands clear beyond the necessity for argument, and that discussion as to the meaning of the Trespass Act and the necessity for civil proceedings for interdict before its provisions are put into operation is mere waste of time. To suggest that the provisions of the Trespass Act cannot be put into operation without an antecedent process of interdict seems just as reasonable as it would be to suggest that, when Socialist orators addressing a crowd of unemployed in Hyde Park or Trafalgar Square tell the people that they are being deprived of their share of the wealth of the country, and advise them to mid and loot the shops in London, the police should stand aside and let the raiding proceed until the individual shopkeepers have brought interdicts against the individual members of the crowd.

It is obvious that the Secretary for Scotland is under a misapprehension in thinking that the provisions of the Trespass Act cannot properly be set in motion against persons taking violent possession of land in South Uist, and we hope that he will reconsider the matter in the light of the explanations we have now given, and that the authorities will act promptly and firmly. Lady Cathcart and her tenants have no power to prosecute under the Act, and if the Government do not allow the Procurator Fiscal to prosecute they will reduce to a nullity an Act passed for the purpose of protecting proprietors and tenants in the peaceful occupation of their lands.

We are, &c.  
SKENE, EDWARDS, AND GARRON.

Under Secretary for Scotland.

2063 C/812.

GENTLEMEN,

10th April 1906.

I AM directed by the Secretary for Scotland to refer to your letter of the 6th instant, the purport of which is to urge reconsideration of the conclusion adverse to procedure under the Trespass Act of 1865, which I was directed to intimate in my letter of the 22nd ultimo.

Mr. Sinclair has again given his best consideration to the arguments advanced in your letter, but I am to state that, as advised, he adheres to the view that the Trespass Act of 1865 does not apply, and certainly was never intended to apply, to such a case as this. The provision in section 5 that prosecution shall be commenced within one month after the offence is committed demonstrates that the statute was never meant to apply to continuous occupation of land. It would, it is held, be entirely contrary to the spirit of the Act to seek to enforce it in a case of this nature, and his refusal, which is final, rests on this ground.

I am to refer to a remark in paragraph 6 of your letter, that it is out of the question to suggest that a civil interdict and breach thereof must precede a prosecution under the Trespass Act. No such suggestion was ever made.

The appropriate proceeding under the law of Scotland is, in Mr. Sinclair's opinion, as advised, by way of interdict in the civil courts, followed, if necessary, by the quasi-criminal proceeding of application to the court for punishment in the event of the interdict being disobeyed.

Messrs. Skene, Edwards, and Garron.

I am, &c.  
(Signed) REGINALD MACLEOD.

## APPENDIX II.

- 1.—LETTER dated 5th July 1906, from the SHERIFF of INVERNESS-SHIRE to the SCOTTISH OFFICE.
- 2.—REPORT to the SECRETARY for SCOTLAND, dated 23rd May 1907, by the SHERIFF of INVERNESS-SHIRE ON A VISIT TO VATERSAÏ.

2063 C/821.

Sir,

5th July 1906.

I HAVE received Mr. Dodds' letter of 2nd inst., and your telegram of to-day asking my observations regarding the action of the cottars and fishermen in the Island of Barra in taking cattle over to the Island of Vatersay and placing them on lands in the occupation of the farm tenant; and I have also considered the police reports relating to the matter. The only new development has been that four additional cattle were sent to graze on Vatersay on Monday. The chief constable suggests that the whole matter is one for the civil courts, and that the proprietrix and tenant should be left to take such proceedings as they think proper. I think, however, that the best course is to get the local inspector or sergeant of police to suggest to the men that they should themselves, without delay, remove the cattle from Vatersay, explaining that if they do so quietly and promptly that would probably obviate proceedings which otherwise Lady Gordon Cathcart may take to obtain a warrant to remove and sell the cattle to defray expenses. I have, accordingly, written the chief constable requesting him to see that this is done by a reliable



subordinate. I thought it prudent before instructing the chief constable to the foregoing effect to see Lady Gordon Cathcart's solicitors, and I have had a meeting with Mr. Garson, W.S., who takes charge of her estates. I found that he was most anxious to avoid the necessity for any legal proceedings which might be the means of accentuating feeling and creating further disturbance in the islands, and he agreed in particular (1) not to take any proceedings in connection with the trespass on the VATERISAY farm in the mountains, and on a...

I spoke to them and they explained that they were both from the Island of Mingulay. One of them (Niel Macphree), who seemed about 25 years of age, explained that his father had a small croft in Mingulay, that he had hitherto lived with his father, but that the conditions were such as he could endure no longer.

He mentioned various hardships, e.g. (a) that there was no seawater to be got on the island for manure, and it was necessary to travel to Castlebay to bring back fish-guts for the purpose and that had to be done in the fishing season when time was most valuable; (b) that for months at a time they might be immured on the island, unable to procure provisions of any kind; (c) that it was impossible for him to get land for a house and croft either on Mingulay or at Castlebay.

He said that he knew he was breaking the interdict, but he had "grown sick of" waiting and would prefer imprisonment rather than go back to Mingulay to starve "or be driven to the United States."

Campbell explained that he and the others were most anxious to do as little harm as possible to the tenant of the farm, and that the sites both for the huts and potato plots had been selected with the view of avoiding injury and inconvenience to the tenant. He added that for a short time they had allowed their cattle to graze on part of the tenant's land, but latterly they had all removed the cattle to the 60 acres belonging to the Congested Districts Board "to be used for potato land"; but Campbell and several others assured me that the restriction was a gross mistake—that the land was not suited for potato growing, yielding less than 50 per cent. of what ordinary good ground could give.

Accordingly no one this year was using it for potato ground.

I also saw the 20 acres subsequently leased by the Congested Districts Board for potatoes, and this land, I was told, though better for potatoes than the 60 acres, was far from satisfactory.

Before, during, and subsequent to my inspection of the island, Duncan Campbell gave me full information as to himself, his position and his views.

He is a fisherman, 50 years of age, with six of a family—four sons and two daughters. For 12 or 13 years prior to 1906 he and his family lived in Castlebay in the same wooden hut now occupied by him on Vatersay.

He took me to the site of his former home in Castlebay—a site about 30 feet by 15 feet in area.

He said it was the best site he could secure at the time in Castlebay.

Lady Cathcart's Factor threatened to interdict him from putting the hut there, but he had to disregard the threat as he had nowhere else to go, and in point of fact for 12 or 13 years he lived there.

The site, however, proved unhealthy and his wife and family suffered in their health. Many others, he said, were in the same position.

He took me to the site in Castlebay formerly occupied by the hut of another of the raiders (Roderick MacNeill).

Fourteen years ago MacNeill bought a hut which had been used by fish curers whose station was situated just below.

Underneath the floor of this hut, an open burn ran, and the whole surroundings were unhealthy.

In the fishing months the smell of the rotting fish-refuse was sickening.

A letter, dated 18th December 1906, addressed by Lady Cathcart's local factor (Mr. John Macdonald, Askernish) to a crofter (William Boyd) who was about to erect a hut in Castlebay was handed to me as a specimen of the threats used to any cottar who takes a site. "I am informed that you are building a house in Garryguld Grazing, and if that is the case I hereby request you to stop immediately and to remove any material which you may have on the ground and to restore the ground as near as possible to its former state. If you persist in building, the erection will be pulled down forcibly, or Lady Cathcart's agents will take immediate action against you, as house building by cottars in the vicinity of Castlebay is to be no longer tolerated."

Campbell stated that for years past there has not been a single site in or near Castlebay available for cottars.

Repeated efforts were made to get sites elsewhere, but the years went on without any remedy.

A year or two ago he and 62 other cottars sent a respectful letter direct to Lady Cathcart, as they doubted whether former appeals made through her agents and factors had reached her.

The letter begged her to allow them to acquire crofts on Vatersay and bore that they were willing to pay fair rents either as agreed on or as might be fixed by the Crofters Commission.

Lady Cathcart gave no reply. They then sent a copy of this letter to Mr. Dewar, M.P., and asked him to assist them; but nothing came of this either. What, asked Campbell, was he to do?

He himself, aged 50 and somewhat lame, could not hope to find a livelihood in another district or in another country; his wife, moreover, was constantly ailing.

He had worked all his life, but he had neither money nor prospects.

He was most unwilling to break the law, but neither through Lady Cathcart nor through the Congested Districts Board could he get any help. In the result, he and others decided to go to Vatersay.

They understood that the Congested Districts Board were negotiating for the purchase of that island, and believed that it would be secured for allotments. Moreover, up to fifty years ago their grandparents and remoter ancestors had had crofts on Vatersay at the very place where the raiders' huts were now set up, and though their grandparents had been evicted, their descendants had never given up their claim.

Throughout all the years these descendants down to this day have continued to bury their dead in Vatersay.

I have thought it right to record Campbell's statements in some detail, as the best means of bringing before the Secretary for Scotland the circumstances which gave rise to the Vatersay raid.

I found that this being the fishing season several of the raiders were from home, but on Sunday night (19th May) I met Campbell again and five of the other raiders in the schoolroom in Castlebay.

I had a two hours' meeting with them on that occasion, and I did my very utmost to induce them to go back on the illegal course on which they had entered.

My efforts proved unavailing.

It seemed to me that there were influences at work which were not fully disclosed and which I could not effectually deal with.

I was assured that Lady Cathcart in the end would not see the "lash" of the law. Their firm conviction, based on past experience, was that she would not be a party to imprisoning them or evicting them; further, that the Government would not allow them to suffer. From time to time one or other of the men, in the most emphatic language, vowed that he would suffer imprisonment or death rather than yield.

I was assured that if they were put down, there were scores of others who would take up the struggle and continue it.

I ought to explain that the raiders, I saw, seemed respectable men, and except in their views as to their right to get land and to take it if need be, they appeared to me to be both intelligent and reasonable. They were not only courteous, but kindly in their behaviour to me and my wife personally.

The position of matters is most unfortunate.

I am not able to form a definite opinion as to the true cause of the complication. There seems to be a considerable body of local opinion to the effect that Lady Cathcart has not fully appreciated her duty as landowner, and that long indifference to the necessities of the cottars has gone far to drive them to exasperation.

On the other hand, Lady Cathcart's local factors assured me that they had met all reasonable requirements.

As to the Island of Vatersay, the factors said it was unwholesome for crofters because there was not sufficient water supply in summer weather. The raiders say the opposite, that there is water sufficient to supply not only Vatersay hut Castlebay.

All agree that there is no peat, but the raiders say that it is quite easily brought over.

There is at present no school; but the raiders explain that a teacher will soon come when the children are there to be taught.

Assuming that Lady Cathcart cannot or will not solve the present difficulty by arranging with the tenant of the farm for giving lots on Vatersay at fair rents and withdrawing the restriction she has imposed as to the use of the 60 acres and 20 acres held by the Congested Districts Board—on that assumption one or other of the following alternatives must, I think, be chosen.

(1) Let Lady Cathcart work her remedy as she pleases. She would probably proceed with her complaints for breach of interdict, and if, as is not unlikely, some of the raiders should be imprisoned for contempt of court, serious disturbance might ensue, as there seems to be strong local sympathy with them.

(2) Let the Congested Districts Board either buy the whole Island of Vatersay or such part of it as Lady Cathcart would part with on reasonable terms, so that they may give allotments. This might involve a capital expenditure of, say, between 6,000*l.* and 8,000*l.* and could, I suppose, only be contemplated if the island was reported on by a competent man suitable for the settlement of crofters as regards water supply.

9, Drumsheugh Gardens, Edinburgh,  
23rd May 1907.

Humbly reported by  
JOHN WILSON,  
Sheriff of Inverness, Elgin,  
and Nairn

### APPENDIX III.

#### MEMORANDUM ON THE PREVIOUS TRANSACTIONS BETWEEN THE CONGESTED DISTRICTS BOARD AND LADY GORDON CATHCART IN BARRA AND VATERSEY.

##### *Barra.*

In October 1900 the Secretary for Scotland sent Mr. Macintyre, of the Crofters Commission, to Barra to inquire what should be done there by the Congested Districts Board for the permanent benefit of the people.

He strongly recommended the removal of cottars from the croft lands and their settlement on new holdings.

For this purpose Lord Balfour entered into negotiations with Lady Cathcart for the purchase of certain lands which were in the occupation of two farmers under lease. Lady Cathcart decided, in view of the wish of the Congested Districts Board, "although with serious misgivings" as she wrote, "not to press my own views" farther against those of the Board in this matter, but to sell to the Board if an "adequate price is offered" certain lands.

Lady Cathcart's solicitors named 17,000*l.* as the price Lady Cathcart might accept for the whole subjects. Of this 15,000*l.* was the price of the farm in the occupation of the Messrs. MacGillivray, and for a time the negotiations were confined to these lands.

On 28th February 1901, Mr. Cook informed Lord Balfour that the Messrs. MacGillivray, the sitting tenants, were prepared to pay 15,000*l.* for the lands in their occupation, and that this put an end to further negotiation as to a less sum than 15,000*l.* being accepted for the whole of Messrs. MacGillivray's farm.

In order to meet the wishes of Messrs. MacGillivray and of the Congested Districts Board, so far as possible, Lady Cathcart made a proposal that a certain portion of the farm should be sold for 9,500*l.* to the Messrs. MacGillivray, and the remainder for 5,500*l.* to the Board.

The other farm of Northbay, occupied by Mr. MacLean, was sold to the Board for 2,000*l.*

As excessive pressure was being brought to bear upon the Government, the Board arranged for the purchase, on the above basis, for 7,500*l.*, of lands sufficient to provide holdings for 58 of the Barra cottars. The lands that came into the Board's possession covered about 3,000 acres.

The Board had the lands valued by the Crofters Commission, and they re-sold the subjects to the settlers on the basis of this valuation for 5,512*l.* 10*s.* 0*d.* Any excess of price over value was thus borne by the Board and not by the settlers.

##### *Vatersay.*

The purchase and re-sale to settlers of lands in Barra still left nearly half of the landless cottars unprovided for. Some of these, who lived in Castlebay and the neighbouring townships, appealed to the Congested Districts Board to obtain potato ground in the Island of Vatersay for the planting season of 1902. Direct negotiations with the tenant of Vatersay were found fruitless owing to his terms. The Board then ascertained that in the lease of the farm of Vatersay power was reserved to the proprietrix to resume a portion of the farm for certain purposes, including the granting of allotments for fishermen; the proprietrix was willing to exercise this power to the effect of resuming a small peninsula on the east end of the Island of

Vaterisay. The Board would have preferred to take the land on lease, but the proprietrix refused to let it. The conveyance ultimately took the form of a feu disposition, under which—

- (1) The Board were to pay down 600*l.* and a feu duty of 10*s.* per annum;
- (2) The ground was to be used for potato planting and the cottars selected by the Board;
- (3) If it ceased to be required or used for that purpose the Board might erect a house and offices on it and let it as a single holding, or they might sell it with such a right to a purchaser, subject to a right of pre-emption, on a month's notice, at a price of 600*l.* by the superior;
- (4) A march fence was to be erected and maintained by the Board and its assignees;
- (5) Immediate possession was to be given.

The ground thus acquired in 1903 was 60 acres; and the Board were led to believe by the expert who had examined it before they concluded the transaction, that "the soil of Creagmhòr (one part of the peninsula) was mostly black mould of fairly good quality, and that the greater portion of the land on three sides of this part of the peninsula was at one time under cultivation. Vinessan, which forms the east end of the peninsula, is at present good grazing. It is intersected with rock, but the greater portion of it could be cultivated with the spade. The soil is a mixture of black mould and sand of fair quality."

The cottars, to whom the land was let as yearly tenants in small lots, professed to be unable to get any but poor potato crops from the soil. To ascertain how far these complaints were justified the Board obtained in March 1905, from one of their agricultural experts a report on the soil, which is put with these papers.

The Board also took steps to test the matter in a practical way, but the cottars opposed this and it was difficult to get any local person to go over to Vaterisay and conduct the experiment.

The report contains a hint that land should be made available elsewhere in the island for planting potatoes; and early in 1905 the Board endeavoured to rent about 20 acres for this purpose, but differences of opinion arose between the tenant of Vaterisay and the cottars as to the suitability for potato planting of the land which he was willing to place at their disposal.

The following letters passed between the representative of the cottars and the Board at this time:—

Kentangaval, Barra,  
April 17th, 1905.

DEAR SIR,

In continuation of reply to your telegram of 12th April in which it was stated that the land offered by the tenant of Vaterisay was quite unsuitable for us for potatoes, and that the place that would have been suitable for us would have been the land that was pointed out to your factor, Mr. Mackintosh, on his visit here in the end of December, and again to Mr. Carmichael on his recent visit here. It is very much to be regretted that the tenant of Vaterisay would not show more willingness to meet the needs of the poor cottars round Castlebay, and the result now is that these cottars will have no potatoes planted this year, as the season is now so far advanced that they must be immediately turning their attention to the herring fishing and so must give up the idea of potato planting. Your Board will easily understand the very unpleasant outlook for the cottars in the coming winter, and all seemingly arising from a little want of good will. In view of the complete failure of the Board's schemes to provide the cottars round Castlebay and Kentangaval with potato plots in Vaterisay, the said cottars wish respectfully to urge upon your Board the urgent need for securing fishermen's holdings for them on this said island, and they hope to see their hopes realised during this coming summer, as their present position has become intolerable.

If we are to be allowed to sow corn and barley in the potato ground tilled by us in Vaterisay please to let us know and send applications as soon as is convenient, but at any rate let us know about it.

Signed on behalf of the cottars having potato plots in Vaterisay,

DUNCAN CAMPBELL.

To this letter the following reply was sent on the 22nd April:—

Sir,

The Congested Districts Board regret that the negotiations they conducted and the repeated efforts they made did not result in their being able to obtain a suitable piece of land on Vaterisay for potato ground.

With reference to your request that cottars be allowed to sow corn and barley on the Board's land in Vatersay, I am directed to state that as the conveyance of the land to the Board permits the use of the ground "for sowing grain so far as may be necessary for keeping the lands in proper working order," they will have no objections to such portions of the said land being put to this use as are not required for the experiment in potato growing, as to which arrangements were recently made.

You should put yourself in communication with Mr. Donald Muuk, and let me know as soon as possible the names and addresses of those who are to cultivate the land and the acreage assigned by the Committee to each.

I am, &c.  
(Signed) R. R. MacGinnoc.

Later in the year 1905 the Board reopened the question, and on 6th November

They ask that the Board should without delay, if at all possible, make arrangements for their being allowed to plant potatoes on another part of the island, and they would willingly pay rent for both this and the Board's lands, which they intend to sow up with grass or oats to prevent its being blown away.

If arrangements were made for their being allowed to plant potatoes on another part of the island, they will themselves arrange for guarding their crop so as to obviate the necessity for any fencing.

They promised not to "ceise" or take forcible possession of any part of the island this year, as they believed the Board would help them if they could, but would make no such promise with regard to next year, when the farm was to be out of lease. I impressed upon them that making a disturbance, or threats to do so would not move the Board, but would only bring trouble upon themselves.

I found the people very reasonable and moderate in their talk and their demands, and I do not think they seriously considered taking any unlawful action.

It is, of course, obvious that the want of potatoes among 47 families all in the one township must be a very great hardship, especially when those who went to Glasgow to get work for the winter had to return being unable to find such.

They asked me to put their case before the Board, and ask if they would be so good as to make some temporary arrangement with the proprietor and the farmer on their behalf, whereby they might be allowed to plant potatoes for this year on another part of the island to the extent of about 20 acres, and that they will themselves make a division of the land, and pay any rent the Board may think proper; that, however, as the season is now far advanced such an arrangement would require to be completed before the end of the month, and that before that time they would be glad to know if there is a probability of their getting the land so that they may start to collect seed.

#### APPENDIX IV.

##### NOTE ON THE CASE OF THE FARM OF GLENDALE, SOUTH UIST.

Messrs. Skene, Edwards, and Garson in their letter of the 6th November, refer to the case of Glendale, in South Uist, where the proprietrix arranged with the tenant to surrender his lease; it was found impossible to use the farm for small holdings, and the farm was thus left on the hands of the proprietrix without a tenant.

The following extracts from the eighth and ninth Reports of the Congested Districts Board will explain generally the circumstances under which this state of things came about; the tenant of Glendale was also tenant of Askernish farm, in South Uist, and of Lochboisdale Hotel; he afterwards became tenant of Castlebay Hotel, Barra, and was not disposed to resume the tenancy of Glendale. This experience showed the inexpediency of arranging finally for the surrender of a lease before it was clearly ascertained that the farm thus vacated was suitable for small holdings.

##### *Extract from Eighth Report of Congested Districts Board.*

*South Uist.*—Soon after the issue in 1904 of the Report of the Crofters' Commission on the social condition of the people of Uist, the Secretary for Scotland brought that condition urgently before the proprietrix of South Uist in view of the cottar question in that parish, with the result that Lady Cathcart has agreed to break up into small holdings the farms of Kilbride, Gerinish, and Glendale, in South Uist. The negotiations have been unexpectedly protracted, partly because these farms were under lease. Though arrangements have now recently been made with the tenants of Kilbride and Glendale to give up their tenancies at Whitsunday 1906, before the expiry of their leases, the tenant of Gerinish intends, it is believed, to carry on that farm until the lease expires at Whitsunday 1907. We are proceeding with the letting out of Kilbride and Glendale in the hope that when the stock is cleared from the ground at the usual time in autumn arrangements may be completed by the proprietrix with the tenants, so that these new settlers may enter into the occupation of their crofts at Martinmas next. As there has not yet been time for us to receive the report of the experts on the subdivision of Kilbride and Glendale, we are unable to give further details of the scheme.

*Extract from Ninth Report of Congested Districts Board.*

*Glendale.*—The farm of Glendale is said to extend to about 4,475 acres, and is practically only a grazing farm. It lies adjacent to the farm of Kilbride, and forms a promontory between Lochboisdale and the Sound of Eriekay. It was scheduled as the South Boisdale Grazings, and coloured pink by the Deer Forest Commission as land which could be advantageously occupied as extension of grazings by neighbouring crofters. They state the area to be 66 acres of old arable and 4,409 of pasture.

The farm is separated from adjacent lands by a good wire fence, and it is also divided by a fence into an area of about 1,100 acres lying to the north, and about 3,300 acres lying to the south. These figures do not include the islands of Pabbay and Calvay in Lochboisdale, which are at present pertinents of the farm, which the reporters recommended should be reserved from the letting. On Glendale there is to be found very little land suitable for cultivation.

The reporters laid off six small holdings on the Lochboisdale side, and recommended that the area of 1,100 acres above alluded to, lying to the north, should form these holdings and a suitable common grazing. The rent of these holdings they fixed at 3*l.* each. With regard to the southern portion of 3,300 acres the reporters stated that there were three ways in which this portion of the farm could be utilised, namely, (1) to give the occupiers of the large holdings in Kilbride the option of taking it; (2) to add it to the common grazings of the townships of South Boisdale, South Lochboisdale, Garrynmacais, and Smerclate; or (3) to let it as an entirely separate grazing. The rent which they considered the portion worth is 50*l.*

A copy of this Report was sent to the estate management along with that relating to Kilbride, and they proceeded to take steps to obtain tenants for the proposed holdings. They informed us that their Factor in South Uist posted notices inviting applications in every township in the south end of South Uist, and also in the middle district, and that he also caused printed notices setting forth the conditions, on which the two farms were to be broken up, to be posted in other places where he thought they could be seen by the public. For holdings on both farms a large number of applications were received, including 23 for the six holdings on the north part of Glendale. The grazing of North Glendale was ample for the requirements of these holdings, and the applicants did not propose to become tenants of South Glendale. The tenants for the proposed holdings on Kilbride were asked whether they wished to have the south part of Glendale as a sheep grazing, but they were unanimous that they would not have it. A number of crofters in the existing townships in the south end, particularly from North and South Boisdale, with some from Smerclate, considered the question whether they should apply for South Glendale, but they informed the Factor that the undertaking was too serious for them. In these circumstances, there was no alternative but to abandon the scheme, as the settlement on North Glendale could not be proceeded with owing to the south portion of the farm not being taken up.

