

PUBLIC ADMINISTRATION IN THE HIGHLANDS AND ISLANDS OF SCOTLAND

BY

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PREFACE

THIS book was nearly completed in 1914, and only deals with the circumstances before the outbreak of war. The parts dealing with the structure and finance of the administrative authorities are descriptive of the present structure and of the financial position in 1912-13. The historical narrative, which is contained in the part on the functions of the authorities, tends to drift towards the Western Islands, where the difficulties have always been best exemplified and most acute. Since the problem in the Highlands and Islands is essentially a rural one, and to avoid overloading the book, no mention has been made of burghal government. On the other hand, the Central Authorities are described in some detail to meet the needs of English readers unfamiliar with the peculiarities of the Scottish branches of the Executive. On my return from France I wrote the conclusion, and brought the work up to date with regard to fresh legislation, but no attempt has been made to deal with the abnormal conditions occasioned by the War.

I wish to express my gratitude to Mr. James Malloch, Professor D'Arcy Thompson, Mr. W. H. Blyth-Martin, and Mr. H. M. Conacher for allowing me to consult books in their possession; and especially to Professor W. R. Scott, who has taken a kindly interest in this book since its inception, and to whose unfailing courtesy and generous help I am much indebted. For the few opinions expressed in the book, I alone am responsible.

I desire also to acknowledge the assistance of the Carnegie Trust for the Universities of Scotland, who have granted me a guarantee, up to £100, against possible loss in the publication of this work. My thanks are also due to Major

D. W. P. Strang, M.C., Seaforth Highlanders, and Mr. P. H. Bertram, Highland Light Infantry, for reading the proofs and suggesting emendations. Finally, I must express my warmest thanks to Colonel Sir Lewis McIver, Bart., whose continued interest and appreciation have been to me so great an encouragement.

J. P. DAY.

*5 Roseangle Terrace,
Dundee,
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PART I

INTRODUCTION

THE need for State control of individual activities may be said to vary in urgency with the density of the population. In crowded areas some organisation of social effort is imperative: in countries inhabited by few and scattered people any system of public administration is both difficult and costly to establish, and of little utility. To-day, the pastoral tribes of such districts as Arabia have no law but custom, and no administrative authority but the patriarchal sheik. On the other hand, the larger cities of the world had developed long before the Christian era a fairly elaborate system of public administration. History would seem to show that the functions of the State are generated in the Metropolis and spread outwards till the whole country is affected. Certainly this was the process with the Greek City States, with Rome and the Roman Empire, and—without claiming for the statement the validity of a natural law—the urban origin and rural extension of State functions may be said to be the usual process. If this be granted, it follows that for each State there must be a marginal area, comparatively remote in position and possibly alien in sentiment, to which the full exercise of State administration comes late and with more or less difficulty. In brief, there is always the problem of the “fringe.” In a small compact State of homogeneous districts, the problem hardly exists; in a large State, without federal institutions and with one system of public administration throughout, the problem may become acute if the marginal areas are different, in physical character, economic interests, or racial sentiment, from the heart of the country.

This book is an investigation into public administration in the Highlands and Islands of Scotland: one of the marginal areas of the United Kingdom.

The present system of public administration in Britain has been the work of the middle classes, from whose enfranchisement, by the Reform Act of 1832, it dates. Previous

to the era of reform which followed that date, local government had been in the hands of the local aristocracy, while the central authorities, as far as the internal government of the country was concerned, contented themselves mainly with the issue of penal prohibitions and the collection of taxes.

It was in the towns that the strength of the middle classes lay, and it was in the towns that the evils incidental to the Industrial Revolution called most urgently for remedy; so urgently, indeed, that the towns had not been able to wait for the Reform Act, but had been obliged to go to Parliament for special local Acts creating Improvement Commissioners to undertake the necessary work relating to lighting, drainage, and similar public utilities. At the time of the Reform Act there were over seven hundred of these special Local Acts in existence, so that, the need for reform being somewhat palliated thereby, the first great administrative reform dealt with the Poor Law. After the passage of the Poor Law Amendment Act of 1834, the middle classes returned to their own particular needs in the urban areas, and the Municipal Corporations Act was passed in 1835. Since then local government has been municipalised.

Representative institutions of the municipal pattern have been extended to the County (Local Government Act, 1888), and to the Parish (Parish Councils Act, 1894), and not only has the structure of the municipal authority been copied, but also the mode of working and doing business. In England, therefore, the existing system of local government was created by the middle classes for the towns, and then extended to the rural districts.

This reconstitution of the local authorities was copied by Scotland in every case except the very one which scarcely concerns the Highlands. Municipal reform in Scotland came in 1833, and preceded the reform of the English towns.

With this one exception, the Scottish Acts follow the corresponding English Acts and are closely modelled upon them. In this way it has come about that a system of administration, devised by the middle classes for the towns, has been stretched to cover the needs of the rural districts of England, stretched again to cover the needs of the rural districts of lowland Scotland, and eventually to cover the needs of a quite different district, the Highlands and Islands, a district, be it noted, where both the middle classes and the towns are conspicuous by their absence.

The main purpose of this book is to investigate whether

this system, foisted upon the Highlands and Islands after such repeated adaptation, is passably fit and suitable.

It is easy to see that difficulties must occur. The people live in small communities, separated from each other by sea or mountainous country, and, under such circumstances, the provision of educational facilities or a poor law or public health service, at all comparable to what exists in the Lowlands, becomes extraordinarily costly. Again, the assessable value is very low and in consequence the rates are in many parishes extremely high—reaching in a few cases over 30s. in the pound. The total population is not very considerable in numbers, and the general tendency has been to allow matters to drift until some outbreak of famine, or riot, has attracted the attention of Parliament, or the nation, and forced the authorities to act. Then the Government Departments concerned attempt to remedy matters by some action based on the experience of their officials which, gathered too often in another part of the country, proves ineffective to establish matters on any satisfactory basis. The effort of the Board of Supervision to keep down the Highland poor rates by causing the parishes to erect large poorhouses is a case in point. The poorhouses remained empty, and the cost of their erection burdened the parishes with debt. Again, when the shockingly insanitary condition of some of the island townships became known to the country, the Local Government Board demanded the proper staffing of the local sanitary service, a demand which proved impossible since the public health rate was already at its maximum. As will be shown, the administration has in the Hebrides at times almost completely broken down; the local authorities have been unable to raise money even on credit; the local councillors have resigned, and it has been necessary for the central authority to nominate persons to carry on the administration. Nor are these difficulties entirely of the past; in many parishes the rates have never been higher than they stand to-day. There is at least a *prima facie* case that the system of public administration is *not* passably fit nor suitable.

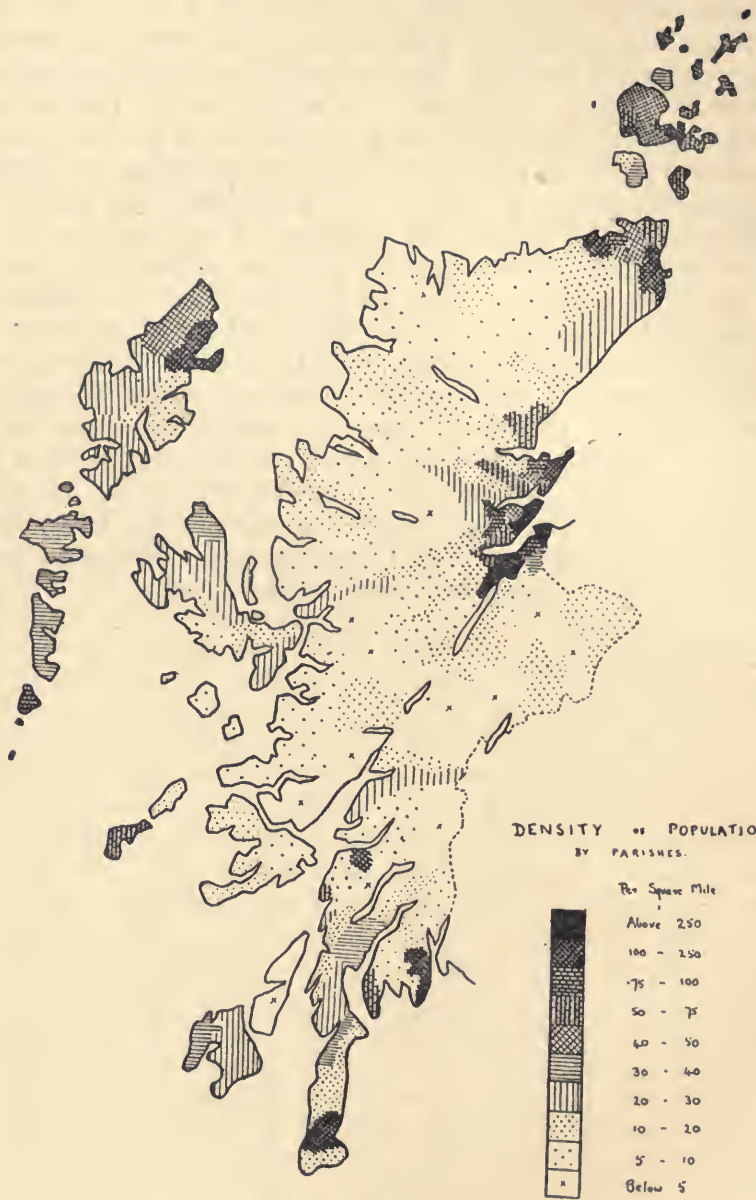
But besides the main purpose of the book, somewhat wider issues are involved. Whatever defects the present system has, they will be most likely to appear in the districts to which the system is least convenient, in the districts which had least consideration when the system was under construction. It is in the Highlands and Islands that signs of collapse will first manifest themselves; it is in the Highlands and Islands first that patching and shoring will have to be

undertaken; it is in these remote districts that experimental remedies may, with comparative impunity, be tried. The Highlands and Islands have, therefore, become something of a laboratory for administrative and legislative experiments, and this makes them a peculiarly interesting field of study, insomuch as experiments, thought to be successful, tend to be followed by the extension of the operation to wider areas. Moreover, some of these experiments, where proprietary rights and the interests of the community are opposed, are likely to bring up in an acute and practical form the question of the proper limits of State action. Already the Socialists regard the work of such bodies as the Congested Districts Board as "pointing the way."

J. R. Macdonald: *The Socialist Movement*, p. 168.

Lastly, though this book is an investigation of the existing state of affairs rather than an inquiry into the suitability of any suggested remedies, it is hardly possible absolutely to avoid the consideration of such remedies. The first that naturally suggests itself is, that a system of local government and public administration should be constructed with direct reference to the special needs and conditions of this particular district. Such a system is only likely to be framed, and successfully worked, by persons thoroughly acquainted with the area. There is at present a strong movement in favour of the deconcentration of the legislative and administrative authorities: what is popularly known as Home Rule all round. Home Rule for Scotland would not remove the difficulties of the Highlands and Islands, though it might lessen them. The Highland representatives in any Scottish Parliament would be almost as greatly outnumbered by the Lowland members as the Scottish representatives are at present by the other members of the British Parliament. "There are," said Mr. Asquith, the Prime Minister, at the Manchester Reform Club in December 1913, "peculiar conditions, economic, social, historical, in Ireland just as there are in Scotland, just as there are in Wales, and as there are in England, which make the application of a cast-iron, what I called at Leeds 'standardised,' Home Rule, a thing we cannot take up—the principle by all means, the principle in all its fullness, the principle applied equally and in the spirit of equality to all parts of the United Kingdom, but with due regard paid, when you are dealing with each of them, to those special circumstances which are appropriate to themselves, and the neglect of which has in the past led to so much foolish and futile legislation and administration." The Highlands and Islands need special treatment, but any attempt to give

them anything approaching autonomous local government would be impracticable unless they received large subsidies from the Imperial Exchequer. As things are, these areas do receive considerable subventions from the State. There is nothing objectionable in this; if the community is taxed for the support of the poor, the imbecile, and the criminal, it would be strange to object to taxation for the purpose of maintaining an invaluable stock of virile and worthy persons. There would be, however, considerable objections to supporting financially the government of an autonomous province with money drawn from the resources of the inhabitants of other provinces. The financial question is really the crux of the whole matter. What has to be decided is, whether it is worth the nation's while to keep the Crofter population. Just at present the decision seems to be in the affirmative, but the history of the past shows that no consistent policy was followed. Efforts to keep the people alternate with efforts to drive or help them away. If the final decision is that the Crofter population is to be retained, it behoves the nation, in its own interests as well as in those of the Highlands and Islands, to see that the "foolish and futile legislation and administration" is not continued nor repeated.



DENSITY OF POPULATION
BY PARISHES.

Per Square Mile

	Above 250
	100 - 250
	75 - 100
	50 - 75
	40 - 50
	30 - 40
	20 - 30
	10 - 20
	5 - 10
	Below 5

PART II
THE AREA

PART II

THE AREA

Population—Topography—Climate—Use of the Land—Fishing—Occupations—A Township—Gaelic—Vital Statistics—History

THE area with which this book deals is in a geographical POPULATION. sense the Highlands and Islands of Scotland, but administratively the seven crofting counties. These two areas are almost identical, and the terms are used here as synonymous, yet the former includes Arran and parts of Perthshire excluded by the latter, while the latter contains certain districts like the Black Isle and Easter Ross, which can hardly be included under the former term. The areas of the seven crofting counties and their populations in 1911 are—

County.	Area. Acres.	Population.	Density of Population per sq. mile.
Argyll	1,990,472	70,902	22·7
Caithness	438,833	32,010	46·6
Inverness	2,695,094	87,272	20·7
Orkney	240,847	25,897	68·8
Ross and Cromarty	1,977,248	77,364	25·0
Shetland	352,319	27,911	50·7
Sutherland	1,297,914	20,179	9·9
Crofting Counties	8,992,727	341,535	24·3

Now, this area of nearly half Scotland is fundamentally TOPOGRAPHY. different from other parts of the United Kingdom, owing mainly to its geological structure and its position. It lies in the extreme north of Britain and consists of a worn-down plateau composed mainly of gneiss, granite, and metamorphic schists overlaid up to about 2000 feet with glacial deposits. The plateau, of which the average height may be taken as about 3000 feet, is dissected by numerous long valleys called glens or, if attaining a certain width, straths. In such a country the easy travel of the Lowlands is impossible and there is but one good line of approach. The east coast is bordered by a low-lying sill along which runs the railway through Inverness to Thurso, and on this sill the greater

part of the population resides, and all the ten burghs of the mainland north of Glenmore are found. The 157 inhabited islands are entirely, and the greatly indented western coast is mainly, dependent on sea communication, though railway lines have been with difficulty pushed across the Highlands from Dingwall to Lochalsh, and from Tyndrum to Oban, to Fort William and Mallaig. A considerable portion along the north-west coast is more than twenty miles, and extensive tracts there and in the Ben Attow district are more than ten miles, away from the nearest railway station. Not only, therefore, is the country difficult of access from the Lowlands, but the inhabitants, with the exception of those on the east coast sill, are isolated in small communities in the lower glens, along the coast, or on islands, and intercommunication is difficult. This comparative isolation has its effect on the people equally with the character of their habitat, and a general broad contrast throughout history and in all the aspects of life existed, and to a less extent continues to exist, between the cold, wet, sea-penetrated Highlands of the north and the warmer, low-lying, and fertile plains of the Lowlands.

Marcel
Hardy :
Esquisse de la
Géographie
des Highlands
d'Ecosse,
1905, p. 154.

CLIMATE.

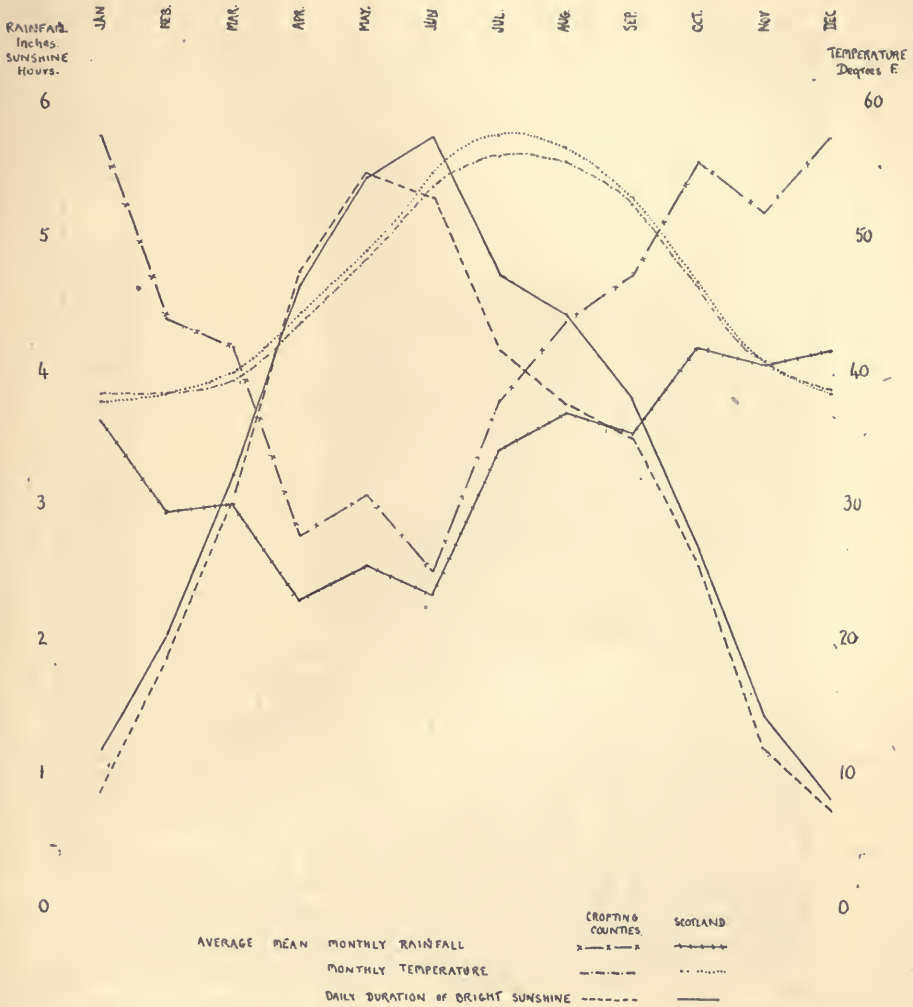
The distinctive feature of the climate of the Highlands and Islands as contrasted with that of the rest of Scotland is the greater humidity. The following facts shown on the accompanying graph may be noted. Contrastd with all Scotland, the crofting counties have, (i) when the temperatures have been reduced to sea-level, a maximum summer temperature nearly two degrees lower; (ii) a rather milder winter, but with a considerably heavier rainfall; (iii) noticeably less bright sunshine during the important summer months; (iv) a heavier rainfall in the harvest-time of the early autumn. Within the crofting counties, there is a broad contrast between the mild and wet north and west, and the less equable and drier east. The most frequented storm track of the British Isles passes along the north-west coasts, and the prevalent wind is south-west practically all the year round.

USE OF THE LAND.

Of the land of the crofting counties over one-half (54 per cent.) is mountain and heathland used for grazing; about a third (32·5 per cent.) is devoted to deer forests and grouse moors.¹ Only five per cent. is arable land, and this is nearly all on the eastern sill from Inverness to Dornoch, in Caithness, and in Orkney. Elsewhere the cultivated land is only on the few small farms in favourable locations and the minute

¹ Only about one-eighth of this is below 1000 feet above sea-level.

holdings of the crofters. The afforested area is also very small. This is a matter of very considerable importance. Originally the greater part of Scotland was forested; these forests have been cut down and destroyed by man, and this action has resulted disastrously for the country. Dr. Marcel



Hardy, with a considerable experience of what has been done in France, writes emphatically on the loss occasioned by this destruction and on the need for reafforestation: *id.* p. 167. "C'est surtout par son absence, dans la zone subalpine, que la forêt a influé sur l'Écosse montagnaise. A cela, il faut attribuer la ruine des pentes, les inondations destructrices, la dégradation des pâturages occidentaux, l'invasion de la

bruyère à l'est, l'omniprésence de la tourbe, la ruine longtemps prolongée des terres basses elles-mêmes. Tous ces



points ne sont plus à prouver. Bornons-nous à les énumérer. Le premier devoir est de créer cette bande forestière sub-alpine et d'ainsi relever le potentiel du pays que les pessimistes placent trop bas. Ce principe est aujourd'hui à la base de

l'économie montagnarde." The duty of promoting the interests of Forestry in Scotland was placed on the new Board of Agriculture in 1911, and the Board, aided by the Development Commissioners, appointed five Forest Officers to assist and advise individuals in planting operations. An Advisory Committee on Forestry was also appointed and a Demonstration Forest Area was to be acquired.

1 & 2 Geo. V, c. 49.

First Report of the Board of Agriculture for Scotland, 1913, p. xxxiv.

The arable land is mainly devoted to oats and potatoes in the Hebrides, Skye, and Shetland; elsewhere to clover and rotation grasses, oats, turnips and swedes, and potatoes. Agriculture is, however, everywhere subsidiary to stock-raising.

STOCK IN THE CROFTING COUNTIES ON JUNE 4, 1912

	Sheep.	Cattle.	Horses.	Pigs.
Argyll	840,489	58,897	6,598	5,848
Caithness	130,777	21,941	5,685	1,814
Inverness	557,779	48,965	9,576	2,458
Orkney	36,463	30,695	6,892	2,454
Ross and Cromarty	276,000	43,091	7,980	4,627
Shetland	162,090	15,932	5,827	1,123
Sutherland	215,124	11,449	2,612	809

The only other industry of general importance is fishing. The herring fishery is the most valuable, and after that the white fishery. The herring fishery was formerly a well-marked seasonal one, but the winter herring fishing (January, February, March) has been on the decline for some years. The Stornoway catch in 1907 was upwards of 219,000 cwt., in 1911 it was but 65,320 cwt. The early herring fishing (May, June) formerly practically confined to the west coast and the west side of Shetland, is now preponderatingly an east-coast fishing. The once famous fishing carried on from Stornoway in May and June has dwindled to a mere shadow of its former self. In 1898, 469,000 cwt. were landed during these months at Stornoway; in the same period in 1911 only 35,000 cwt. The great summer herring fishing (July to December) is now only arbitrarily distinguished from the early fishing. There are some facts of importance in connection with the organisation of the fishing industry which need to be borne in mind. Broadly speaking, in Orkney, Shetland, and on the east coast the industry is organised and successful; on the west coast it is desultory and undeveloped. There seem to be two main reasons for this. In the first place, the west coast fishing, except at Stornoway and Barra in the early part of the year, is not a seasonal one. The fishing in any given district is liable to sharp fluctuations,

FISHING.



PUBLIC ADMINISTRATION IN HIGHLANDS 17

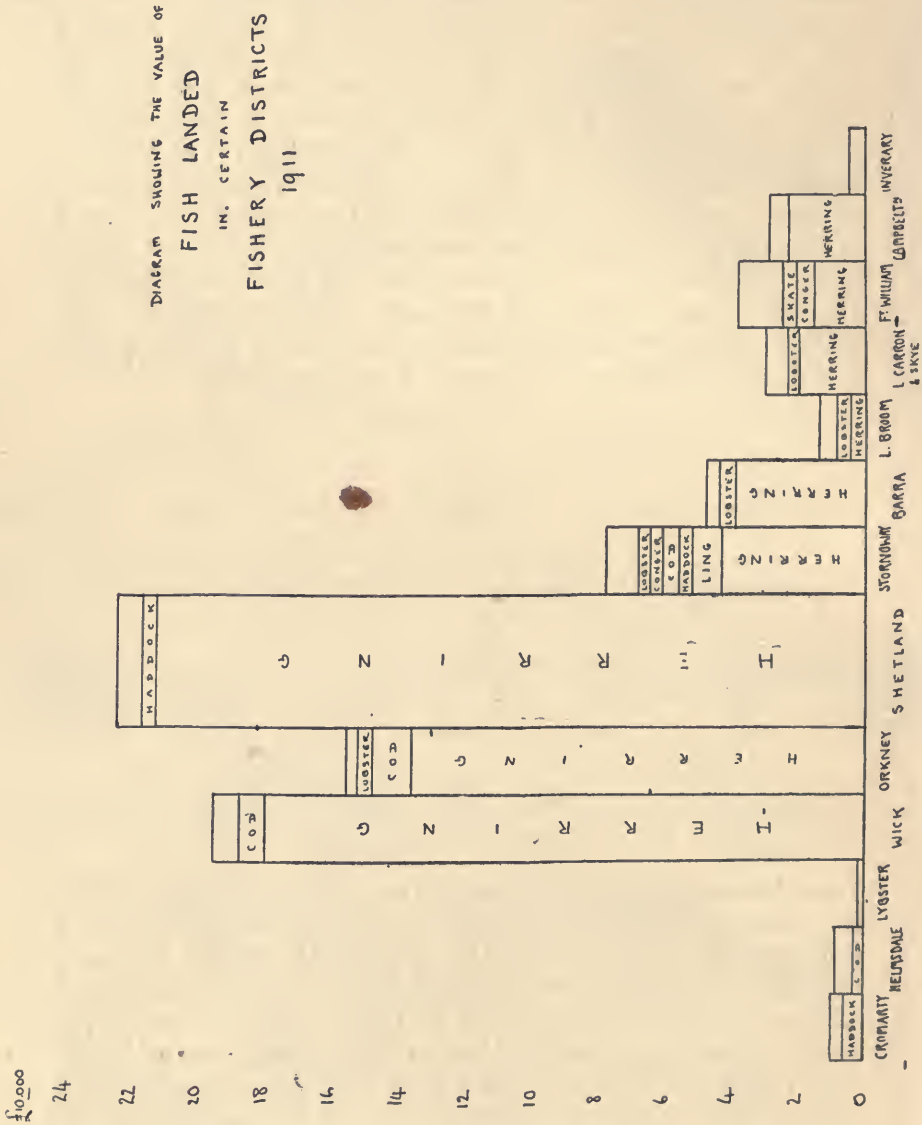
and is neither sufficiently steady, heavy, nor continuous, to induce curers to provide the necessary plant and set up curing stations. "On the east coast and in Orkney and Shetland, on the contrary, the season covers practically the same period from year to year, thus providing the element of stability without which curers will not set up stations and accumulate stock, while the quantity of fish landed during its currency is out of all proportion to the demand from the fresh fish markets. The fish has, in consequence, to be preserved and disposed of subsequently, and this has led to the establishment of a great trade with the Continent in cured herrings, with the result that practically the entire catch is purchased by curers engaged in catering for continental customers." The west-coast fish are mostly sent to the fresh fish market at Glasgow for distribution. The second reason is the increase in the size of fishing vessels and the substitution of steamers for sailing boats.

*Report of the
Fishery Board
for Scotland,
1909, p. xxxii.*

	CROFTING COUNTIES.									REST OF SCOTLAND.								
	No. of Vessels.			Tonnage.			No. of Men and Boys Employed.			No. of Vessels.			Tonnage.			No. of Men and Boys Employed.		
	1898	1911	De-crease %	1898	1911	De-crease %	1898	1911	De-crease %	1898	1911	De-crease %	1898	1911	De-crease %	1898	1911	De-crease %
Vessels propelled by Sail or Oars	5562	4045	27.2	35,396	26,690	26.6	19,564	14,395	26.3	5747	3731	35.0	70,726	56,364	20.3	18,940	10,174	46.2
Steam Drifters	1	384		40	12,696		6	3,731		40	774		849	20,658		326	5,929	
Steam Trawlers	..	1		..	58		..	9		149	327		5,016	17,012		1,200	3,153	
Sail Trawlers	..	..		70	..		6	..		76	48		460	245		185	112	
Motor Vessels	..	123		..	1088		..	503		..	110		..	3,119		..	620	
Total	5564	4253	23.5	36,506	40,532	In-crease 11.0	19,576	18,638	4.7	6012	4990	17.0	77,051	97,398	In-crease 26.4	20,651	19,988	3.2

Thus the tendency is for the ports of the crofting counties to substitute a steam drifter of an average of 33 tons for a sailing vessel of 6½ tons, for the ports of the rest of Scotland to substitute a steam drifter of 26½ tons or a steam trawler of 52 tons for a sailing vessel of 12 tons. These steamers are able to cover large areas of water in a short space of time; they can locate shoals of herring which would probably have escaped the notice of sailing craft, and the herring fishing tends to become more generally prosecuted all the year round. So far the tendency might be thought to neutralise the disadvantage to the west coast pointed out above, but the steamers must have harbours which can be entered by them at any state of the tide and where also trading vessels from

the Continent can ship the cured herrings. This necessity not only keeps the herring industry on the east coast, but concentrates it at a few large ports there; and many of the smaller harbours with curing stations are gradually losing



OCCUPA-
TIONS.

their importance and are mainly used as places for laying up during the short winter recess.

The occupations of the people as shown in the census returns of 1911 are summarised in the diagram on page 19. The figures, however, can easily be misleading. They show

OCCUPATIONS OF WORKERS (and 10 and up) IN THE CROFTING COUNTIES 1911



- 1 & 2 CROFTERS and Crofters' Sons, Occupations or Relations existing in the Work of the Croft
- 3 FISHERMEN-CROFTERS
- 4 FISHERMEN
- 5 MERCHANT SERVICE AND DECK LABOURERS
- 6 FISH CURERS.
- 7 DOMESTIC OUTDOOR SERVANTS (Gardens, Green, Chaffman &c.)
- 8 TEXTILE WORKERS
- 9 DOMESTIC INDOOR SERVANTS.
- 10 OTHER OCCUPATIONS

12,736 fishermen and crofter-fishermen over ten years of age, whereas the Fishery Board returns give 18,638 resident fishermen and boys. Probably any man engaged partly in fishing or crofting who pursues also some additional occupation, *e. g.* kelp gathering, would return his occupation under the special employment, while many given as engaged in agriculture could equally be regarded as crofters. The following table shows that the vast majority of holdings are held by tenants and are under the 50-acre limit which gives the right to the landholders' tenure.

AGRICULTURAL HOLDINGS ABOVE 1 ACRE AND NOT EXCEEDING
50 ACRES

*Agricultural
Statistics,
1912, Vol. I.
Pt. I. Tables
12 and 14.*

	Percentage of Total Number of Holdings.	Percentage Owned or Mainly Owned.
Argyll	78.82	6.24
Caithness	83.62	1.18
Inverness	92.44	4.17
Orkney	85.43	10.67
Ross and Cromarty	92.06	1.18
Shetland	97.86	3.59
Sutherland	96.15	2.12

It would seem, therefore, that at least half the population is of the crofter-fishermen class¹; at one extreme almost exclusively fishermen, at the other exclusively farmers. The remainder of the population, gathered mainly in the burghs² consists of a small professional class and a proportionate number of merchants, tradesmen, and officials.

A TOWNSHIP.

The crofting population lives segregated in small communities and their actual circumstances differ considerably from one district to another. An ordinary township of the north-west consists of a cluster of small stone houses and cabins dotted irregularly over the low ground where the stream of the glen runs into the upper waters of the sea firth. Around the houses are the little crofts beyond whose limits an extent of rough grazing land rises sharply to the heaths, moors, and bogs of the higher plateaux and the bare rock of the mountain side. The year's work begins in earnest with the tillage of the croft. This cannot be done in winter, because the weak soil, if it were then turned over, would get washed away during the storms. The cultivation is neces-

¹ The Napier Commissioners estimated the crofting population in 1881 as not more than 200,000.

² There are twenty-one burghs in the crofting counties, with a total population in 1911 of 80,899.

sarily mostly spade cultivation by the crofter and his family. The sowing and planting season has to be carefully judged. If the potatoes are planted and the corn sown too early, there is great risk of losing the crop from excessive rain; if too late, the crop may not ripen. Seaware is gathered for manure and peats are cut for fuel. The men then leave for the fishing, either in their own boats or as hired hands; some may go as labourers to the south, and perhaps the younger women go off to the gutting centres. Meantime those left at home give, under the direction of the Township Grazing Committee, whatever attention is necessary to the live stock, and a number of beasts are sold at the summer markets. At the end of the autumn the migrants return and the crops are gathered. In enforced comparative idleness the people live through the winter on the potatoes, meal, milk, and whatever fish can be caught, supplementing their supplies of meal and purchasing tea from their summer earnings, if sufficient, or, if not, by pledging their live stock. One or two of the people are tradesmen in a small way: blacksmiths, carpenters, tailors, or weavers; several of the able-bodied men are in the Naval Reserve. The community is completed by a school-teacher, two ministers, and a local merchant. The doctor perhaps lives five miles away in the neighbouring township on the next firth, to which township a rough cart track leads either up the glen and across the neck of the hilly peninsula or by the long circuitous coast route.

In the Long Island and Tiree there is a considerable surplus population who, having no land of their own, have been forced to encroach on the property of others. If they put up their dwellings on the crofts they are usually known as cottars; but as squatters if the dwelling is on the common grazing or on the land which has been skinned for peat.

The crofter-township with its common grazing is, however, not found throughout the Highlands and Islands; it is the exception in Argyll (except Tiree), the mainland of Inverness-shire (except Lochaber), and the east of Ross and Cromarty. In these districts the independent crofter holding is general, with a tendency to develop into a small farm.

The Gaelic-speaking population is found in the Hebrides GAELIC. and the Western Highlands. The Norse influence is stronger than the Celtic in Shetland, Orkney, and Caithness, which for nearly a thousand years were under the rule of Norwegian earls.

GAELIC-SPEAKING POPULATION

	Percentage of Population Speaking			
	Gaelic and English.			Gaelic only.
	1881.	1911.	Decrease.	1911.
Argyll—				
Mainland	51·9	35·7	16·2	0·7
Insular	88·6	82·4	6·2	5·8
Inverness—				
Mainland	55·1	36·7	18·4	1·0
Insular	95·2	91·0	4·2	23·0
Ross and Cromarty—				
Mainland	60·9	46·3	14·6	2·9
Insular	93·2	90·1	3·1	26·6
Caithness		6·7		nil
Orkney		0·3		nil
Shetland		0·2		nil
Sutherland	76·9	58·6	18·3	0·9

It is clear from these figures that Gaelic is still the language habitually spoken in the homes in the Western Islands.

VITAL
STATISTICS.

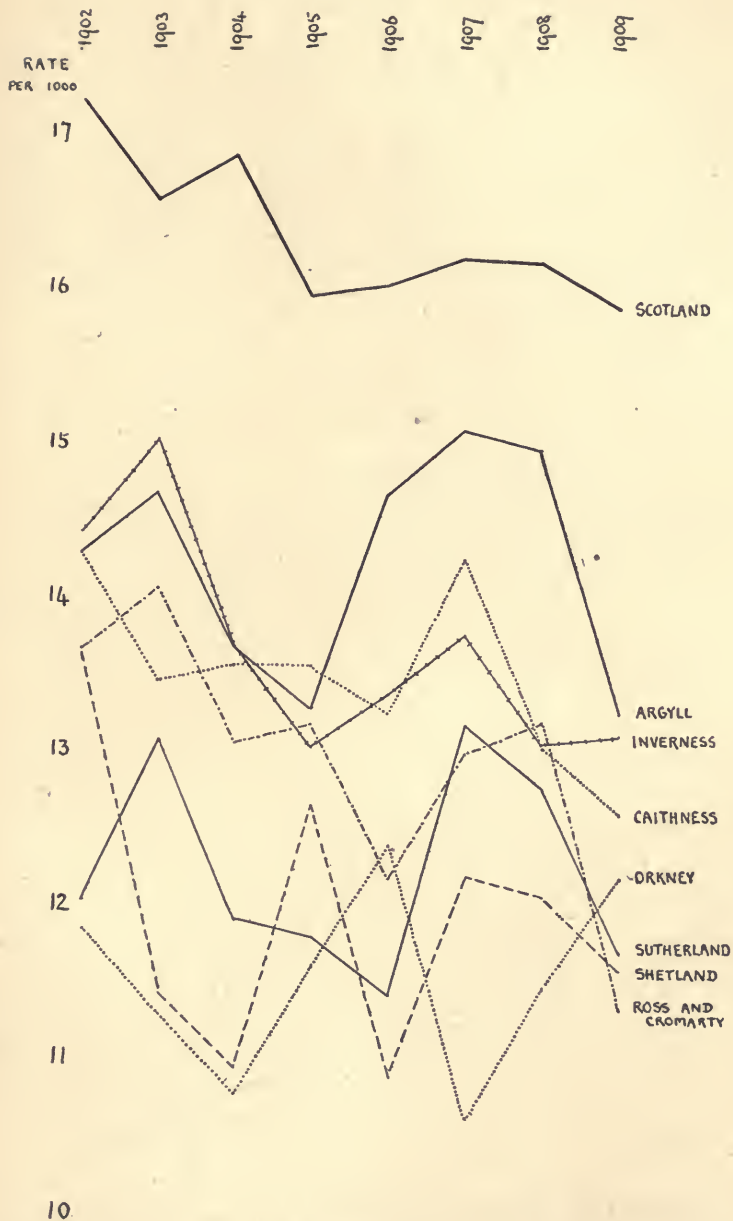
There is little influx of new blood into the crofting counties, the census returns of 1911 give 79·1 per cent. of the population as born in the county of residence, while only 4·1 per cent. are not of Scottish birth. Several other points of interest can be gathered from the census tables. The age distribution of the male population shows a gradual rise to about eleven years—evidence of the decline of the population—and then a very marked drop to twenty-five years, after which the fall becomes normal. This seems to indicate that a considerable number of boys on leaving school leave the crofting counties, while men who have not left before the age of twenty-five generally remain all their lives. The emigration of the younger men has its effect on the vital statistics, for, whereas the birth-rate per population is not even as high as the average for Scotland, the birth-rate per marriage is higher. Indeed, of all occupations in Scotland, the one which is most significantly greater than the general mean for fertility is the crofter with 7·04 children per marriage, the fisherman-crofter coming fifth on the list with 6·93. The death-rate appears at first to be about normal, but when it is corrected for the sex and age distribution of the population, it is seen to be much lower than the average for Scotland. On the asset side, then, the crofting counties have a high rate of fertility and a low death-rate, but on the debit side

CORRECTED DEATH RATES

FOR SCOTLAND AND THE
CROFTING COUNTIES:

i. e. the Crude Death Rate adjusted to allow for the
varying sex and age distribution of the population

1902-1909

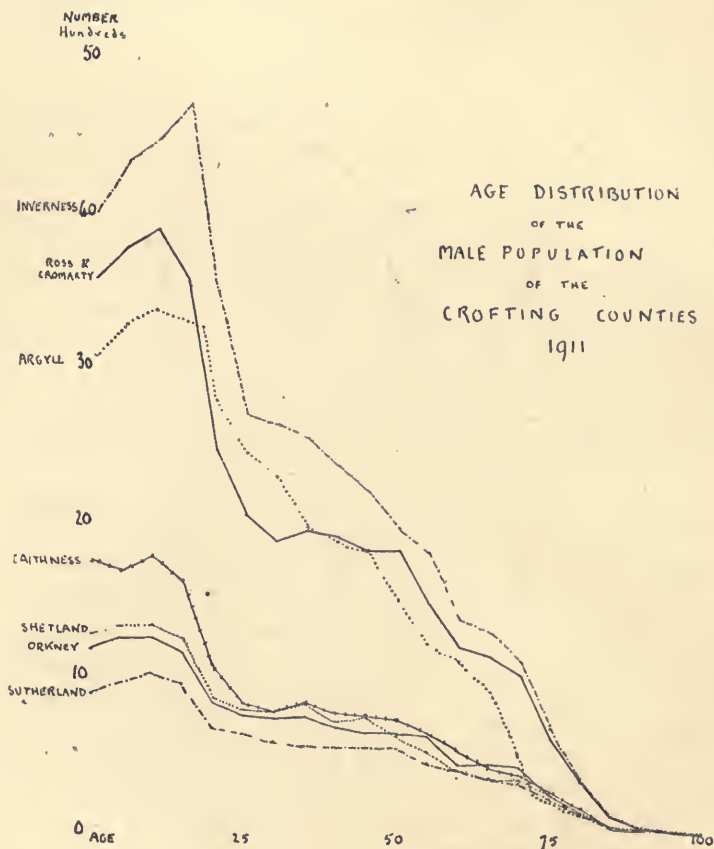


24 PUBLIC ADMINISTRATION IN HIGHLANDS

they have significantly high rates for mental infirmity and for blindness.

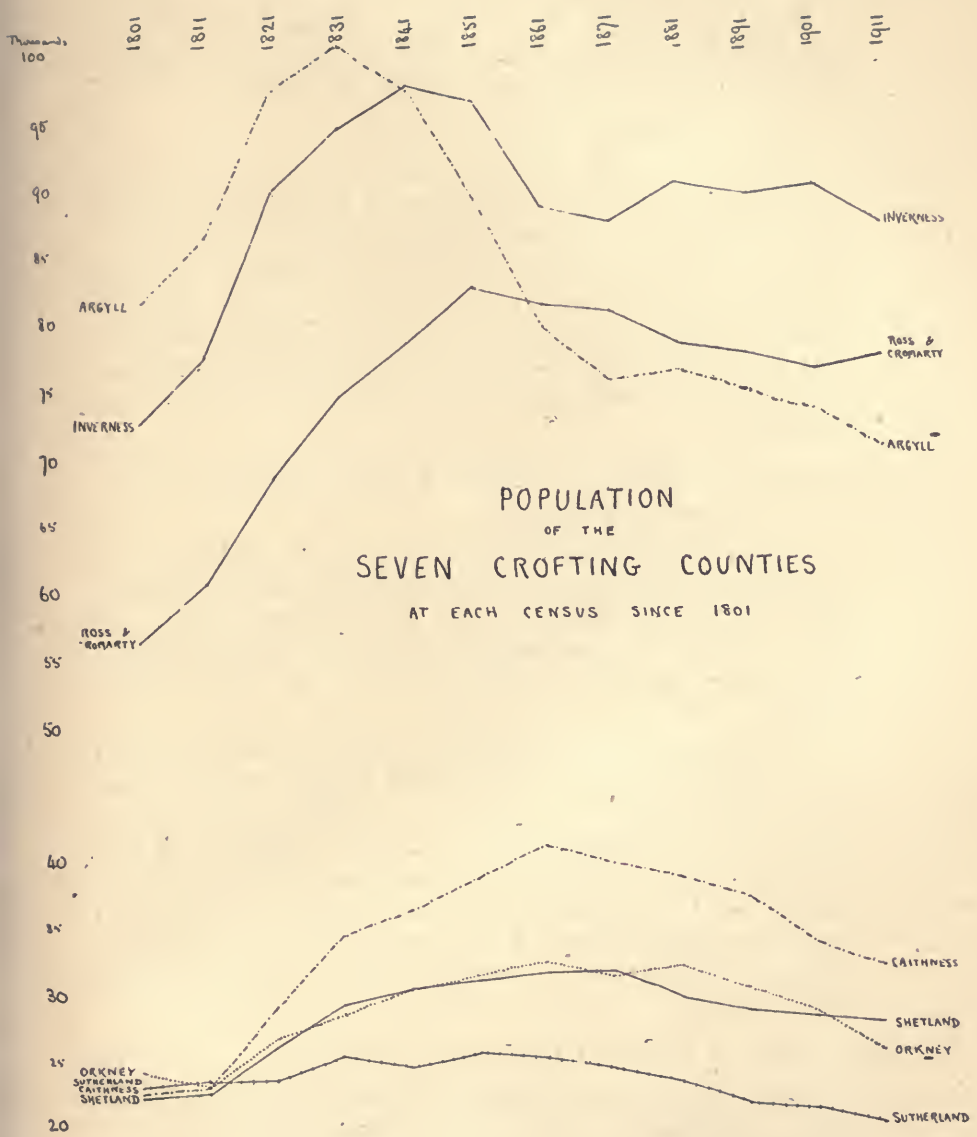
CRUDE AVERAGE ANNUAL BIRTHS AND DEATHS RATES PER THOUSAND OF POPULATION

	Birth Rate.		Death Rate.	
	1891-1900.	1901-1910.	1891-1900.	1901-1910.
All Scotland	30.13	28.02	18.40	16.38
Argyll	21.87	19.24	16.60	15.96
Caithness	25.09	24.86	17.11	17.27
Inverness	23.81	21.12	17.86	16.42
Orkney	20.08	18.53	14.96	15.17
Ross and Cromarty	24.22	21.79	17.05	15.98
Shetland	20.78	20.09	15.77	15.74
Sutherland	21.06	19.33	16.39	16.68



HISTORY.

To assist the reader in following the connection between the development of public administration in the Highlands



and Islands and their general economic progress, it may be helpful here to give a short chronological table of leading events for reference.

The Seventeenth Century: A Period of Comparative Obscurity.

The only events that need be noted here are the introduction of hosiery and knitting, and the encouragement by the Stuart kings of the fishing industry.

1700–1750: *A Period of Political Unrest.*

This period opens with the Union with England (1707) which led to the rise of Glasgow and Scottish trade with the plantations. The removal of the prohibition on the import of Scottish cattle into England involved a large extension of the cattle trade. After the first Jacobite rebellion (1715) came the construction of General Wade's military roads; after the second (1745) came the abolition of heritable jurisdictions and the break-up of the clan system.

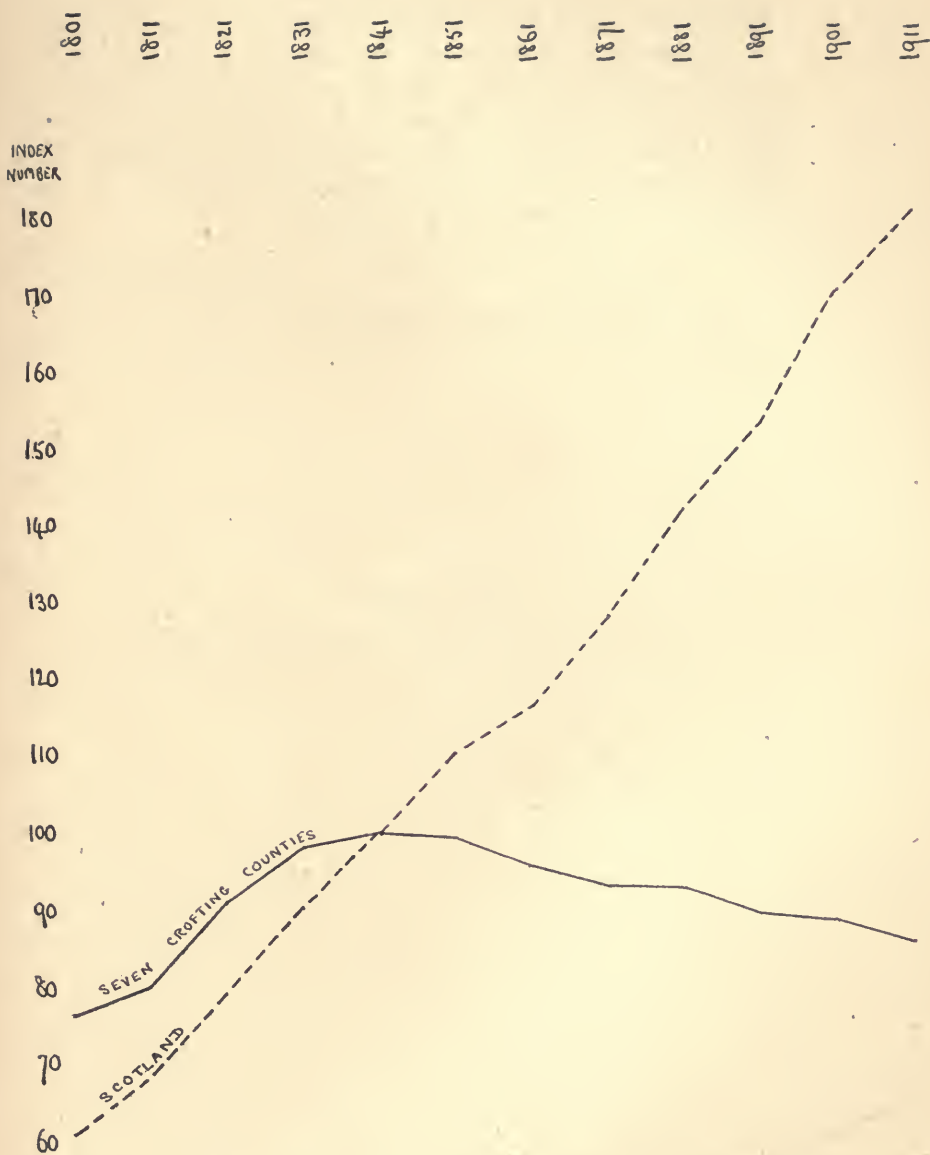
1750–1850: *A Period of Lengthy Foreign Wars and Rapid Economic Changes.*

Opening with the introduction of the potato, the period witnesses recurrent times of distress and finishes with the great failure of the potato crop (1846). It was a time of increasing population notwithstanding four great waves of emigration (c. 1764, 1802, 1820, 1850).

The period includes the rise and fall of the linen and kelp industries, the construction of the canals, some violent fluctuations in the price of cattle, the introduction of the crofting system, and the eviction of the people for the formation of large sheep farms. By the repeal of the customs duty on imported salt (1817) and the abandonment of the bounty system (1830), the fishing industry was liberated and began its rapid development.

1850–1886: *A Period of Decreasing Population.*

This period was one of great progress for Lowland Scotland. Opening with the introduction and extension of railways and screw steamships, it witnessed a great increase in population, trade, and wealth, and a decrease in pauperism. The Poor Law Act, 1845, the Public Health Act, 1867, and the Education Act, 1872, should be noted. The Highlands and Islands, however, did not



RELATIVE FLUCTUATIONS IN THE POPULATION OF ALL SCOTLAND,
 AND OF THE SEVEN CROFTING COUNTIES
 SHOWN BY INDEX NUMBERS TAKING THE YEAR 1841 AS 100

share fully in this progress, and some of the pernicious influences of the previous economic changes were still unchecked. For the crofting counties this was a period of decreasing population, of the extension of deer forests at the expense of sheep farms, and of increasing rates, finishing with the collapse of local administration in the Outer Hebrides. The later years witnessed the land agitation and some important changes in the organisation of the fishing industry.

1886-1914: *A Period of Legislative and Administrative Activity.*

This followed the Napier Commission, and is reviewed in Part VI.

PART III

THE STRUCTURE OF THE EXECUTIVE

PART III

THE STRUCTURE OF THE EXECUTIVE

The Central and Local Authorities—The Control of the Machinery—The Secretary for Scotland—The Lord Advocate—The Scottish Boards—The Local Government Board—The Board of Agriculture—The Scotch Education Department—The Fishery Board—The General Board of Control—The Prison Commissioners—Comparison of the Scottish and English Departments—The Scottish Insurance Commissioners—The Central Midwives Board—The Commissioners of Northern Lighthouses—The Highlands and Islands (Medical Service) Board—No Central Highway Authority—Local Authorities—Commissioners of Supply—The County Council: the electors; the councillors; statutory committees; the county district; the district committee; officials—The Parish Council: chief statutory provisions; the calibre of the council affected by the shortage of candidates; how a deficiency is met; a “strike” in the Long Island; some results of the scarcity of candidates; officials—The School Board: the cumulative vote; the administrative unit of area; the selection of an enlarged area; the best area for the crofting counties; the *ad hoc* authority—The Secondary Education Committee—The District Board of Control—The Pension Committee—The Insurance Committee—The Township Common Grazing Committee—Minor Local Authorities—The Judicature—Court of Session—Sheriff Court—Small Debt Courts—Criminal Courts—The Land Court—The Sheriffs—The Justices of the Peace.

THE various administrative authorities to which has been entrusted the duty of governing Scotland may be divided into two groups—

CENTRAL AND
LOCAL
AUTHORITIES.

- (1) those which are directly elected by the people of the area in which they exercise their functions; and—
- (2) those which are appointed by the Crown on the recommendation of some responsible Minister.

To the first group belong the County Councils, the Burgh Councils, the Parish Councils and the School Boards; and these are often referred to as the Local Authorities.

The second group is more heterogeneous, but, in the main, the authorities of this group may be termed Central Authorities. Such can be divided into three classes—

- (a) authorities, like the Postmaster-General or the Board of Inland Revenue, whose powers extend throughout Great Britain;

- (b) authorities, like the Secretary for Scotland, the Local Government Board for Scotland, or the Board of Agriculture for Scotland, whose powers are confined to, but extend throughout the whole of, Scotland;
- (c) bodies, like the recently abolished Crofters Commission or the Congested Districts Board, appointed for the exercise of special functions in certain defined areas.

It may seem inappropriate to term bodies of this third class "Central" authorities, since the power they exercise is restricted to a particular locality, but the distinction between central and local is better drawn by the criterion of mode of constitution and location of responsibility than by that of extent of power. The Crofters Commission and the Congested Districts Board were bodies appointed by, and responsible to, the central authorities, and, though their power was definitely restricted to the crofting counties and the congested districts respectively, yet the people of these localities had no direct control over them. In this sense they were, therefore, not true local authorities, but rather represented the central authority working in a special district through a special agency. We may conclude that it is, in general, a sufficiently accurate grouping which separates the local and elected authorities of Scotland from those which are central and nominated, but two special cases—neither of great importance—deserve passing mention. The Justices of the Peace, though they must be regarded as local authorities, are nominated instead of being elected, while the Commissioners of Supply, quite unique in being neither elected nor nominated, take office by mere qualification.

THE CONTROL
OF THE
MACHINERY.

All these authorities, whether elected by the people or nominated by the Crown, have their constitution fixed and their powers definitely delimited by law. They are all subject, therefore, to legislative control since Parliament, the legal sovereign power, which constituted the authority and determined its powers, may at any time restrict or transfer its functions or even abolish it altogether. The practical power of Parliament depends, however, not only upon its law-making faculty, but also upon its ability to appoint, supervise, and dismiss the heads of the administrative departments. Professor Dicey, writing in 1885, says: "The practical power of a legislative body, or parliament, greatly depends upon its ability to appoint and dismiss the executive; the possession of this power is the source of at least half the authority which, at the present day, has

accrued to the English House of Commons." Since that day the centre of political gravity has been shifting. The choice of the Ministry, *i. e.* the chief executive officers, does not now rest with the Commons. Low, writing in 1904, says: "It is the constituencies which in fact decide on the combination of party leaders to whom they will from time to time delegate their authority." This hardly expresses the whole truth. Under our present system of strictly party government and representation of the people by single member constituencies, the choice of the electors is very largely controlled by the party machine, the "caucus," and this control seems likely to increase with every extension of the franchise. It is the caucus, no doubt seeking to interpret the wishes of its supporters in the country, which has the selection of the leader of the party, and it is the leader of that party which the electorate returns in a majority to Parliament who, becoming the Prime Minister, has the final responsibility of selecting his associates in the Ministry. It seems, therefore, that the choice of Ministers is, in reality, shared by three agents: the electorate, the party caucus, and the Prime Minister; and any Minister whose selection had not the approval of all three of these agents would not, in ordinary circumstances, be able long to retain his post. The supervision of Ministers has to a certain extent passed to the Press or, more precisely, to the Opposition Press; but Ministers, though they may defend themselves on the platform or, more rarely, through the Press, still in the main meet criticism of their administration in the Commons, and explain and defend the policy of their respective departments there. The dismissal of the Executive might be the result of an adverse vote in the Commons, but the tendency of these latter years has been to intensify the cohesion of the members supporting the Ministry and, while the Commons can, and in certain circumstances might, bring about the downfall of the Ministry, the Executive is usually able to hold its position as long as the inner Cabinet deems advisable. In law the Ministers are, as of olden time in fact they were, appointed and dismissible by the King. The real centre of gravity of the control over the administrative power passed from the King to the Parliament, from Parliament to the single House of Commons, and is apparently shifting more and more from the Commons to the Cabinet. Nevertheless, it must always be remembered that, howsoever powerful a Cabinet may be, its existing powers of administration are fairly definitely stated, and quite definitely circumscribed in

Low: *The Governance of England*, p. 101.

Anson: *The Law and Custom of the Constitution*, II, Pt. I, p. xxiii.

scope, in various Acts passed by the Legislature, and that the interpretation of these Acts is one of the functions of the Courts of Justice. The judicial control of the administrative power is, indeed, one of our strongest defences against bureaucratic tyranny.

THE SECRETARY FOR SCOTLAND.

The Cabinet as a whole is responsible for the acts of its members; these share a joint responsibility for the administration of the whole kingdom, but, between themselves, each undertakes the particular supervision and control of certain branches or departments of government. The Minister in general charge of the government of Scotland is the Secretary for Scotland. Previous to 1885 the Home Secretary had charge of Scotch business, although from the Union till 1746 there had been a Secretary of State for Scotland. With a view to providing more adequately for the particular interests of Scotland and in order to lighten the heavily burdened Home Office, an Act was passed in 1885 making provision for the appointment of a Secretary for Scotland, to whom the transaction of the bulk of the business relating to that country was transferred. This Secretary, who has usually a seat in the Cabinet, is Keeper of the Great Seal of Scotland. He is appointed by warrant under the royal sign manual and, since 1892, by the delivery of the seal. Though the form of appointment is by royal warrant, the post is actually filled by the nominee of the Prime Minister. The Secretary for Scotland holds also the offices of Vice-President of the Scotch Education Department and President of the Local Government Board for Scotland. In addition, he has the power to appoint the members of the Scottish Land Court and, subject to the veto of either House of Parliament, to dismiss any member other than the Chairman, and he appoints, directs, and dismisses the members of the Board of Agriculture for Scotland. The position of the Secretary as a Minister of the Crown, in touch with the Prime Minister, having the duties of piloting departmental measures through Parliament, and of expounding the policy and defending the administration of these departments, makes him in effect the supreme head of practically all branches of the Scotch Executive. Yet the control of the Scottish people over this important official is curiously slight. They can scarcely be said to have any voice in his appointment. The Prime Minister in selecting his Secretary for Scotland is no doubt anxious to choose the best man at his disposal; he seeks to find a man who has the requisite knowledge of Scottish affairs, one, if possible, who sits in the

48 & 49 Vic.
c. 61.

Commons for a Scottish constituency, has the necessary administrative ability, and is also a *persona grata* to the party supporters in Scotland. Many difficulties, however, stand in the way of appointing such a man when found. There are only a limited number of ministerial posts to be filled, and, of the prospective candidates for these posts, some have claims based on past service or present influence, others are needed for their debating powers in the Commons, or for their effective platform oratory in the country, or for their skill in party management. In the assortment of men and posts, some square pegs may have to go into round holes, and such misfits are more liable to occur amongst the minor offices or where the work of the office is mainly routine work, is likely to be of a non-controversial character, or affects only those parts of the kingdom where, or those classes of people amongst whom, the Government supporters command a large majority capable of withstanding the leakage of malcontents. To a certain extent the Scotch Office is one of this kind. It cannot, indeed, be called a minor office, though it is probable that the Secretary for Scotland is never a member of the inner or so-called "confidential" Cabinet. The administration of Scottish affairs has not, generally speaking, been brought prominently before the whole body of the electorate of the United Kingdom by any measures recognised as being of a highly controversial or drastic nature, and most of the constituencies of Scotland have a record showing that a steady and large majority of the electors give their support always to one and the same political party. It is not intended to imply that the Secretaryship for Scotland has ever been unworthily filled; the point of these remarks is that, to whatever fortunate circumstances past selections have been due, they have not been due to any control exercised by the people of Scotland, and that the possibility does exist of an appointment being made actually against their wishes. Not only have they no part in the appointment of the Secretary, but they have little opportunity of effectively supervising, controlling, or influencing his activities. Consider the position of the representatives of Scotland in the Houses of Parliament. Some six hundred persons are qualified to sit in the House of Lords, but only sixteen of these are directly representative of the Scottish peerage.¹ Towards the total of 670 members who sit in the

¹ By an Act of Anne, the Scotch peers assemble before the commencement of every new Parliament and elect sixteen of their number for the duration of that Parliament.

Commons, the Scottish constituencies send 72. It follows from this that the efforts of the Scottish members may be handicapped in two ways—

1. If the matter under discussion is one of interest to the Commons generally, they are liable to have their voices drowned and their votes swamped by the 598 members who, presumably, are not so well acquainted with Scottish interests as themselves.
2. If the matter under discussion is not one of general interest, some difficulty may be experienced in keeping a sufficient number of members in the House, and, in any case, the thinner the House the weaker will be the effect of criticism.

The result comes to this, that the Scottish Executive finds itself in a position of comparative freedom. The people have no direct control over it; the most they can do is to attempt to exert pressure on the Secretary by means of questions or motions in the House, criticism in the Press, or deputations to the Minister, the last method being somewhat checked by the fact that the headquarters of the Scotch Office are not in Scotland but in London. If the people have no voice in the appointment and no hand in the control, still less have they any influence on the dismissal of the Secretary, who usually lays down his office for reasons totally unconnected with Scotland and its affairs, as when he is needed for a superior post or when the whole Ministry resigns. The Secretary, as long as he can keep the confidence of the Prime Minister, is thus in a very strong and independent position. It must, however, be recollected that he finds himself called upon to supervise the administration of a large number of departments. Compared with most of his colleagues in the Ministry, his powers may not affect so large a number of people, but they do concern far more varied interests. In England, Local Government, Education, Agriculture, are all separate departments under responsible chiefs quite independent of the head of the Home Office, but in Scotland all the work of the corresponding departments is in the charge of the Scottish Secretary, and the difficulty of supervising so many varied activities inevitably tends to increase the power of the permanent officials. If there be any difference in character between the administration in Scotland and that in England, it is probably to be found in the fact that in the northern kingdom the administration has more of a bureaucratic tinge. Not that this makes for inefficiency. A rigid

bureaucratic form of government is doubtless unsuited to the temper and genius of the inhabitants of these Islands, and would, however admirable in itself, lead to collisions which would seriously impair the actual working, but the, at present, mild tendency noted above is not sufficient to provoke anything more than a very occasional display of local resentment, and has, moreover, some inherent advantages. The Secretary for Scotland is usually in a position strong enough to enable him to carry the Bills drafted in his departments through Parliament without having to mutilate them by concessions. As a result, the Acts are passed substantially in the form which most commends itself to the expert authorities who will have to undertake the actual administration, and this, apart from any consideration of whether the Act is good or bad, certainly makes for efficiency in the working of the machinery. Broadly speaking, it comes to this: a comparatively independent Executive is called upon to do its work with tools largely of its own fashioning, and the efficiency of the result is due, not so much to any legal control exercisable by the people, as to the traditions and calibre of the Civil Service and the sensitiveness of the administrators to manifestations of popular feeling.

Like the heads of the other great departments, the Secretary for Scotland has a Parliamentary Under-Secretary. THE LORD ADVOCATE. When the transfer of Scotch business was made from the Home Office to the Secretary for Scotland, the Lord Advocate, on whom the Home Office had depended for advice in this part of its work, continued his services and has since acted as Parliamentary Under-Secretary to the new head. The Lord Advocate is one of the great law officers of the Crown; he is the legal representative of the Crown in Scotland—his office corresponding to that of the Attorney-General in England—and the legal adviser of the Secretary for Scotland and of any Government departments that may desire to consult him. The office is a political one, the holder being a member of the Ministry though never of the Cabinet. His appointment, which requires the formal notification of the King's approval, is made by the Prime Minister, whose choice is limited by the nature of the office to members of the Scottish Bar sitting, or able to obtain a seat, in Parliament. Occasion has already been taken to call attention to the fact that parliamentary supervision is weaker over the Scottish executive than over the separate English departments, and another reason for this may here be added. The Secretary for Scotland with the Lord Advocate acting as his Parlia-

mentary Under-Secretary are the only Ministers in Parliament directly representative of the Scotch departments.¹ If the Secretary is a member of the House of Lords, the Lord Advocate represents the Scottish departments in the Commons, and such an arrangement has two disadvantages. In the first place, the chief is not in the more influential House; and, in the second, either he has to be selected from amongst the very small number of the sixteen representative Scottish peers, who are, moreover, usually all of one political colour, or else he must be a peer having no necessary connection with Scotland at all. On the other hand, if the Secretary sits in the Commons, no member of the Lords would ever be likely to have the necessary qualifications for the legal work of the Lord Advocateship, and hence both the Secretary and his Parliamentary Under-Secretary will be in the same House, and the Ministry will be forced to depute some one of their supporters in the Lords to act as spokesman for the Scottish departments. The comparative freedom which the latter arrangement gives to the Parliamentary Under-Secretary to devote himself to his legal duties, or to platform work in the country, is but a very slight offset to the real disadvantage which would accrue if in the House of Lords there were no one of experience, knowledge, and ability to defend and explain the Government policy relating to Scotland and the administration of Scotch business. It is probable that amongst the Scottish representative peers there would be at least some who are well qualified to exercise a judicious supervision over the activities of the Scotch Executive; that their inquiries and criticisms should be met by the recital of written answers beyond which the reader is incapable of going,² must stultify to a large extent what might otherwise have been a valuable aid to the general parliamentary control of the Scottish administrative departments.

THE SCOTTISH BOARDS

The Secretary for Scotland may be said to occupy the position of a deputy in Scotland for the Prime Minister.

¹ The only other Scottish Minister in Parliament is the Solicitor-General for Scotland, who is appointed and holds office in a similar manner to the Lord Advocate. He is primarily a Law Officer of the Crown.

² "Lord W—— replied. His opening words were indistinctly heard, but he was understood to say that he had not an intimate acquaintance with Scottish business."—Press report of a reply to the Earl of Camperdown, June 27, 1912.

He is not only the head of the Scottish Office, but is also the real head of all the other departments of Scotch business. With the exception of the Education Department, the control of the great branches of Scottish Administration is placed in the hands of Boards, but the structure of these Boards is quite different from that of the corresponding English Boards. In England the Boards of Education, of Agriculture and Fisheries, of Works, and of Local Government are phantom bodies. Each consists of a number of distinguished persons, who never meet, and of a President who is the responsible political chief and has the assistance of a permanent Staff and, in some cases, of a Parliamentary Secretary. This organisation would not be suitable to Scotland since the Secretary for Scotland is the parliamentary representative and real chief of all the Scottish Boards, and would not be able to supervise them all effectively without the aid of a Board having a real, not a phantom, existence. The Scottish Boards are composed of a number of persons who do periodically meet and at all times take an active part in the control of the work. Each Board has a permanent Secretary and Staff and each submits a Report annually to the Secretary for Scotland.

The Board of Supervision, which had been established by the Poor Law (Scotland) Act of 1845, was abolished in 1894, and all its powers and duties transferred to a new authority, the Local Government Board for Scotland, consisting of six members. Of these six, three are the Secretary for Scotland, who is President, the Solicitor-General for Scotland, and the Under-Secretary for Scotland. These three members sit *ex officio*; the other three are appointed by the Crown on the recommendation of the Secretary for Scotland and hold office during His Majesty's pleasure. The first of these appointed members must be the Vice-President who, in the absence of the President, acts as Chairman. The second must be a member of the Faculty of Advocates of not less than seven years' standing, and the third must be a registered medical practitioner having special qualifications in public health, sanitary science, or State medicine. It is also provided that this medical member shall not hold any other appointment or engage in private practice or employment. The *ex-officio* members take no part in the ordinary routine work of the Board, but they are available for consultation in matters of importance, and they help to insure the predominant position of the Secretary for Scotland.

In 1911 the Board of Agriculture for Scotland was estab-

THE LOCAL
GOVERNMENT
BOARD.
57 & 58 Vic.
c. 58.

THE BOARD
OF AGRICUL-
TURE.
1 & 2 Geo. V,
c. 49.

lished to take over the work in Scotland (except as regards the powers and duties under the Survey Act, 1870, and the Diseases of Animals Act, 1894) until that date performed by the Board of Agriculture and Fisheries. By the same Act the Congested Districts Board was abolished and its functions, together with certain new powers and duties, were given to the new Board of Agriculture, which consists of three members appointed by the Crown on the recommendation of the Secretary for Scotland and holding office during His Majesty's pleasure. Of these three, one is appointed Chairman, and another is called the Commissioner for Small Holdings. There are some interesting features in the structure of this the newest of all Boards; its members are exceptionally few in number and, for appointment, they are not required by the Act to have any specific qualifications. No ex-officio members sit on the Board, but the predominant influence of the Secretary for Scotland is assured by the provision that, in the discharge of their duties, the Board shall comply with such instructions and regulations as may from time to time be issued by him. Thus the position of the members of the Board is analogous not to that of the members of the English Boards, but rather to that of the permanent heads of the divisions in which each English department is organised. Internally the Board of Agriculture for Scotland is organised in five divisions—

1. Accounts and Establishment.
2. Agriculture.
3. Land.
4. Registry and Copying.
5. Statistics and Intelligence.

THE SCOTCH
EDUCATION
DEPART-
MENT.

The Scotch Education Department is quite different in form from the Boards mentioned above. In former times in England administrative business was carried on by the Privy Council, which in the reign of Edward VI was divided into certain Committees. By the middle of the seventeenth century we find the Committees—such as those for the Treasury, for the Admiralty, for Foreign Affairs, for Trade and Plantations—doing the work which is to-day done by the Government Departments. With the development of the various Secretaryships of State and, later, by the growth of the modern Boards out of the Committees of Council, the actual executive administration passed out of the hands of the Privy Council, though it still remains, for many purposes, the formal executive of the country at the present time.

Two great departments, however, yet exist in the form of Committees of the Privy Council; one is the British Board of Trade, and the other is the Scotch Education Department.

When Parliament in 1839 voted £30,000 in aid of public elementary education, the duty of administering this grant was transferred from the Treasury to a Committee of the Privy Council, which, by the appointment in 1856 of a Vice-President capable of sitting and voting in Parliament, developed into what was, in reality, an Education Department with a responsible Minister. On the passing of the Education Act (Scotland), 1872, a Committee of the Privy Council on Education in Scotland was appointed, thus separating the educational administration of the two countries.

In 1899 the English authority ceased to be a Committee of Council and became a Board of Education, constituted similarly to the other English Boards, but the Scottish authority still remains to-day a Committee of the Privy Council. As such, the Lord President of the Council is the nominal head and always signs the Annual Report, but the responsible Minister is the Secretary for Scotland, who by the Act of 1885 is ex officio Vice-President of the Committee. It is composed of various high officers of State, usually including the Lord Advocate, and is a purely phantom body, never meeting and having no control over the administration. The Secretary for Scotland is the responsible Minister, but, owing to his multifarious duties, he is largely guided by, and dependent on, the Permanent Secretary of the Department.

The Fishery Board for Scotland was established in 1882, to take over the powers and duties conferred on the Board of British White Herring Fishery, by the Herring Fishery Acts 1868-75. In addition, the new Board was empowered to take cognisance of everything relating to the Coast and Deep Sea Fisheries of Scotland and to have a general superintendence of the salmon fisheries of that country. The Board has to comply with any instructions which may be issued by the Secretary for Scotland,¹ and has to present an annual report through him to Parliament. As constituted by the Act of 1882, the Board consisted of nine members, of whom three were to be selected by the Crown from the sheriffs, holding office as long as they remained sheriffs, while the remaining six, also appointed by the Crown, held office for five years but were eligible for reappointment. In 1895, the constitution of the Board, as to numbers and qualifications, but not as to mode of appointment or tenure, was altered,

¹ By the Home Secretary till 1885.

19 & 20 Vic.
c. 116.

THE FISHERY
BOARD.
45 & 46 Vic.
c. 78.

58 & 59 Vic.
c. 42.

and it has since consisted of seven members. Four of these are to be persons representative of the various sea-fishing interests of Scotland; and of the remaining three, one is the chairman, the second must be a sheriff of a Scottish county, and the third a person of skill in the branches of science concerned with the habits and food of fishes. Four members form a quorum and the acting chairman has a casting as well as a deliberative vote. A feature of interest with regard to this authority is that the three chief officials under the Board are not appointed by the Board: the Secretary is appointed by the Crown, and the Inspector of Salmon Fisheries and the Scientific Superintendent by the Secretary for Scotland. The subordinate officials, the sea-fishery officers, are defined as every officer of, or appointed by, the Board of Trade, every commissioned officer on any of His Majesty's ships on full pay, every officer authorised on behalf of this service by the Admiralty, every British Consular officer, every collector and principal officer of customs in any place in the British Isles, every officer of customs in the British Isles authorised on behalf of this service by the Commissioners of Customs, every divisional officer of the coastguard and every principal officer of a coastguard station. The necessary powers for enforcing the provisions of the Sea Fisheries Acts have been given by statute to these officers. Such powers include not only the right to board a vessel and make the necessary investigations, but also, in the case of any person who appears to have committed a contravention of the Acts, the officer may, without summons, warrant, or other process, both take the offender and the boat to which he belongs, and the crew thereof, to the nearest or most convenient port, and bring him or them before a competent court, and detain him, it, and them in the port until the alleged contravention has been adjudicated upon.

46 & 47 Vic.
c. 22.

THE
GENERAL
BOARD OF
CONTROL.

20 & 21 Vic.
c. 71.

A General Board of Commissioners in Lunacy was established in 1857 for the supervision of the insane. It consists of five commissioners: an unpaid chairman, two unpaid legal commissioners, and two paid medical commissioners. These medical commissioners had the special duty of visiting twice a year and reporting to the Board on all establishments for the insane and on the care and condition of the patients in them. Under the Board there were a secretary and clerical staff, and, in addition, two medical deputy-commissioners having the duty of visiting and reporting on all persons of unsound mind under private care who came for any reason under the notice or jurisdiction of the Board. In 1913 the

3 & 4 Geo. V,
c. 38.

construction of the Board was slightly modified; the name was changed to the General Board of Control, and power was given for the appointment of a third paid medical commissioner and of not more than four—of whom at least one must be a woman—additional medical deputy commissioners.

When the State took over the full charge of the Prison Services in 1877, the Prison Commissioners for Scotland were appointed. They are five in number; of whom two—the Sheriff of the County of Perth and the Crown Agent for Scotland—are ex-officio members, while the remainder are appointed, on the recommendation of the Secretary for Scotland, by Royal Warrant under the sign manual. The commissioners appoint all their subordinate officials, but the Secretary for Scotland appoints the governors, matrons, chaplains and medical officers of the prisons. The commissioners have, in the exercise of their statutory powers and jurisdiction, to conform to any directions which may from time to time be given to them by the Secretary for Scotland.

PRISON COM-
MISSIONERS.
40 & 41 Vic.
c. 53.

From the above account of the Scottish Departments, it will be seen that the tendency is to assimilate their organisation to that of the English Departments. This tendency is obscured by the confusing use made of titles: the English Board and the Scottish Board as legally constituted are utterly different, but the real executive management is very similar. Every department is placed under a Minister responsible to Parliament; in England each department has a responsible parliamentary chief of its own; in Scotland, the Secretary for Scotland is the responsible parliamentary chief for all. Under this parliamentary chief each department is, generally speaking, managed by a permanent head directing the activities of subordinates entrusted with the working of the various branches of the administration. In England the permanent head is called the Secretary, in Scotland the head and his chief subordinate officers are known as the Board. Possibly the permanent secretary of an English Board has greater authority over his colleagues than the chairman of a Scottish Board, though one would imagine that in actual practice their positions are very similar, and that whatever variations may occur may be ascribed to the personal factor. It is possible, however, that the higher official status of the branch administrators under the Scottish chairman has been deliberately given for the purpose of checking the chairman's power, which, as has been mentioned, tends to become in Scotland less subject to the supervision of the parliamentary chief owing to the fact that the latter has the responsibility

COMPARISON
OF THE SCOT-
TISH AND
ENGLISH DE-
PARTMENTS.

for so many different departments. Moreover, in England the phantom Board leaves the parliamentary chief indisputable control of the executive, whereas in Scotland that control has to be obtained in another way. The power of appointment goes some way to secure it, but that alone would not be sufficient. In the case of the Local Government Board, the parliamentary chief is himself the President of the Board and has with the two passive ex-officio members a majority control; in the case of the other two Boards the parliamentary chief is not a member, nor are there ex-officio members, but control is directly insured by the statutory provision that the Board should comply with the Secretary's instructions. It will be noted that the department which shows the widest divergence from the standard English model is the Fishery Board. The general administration of that Board is carried on by the chairman and the secretary: the former being in a particularly weak position owing to the fact that he is not a Civil Servant and, unless reappointed, holds office only for five years; and the latter being in a particularly strong position, since he is appointed not by the Board, but by the Secretary for Scotland and holds office under the ordinary Civil Service tenure. The remaining members of the Board meet only once a month and would appear to be—at least, as far as the four members representative of the fishing industry are concerned—rather a consultative body analogous to the Consultative Committee of the English Board of Education than ordinary administrative heads of branch departments. The anomalous position of the chairman is to a certain extent remedied by the practice of reappointment, and he together with the sheriff and the scientific member tend by constant reappointment to become more or less permanent members. The appointment of the four representative members is, however, regarded as a political appointment, and these members usually go out of office should a different Government be in power at the end of their quinquennial term. The Departmental Committee on the North Sea Fishing Industry—which, by the way, was composed mainly of Government officials—recommended that the Fishery Board should be assimilated to the ordinary Government Department, *i.e.* they favour the abolition of the present Board and the substitution of a Permanent Secretary as head. There seems little doubt but that the tenure of the chairmanship should be altered, and if so, then possibly also the mode of appointment of the secretary. The four representative members, if retained—and it is

conceivable that their presence on the Board may have an undesirable influence on the allocation of the funds available for harbour works—should have their functions clearly prescribed as consultative and not executive. Whether the sheriff and the scientific member should be retained depends mainly upon whether they have sufficient work to do and sufficient opportunity to do it. The Local Government Board has a legal member, and, if the enforcement of the Fishery Laws warrants it, there is no reason why the Fishery Board should not have a legal member also, though it is true that the Law Officers of the Crown are available to all departments. The scientific member has undoubtedly done much valuable work, yet it would seem that his proper function is that of executive head of the scientific staff, and this position has been usurped to a large extent by the Scientific Superintendent. The department which most closely resembles the English model is the Scotch Education Department: the only difference being in the title and status of the parliamentary representative. The strong position of the Secretary, the permanent head, of this department sometimes evokes the easily roused suspicions of bureaucracy and has not passed unchallenged. The Royal Commission on Housing in Scotland, 1917, recommended that the Local Government Board for Scotland should have “the same parliamentary status” as the Scotch Education Department.

The School Board of the Parish of Dalziel v. The Scotch Education Department, 1913.

There are three central authorities outside the group dependent on the Secretary for Scotland: the Scottish Insurance Commissioners are subordinate to the Treasury, the Central Midwives Board to the Privy Council, and the Commissioners of Northern Lighthouses to the Board of Trade. The Scottish Insurance Commissioners, created in 1911, of whom one must be a duly qualified medical practitioner, are appointed by the Treasury with no statutory limitation on their number. The Commissioners have the general duty of administering the National Insurance Acts, and the control and supervision of the local insurance committees. They appoint their own officials, subject to the approval of the Treasury as to number and salary.

SCOTTISH INSURANCE COMMISSIONERS.

1 & 2 Geo. V, c. 55.

The Central Midwives Board for Scotland is a composite body set up by the Lord President of the Council, under the Midwives (Scotland) Act of 1915, to superintend generally the midwifery service in Scotland. The Board consists of twelve members, viz.—

CENTRAL MIDWIVES BOARD.

5 & 6 Geo. V, c. 91.

- (i) three persons: appointed by the Lord President of the

- Council, two of whom must be certified midwives practising in Scotland ;
- (ii) four persons : one appointed by each of the following : the Association of County Councils for Scotland, the Convention of the Royal Burghs of Scotland, Queen Victoria's Jubilee Institute for Nurses (Scottish branch), the Society of Medical Officers of Health for Scotland ;
- (iii) five registered medical practitioners : two appointed by the Scottish Universities and three by the chief Scottish Medical Societies.

The local midwifery authority is the District Committee of the County Council, whose medical officer's annual report must be sent to both the Local Government Board and the Central Midwives Board. The Local Government Board has the power to exclude any district in Scotland from the operation of this Act.

THE COMMISSIONERS OF
NORTHERN
LIGHT-
HOUSES.
57 & 58 Vic.
c. 60.
61 & 62 Vic.
c. 44.

These Commissioners have the responsibility for the superintendence and management of all lighthouses, buoys, and beacons throughout Scotland and in the adjacent seas and islands, including the Isle of Man. They are subject to the supervision and control of Trinity House, the English general lighthouse authority, and to the control of the Board of Trade. The Commissioners are appointed ex officio and are the Lord Advocate and Solicitor-General for Scotland, the Sheriffs, the Lord Provosts of the four chief towns, the Provosts of the chief ports, and the eldest bailie of Edinburgh and of Glasgow. Their expenses are borne by their share of the General Lighthouse Fund gathered from light dues payable by merchant ships. Harbour Boards and Trustees are often local lighthouse authorities in virtue of their special Acts.

Some twenty minor lighthouses were erected on the seaboard of the crofting counties, by the Commissioners from funds provided by the Treasury under the Highlands and Islands Works Act. On the discontinuance of this vote the maintenance of these lights was, on the ground that the lights had no Imperial interest, made a charge on the Congested Districts Boards Fund, because the County Councils refused the responsibility. The Board spent £10,955 on the maintenance of these lights and the provision of others. The responsibility to maintain, but not the power to provide, was passed on to the Board of Agriculture for Scotland in 1912. These lights are on the Norwegian Trotter-Lindberg system,

and consist of strong petroleum lamps which, once lighted, burn for two or three weeks without further attention.

Of the third group of central authorities, viz., those appointed for the exercise of special functions in certain defined areas, the only one now existing, since the abolition of the Crofters Colonisation Commissioners, the Congested Districts Board, and the Crofters Commissioners, is the Highlands and Islands (Medical Service) Board created in 1913. This Board is appointed by Royal Warrant under the sign manual, and consists of not less than five nor more than nine members, of whom one must be a woman. The chairman of the Board is appointed by the Crown, the secretary by the Secretary for Scotland. The Board's schemes require the approval of the Secretary for Scotland, to whom an annual report must also be made.

THE HIGH-
LANDS AND
ISLANDS
(MEDICAL
SERVICE)
BOARD.

Of the various Public Departments stationed in England which have officials employed on Scottish business, the most important are the Post Office, the Customs and Excise, Inland Revenue, the War Office, Board of Trade, Office of Works, and the Admiralty. It will probably have been noticed that there is no central highway authority in Scotland. The Commissioners for Highland Roads and Bridges were abolished in 1862, at a time when the introduction of railroads had caused the highways to lose much of their national importance. Now that rapid motor traffic is bringing back this importance and considering also that there is a State subvention to distribute, it might be thought that a central highway authority should be constituted. This has not yet been done, but a British Road Board was created in 1909 to improve the facilities for road traffic in the United Kingdom. This Board is essentially a grant-distributing authority and has no control over highway administration, except in so far as applications for financial assistance may be made to them, which would only be granted if they approved the purpose of the expenditure.

NO CENTRAL
HIGHWAY
AUTHORITY.
H.C. Paper
104 of 1911.

LOCAL AUTHORITIES

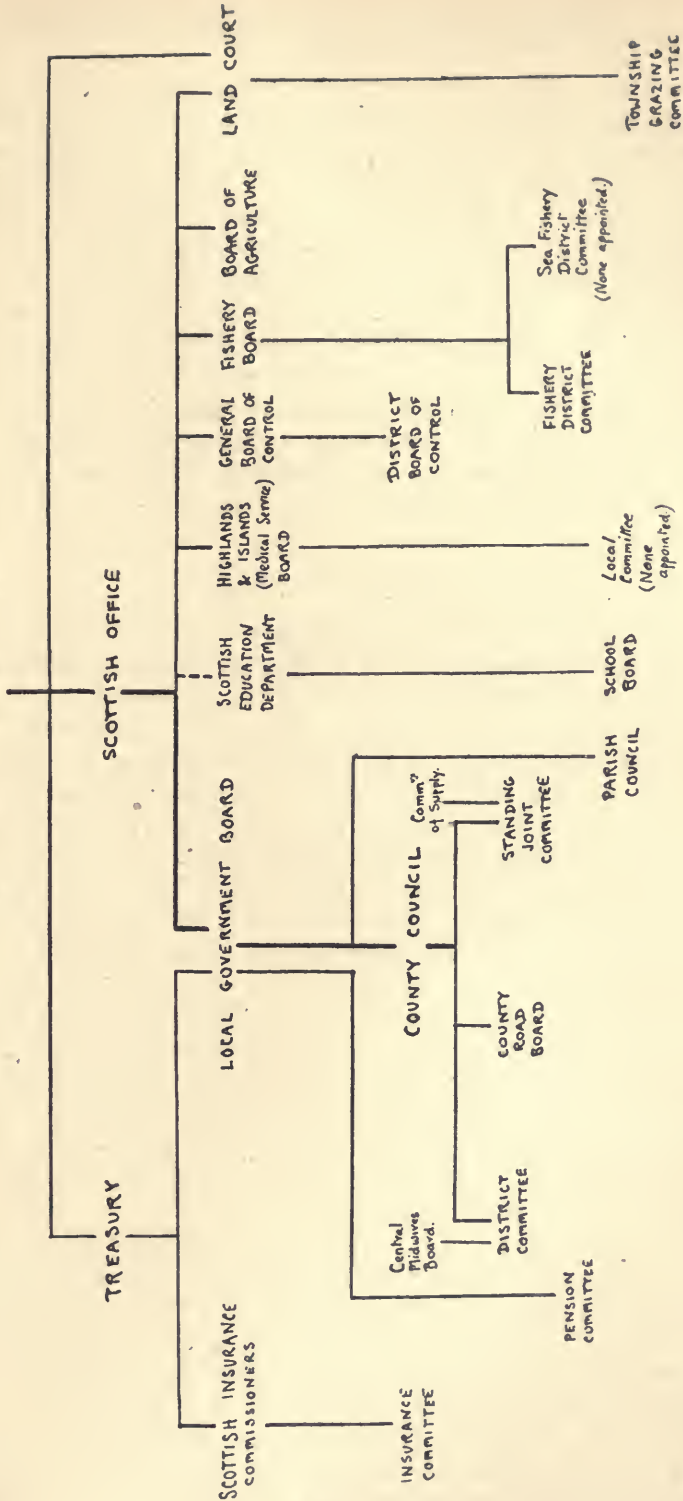
The structure of Scottish Local Government never reached such a stage of complication and confusion as that developed by the English system prior to the latter's reorganisation in 1889. Apart from the work of the Sheriffs and Justices of the Peace, whose administrative duties have varied considerably from time to time, the local administration in Scotland was for long carried on by the Commissioners of Supply as

the county or intermediate authority, and the Kirk Sessions and Heritors as the local authority. In 1845, Parochial Boards were established to take over the Poor Law administration, and to this work was added the care of the Public Health in 1867. Previous to 1889, therefore, there was a fairly simple structure of one intermediate authority—the Commissioners of Supply, and one local authority—the Parochial Board; the only additions being the School Board, the District Lunacy Board, and the County Road Trustees. This may be contrasted with the innumerable local authorities in England at that time and the chaos of their areas. Consequently, the reorganisation of local government in Great Britain carried out between 1888 and 1894 meant, as far as Scotland was concerned, a change in the mode of constituting the authorities rather than a complete overhauling of the entire structure. The County Council, absorbing the County Road Trustees, and taking over the Public Health service, replaced the Commissioners of Supply; popularly elected Parish Councils superseded the Parochial Boards. The School Board and the District Lunacy Board remained. With the growth of State interference, however, this comparatively simple structure is losing its clearness of outline and recent extensions are tending to complexity. There is a growing practice, on the one hand, of creating authorities, such as the National Health Insurance and Old Age Pension Committees, which are only nominally committees of the existing authorities and are grafts rather than excrescences, and, on the other hand, of allowing the local authorities to delegate certain work to committees which contain co-opted members. Moreover, many of these new committees have the power to combine, and in the case of the Insurance Committees may be compelled to do so by the central authority. The diagram opposite shows in outline the main structure of local government in Scotland.

COMMISSIONERS OF SUPPLY.

Before 1889 County Administration was in Scotland, as in England, in the hands of the local landed gentry; but whereas in England the county authority was appointed by the central government and sat as Justices of the Peace, in Scotland it was a primary body, neither elected nor appointed, but ranking as Commissioners of Supply by simple qualifications alone. By the Act of 1667, which first created the Commissioners, the qualification was the possession, as proprietor, superior, or life renter, of lands of the annual value of £100 Scots. The qualification was altered by subsequent Acts, but has always remained based upon the possession of

THE CROWN IN PARLIAMENT



landed property. The persons at present qualified are the proprietors of lands within the county of the yearly value of £100 sterling, or the husbands of such. If the property is worth £400 a year the eldest son, and if worth £800 the factor, in the absence of the landlord, may be enrolled. In addition the sheriff of the county, the magistrates of royal burghs, and the senior magistrates of police burghs are ex officio commissioners. Practically the whole of the administrative powers and duties of the Commissioners of Supply was transferred by the Local Government (Scotland) Act of 1889, to the County Councils then constituted; the only duties which remain to the older body are the election of not more than seven members of the Standing Joint Committee and the proper enrolling of fresh commissioners.

COUNTY COUNCIL

THE
ELECTORS.
8 Geo. V,
c. 64.

The County Council is elected triennially by all the inhabitants who are registered as local government electors. The conditions of registration have been simplified by the last Representation of the People Act, 1917. Any man of full age and not subject to any legal incapacity is entitled to registration for any local government area if he has occupied, as owner or tenant, any land or premises within that area during the whole of the qualifying period. For the purpose of qualification the word "tenant" is taken to include an employee living in a house not inhabited by his employer, and a lodger occupying rooms let to him in an unfurnished state. A woman is entitled to registration (i) when she would be so entitled if she were a man, (ii) when she is the wife of a man who is entitled to be so registered in respect of premises in which they both reside and she has attained the age of thirty years and is not subject to any legal incapacity. Peers and aliens are disqualified, and also any person who, during the preceding year, has received poor relief other than medical or surgical assistance.

THE
COUNCILLORS.

The number of County Councillors is fixed for each county by the Secretary for Scotland, and one member is elected for each of the several electoral divisions of the county, the electors having a single vote. Representatives to the County Council are also elected by and from the council of every royal or parliamentary burgh having a population of less than 7000. Any person of either sex of full age and not subject to any legal incapacity is qualified to be elected a councillor if he or she has resided within the county for the

4 & 5 Geo. V,
c. 39.

whole of the twelve months preceding the election. Disqualification follows, if a person—

- (i) holds any office or place of profit under the County Council or any of its committees ;
- (ii) has directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by, or on behalf of the council or committee.

But a person shall not be disqualified by reason only of his having any share or interest in—

- (a) any lease, sale, or purchase of land, or any agreement for the same ;
- (b) any agreement for the loan of money, or any security for the payment of money only ;
- (c) any newspaper in which any advertisement relating to the affairs of the council or committee is inserted ;
- (d) any company which contracts with the council or committee for lighting or supplying with water, or insuring against fire any property of the council or committee ;
- (e) any railway company, or any company incorporated by Act of Parliament or Royal Charter or under the Companies Act.

A chairman of the County Council is elected annually by and from the members, and is called the Convener of the County. The council may delegate any of its powers, except that of raising money by rate or loan, to a committee. STATUTORY COMMITTEES. Statutory Committees are the Finance Committee, the County Road Board, the Standing Joint Committee, and the District Committees. The county road board must not consist of more than thirty members ; the standing joint committee consists of not more than seven members of the County Council, who unite with the sheriff and with not more than seven members elected by the Commissioners of Supply to form the police authority, and to control the capital expenditure of the county.

The district committees are very important and very interesting bodies. Each county, with the exceptions mentioned below, must be divided by the County Council into districts for the purpose of the management and maintenance of highways and the administration of the laws relating to public health. THE COUNTY DISTRICT. The counties which need not be divided are those containing less than six parishes, and those which, previous to the Act of 1889, had not been divided into districts for the purpose of highway administration. Sutherland and

Caithness fall into the latter category, and neither has been divided. The only legal restrictions on the council's power of division are that each district shall comprise a group of electoral divisions, and that each parish, as far as within the county, shall be wholly included in one district. The actual districts vary considerably.

DISTRICTS IN THE CROFTING COUNTIES

		Maximum.		Minimum.
Area . .	Sutherland	1,296,589 acres	South Ronaldshay (Orkney)	15,064 acres
Population	Lewis	25,795	Walls (Orkney)	1640
Valuation .	Caithness	£96,972	Walls (Orkney)	£3329
No. of parishes contained	Sutherland	13	South Ronaldshay	} A single parish in each case
			Harris	
			North Uist	

THE
DISTRICT
COMMITTEE.

The District Committee is composed of the county councillors for the electoral divisions comprised in the district, together with one representative from the council of each parish. Where a county is not divided into districts, the whole council sits as a district committee with the representative members from the parish councils, the latter retiring when the business in hand does not concern highways or public health. The district committee differs in other ways besides composition from an ordinary committee. It is a corporate body in its own right, possessing a common seal and a banking account of its own, and, in practice, its administrative activities meet with little interference. On the other hand, it has to report periodically to the County Council and the latter body may lay down general regulations for the government of the former. An additional means of control is provided by the section which enacts that any five ratepayers in the district may appeal from any proceedings or order of a district committee (except against proceedings for the removal of a nuisance) to the County Council, who have power to confirm, vary, or rescind such proceedings or order. The medical officer and the sanitary inspector of a district or county are also given a right to appeal to the County Council. Again, the district committee is financially subordinated to the County Council, for the committee, not being directly elected by the inhabitants, cannot levy a rate or raise a loan in the way that its English counterpart—the Rural District Council—is permitted to do. The district committee has also the power to appoint a sub-committee for the management of a “special district” (see p. 311).

This sub-committee consists in whole or in part of parish councillors of the parish or parishes in which the special district is situated, whether members of the district committee or not.

The chief officials of a County Council are the Clerk, the Treasurer, and the Surveyor. These and all other officials, except the two mentioned below, are appointed and dismissible by the council. The medical officer and the sanitary inspector can only be dismissed with the sanction of the central authority. Moreover, the Local Government Board have, indirectly, control over the appointment of these two officers, since they can withhold the grant in relief of salaries should they regard an appointment as undesirable. The district committees are also under the obligation of appointing a medical officer and sanitary inspector, but they may make arrangements whereby the services of the county officers are available in the district. The policy of the Local Government Board in distributing or withholding the salary grant has been directed towards the establishment of a service of well-paid professional experts for the public health administration. They have, accordingly, insisted that the districts should appoint the county officers when such a course seemed, as it is in general, advisable. On the other hand, they have not hesitated to oppose the appointment by a district committee of the county official where such is inadvisable, as, for example, in the case of Lewis (see p. 301). In general, the county officers have to be full-time officers; the medical officer must possess the Diploma of Public Health or similar qualification; the sanitary inspector must have had previous experience of sanitary administration.

THE PARISH COUNCIL

The Parochial Boards established by the Act of 1845 (see p. 92) were most unwieldy in size. In very many parishes there were more than 100 members, the maximum number attained being 2190 for the parish of Old Machar, in Aberdeenshire. In practice the power fell largely into the hands of the chairman; and the elected representatives—in general a small minority—exercised little real influence. The Local Government (Scotland) Act of 1894 swept away these cumbrous bodies and created the Parish Council of from five to thirty-one members. The precise number is determined by the County Council, who generally adopt the following scheme of the Local Government Board, except in

OFFICIALS.

CHIEF
STATUTORY
PROVISIONS.

*Memorandum
of Lord
Advocate,
1891, n.p.*

57 & 58 Vic.
c. 58.

the smaller parishes, where the number of councillors is sometimes larger than that suggested.

Population of Parish.	No. of Councillors.	No. of Parishes within these Population Limits in the Crofting Counties.
Under 3,000	5- 8	137
3,000- 7,000	8-11	17
7,000-15,000	11-15	6
15,000-30,000	15-21	1

The electors are those persons, not having failed to pay any special parish rate, whose names are on that part of the County Council, or municipal, register (see p. 50) which is applicable to the parish, and they have as many votes as there are candidates, but may not give more than one vote to each. Many parishes are divided into electoral wards, in which case the parish councillors are elected separately for each ward. Owing to the provision that every County Council electoral division, so far as within a parish, shall be a parish ward, some parish wards are extremely small. Carnoch parish ward, in the Ross-shire parish of Urray, contains only five families; Glengarry ward of Glenelg parish contains six. A new election of the full council takes place every third year¹ on the same day, and in the same place and manner as the county, or town, council election (see p. 50) and the expenses of the election are a charge against the poor rate. Persons of either sex may be elected as parish councillors provided they have resided within the parish for the whole of the twelve months preceding the election and subject to disqualifications similar to those in the case of a County Council (see p. 51). Casual vacancies are filled up by the Parish Council appointing members for the remaining period. One quarter of the whole number of the council—not being less than three—forms a quorum. A meeting of the Parish Council must be held within ten days after the first Tuesday in December, when the chairman, who has a deliberative as well as a casting vote, must be appointed for the ensuing year and also the representatives on the district committee of the County Council. There is a meeting in July for framing the parish budget for the year, and also on the first Tuesday of February and August

4 & 5 Geo. V,
c. 39.

¹ The retirement of one-third of the council every year has often been recommended. It is unnecessary to discuss its advantages here, since, for reasons which appear later, it would make little or no difference in the constitution of the Highland Parish Councils

for revising and adjusting the roll of paupers and their allowances. The total number of meetings varies largely, but in the Highland rural parishes it does not often exceed five in the year. A council can delegate any of their functions, except that of raising money, to committees; and they must appoint an inspector of poor and may appoint a clerk, though usually in the Highlands both offices are held by the same man.

The evidence in the Poor Law Commission Report of 1909 as to the calibre of the Parish Council is conflicting. The Commissioners themselves exempt the rural councils from the adverse criticism passed on the urban. It must, however, be obvious that in many of the Highland parishes there would be difficulty in finding a sufficient number of persons able and willing to serve. Service is, in some ways at least, more onerous; the financial embarrassments are harassing; to have even the nominal responsibility for the imposition of a rate of 4s. or more cannot be pleasant; attendance at the meetings is difficult, so difficult indeed, that in some of the largest parishes the council is unofficially split into sections working practically independently in different areas. The classes from which councillors can be drawn are much narrower than elsewhere. The Napier Report said that the minister, the doctor, the schoolmaster, and the factor were the only representatives of culture, of counsel, and of power.¹ Two of these are not generally available: the doctor because he is overworked and, moreover, being an official, is ineligible; the schoolmaster because being often underpaid, he seeks, and, having education, is needed for, an official post under the local authority. Ministers are found on almost all boards, and usually, too, a representative of the landed interest; the remaining members come from the crofter class and, if the parish includes a village of any size, from merchants.

There tends, therefore, to be a difficulty in getting even sufficient candidates to form a quorum. Section 18 of the Act of 1894 is intended to meet this difficulty. If a parish council are not elected at the time at which they ought to be elected, or if an insufficient number of councillors is elected, or if a parish council become unable to act by reason of deficiency in the number of councillors, whether from failures to elect or otherwise, the Local Government Board may order, at such time and in such manner as seems expedient, a new election of a councillor or councillors for the parish

THE CALIBRE
OF THE COUNCIL
AFFECTED
BY THE
SHORTAGE OF
CANDIDATES.

op. cit., p. 92.

*Poor Law
Commission,
1909, Vol. VI,
Stuart, 55296.*

HOW A
DEFICIENCY
IS MET.

¹ There is, of course, less truth in this remark now than there was in 1884.

or for a ward or wards thereof, and shall by order make such provision as seems expedient for authorising any person to act temporarily in the place of the parish council. In 1901 there were in Scotland 124 parishes in which an insufficient number of candidates were nominated, in 1910 there were 96. A supplementary election means additional expense without any guarantee of meeting the difficulty. Should the second election fail, the Board either obtain the reduction of the authorised number of councillors for the parish to the number elected or authorise persons to act in place of the council.

A "STRIKE"
IN THE LONG
ISLAND.

As a protest against the burdensome taxation and unequal incidence thereof, five out of seven councillors in Barra, nine out of eleven in South Uist, and six out of seven in Harris, resigned office in 1906. A new election was ordered, but no candidates came forward. The Board, therefore, appointed certain of its own officials to act with the remaining members in place of the several parish councils. This arrangement has had to be continued in Barra to the present day; in South Uist it terminated in 1910, and in Harris earlier.

SOME RE-
SULTS OF THE
SCARCITY OF
CANDIDATES.

*Thirteenth
Report of the
Local Govern-
ment Board
for Scotland,
1907,
p. xxxii.*

The shortage in supply of candidates has the results that a person, if he comes forward once, will probably find it difficult to demit office without inconveniencing his colleagues and the community; tenure of office is lengthy; contested elections are rare and the electors become apathetic. There is even a case on record where a contest was arranged for, but not a single elector came forward to record his vote. When candidates of any kind are so scarce, it would be surprising if the councils actually elected were always distinguished by strength and capacity.

OFFICIALS.

The only official that a Parish Council are bound to appoint is the Inspector of Poor; they may appoint a clerk and a medical officer, and since medical attendance must be provided for the sick poor and a grant is available towards the salary of a medical officer, a medical officer is in practice almost invariably appointed. The salary of the inspector of poor is fixed by the Parish Council, and in amount such salaries range from £3 to £1000, the average for the crofting counties being about £35 per annum.

The inspector can only be dismissed by the Local Government Board; he is not a full-time officer, and in the Highlands and Islands usually holds one or more of the other local official posts: clerk, collector, registrar, school-teacher. Such plurality of offices may have disadvantages, but so long

as the salaries paid are so low, and the parish remains the unit of administration, it is the only way to obtain the services of a capable man who will devote his main energies to the work. The medical officer is appointed by the Parish Council, and may be dismissed by them.¹ Under the Medical Relief Grant Rules the Local Government Board also have power to dismiss the medical officer, and no alteration can be made in his salary without their sanction. It is a statutory obligation that every poorhouse must have a medical officer, whose tenure is similar to that of the inspector of poor.

THE SCHOOL BOARD

A School Board is elected triennially for every school district (normally, every parish and burgh) in Scotland. The election of the members is held at such time and in such manner and in accordance with such rules and regulations as the Scotch Education Department may from time to time by order prescribe. The Department fixes the number of members to be elected for each board, but the number must not be less than five. By statutory provision no teacher of a public or state-aided school, nor any person holding any office of profit under the board, is eligible as a member, but otherwise, by the General Order of the Department, any person, being of lawful age and not subject to any legal incapacity, can be a candidate, provided he is duly nominated, not less than fourteen clear days before the election, by five electors. The electors consist of all parish electors within the meaning of the Local Government (Scotland) Act, 1894 (see p. 54), having a qualification within the school board district. Every voter is entitled to a number of votes equal to the number of members to be elected and may give all such votes to one candidate or may distribute them among the candidates as he sees fit. This method of voting is known as the "cumulative vote." The chairman of the School Board, or failing him some person, other than a candidate, appointed by the board, acts as returning officer, and the reasonable expenses of the election are paid out of the school fund. The mode of election is precisely the same in the crofting counties as in the rest of Scotland, with the insignificant, but curious, exception that, in any parish of the counties of Argyll, Inverness, Ross and Cromarty, Orkney

¹ In the Highlands and Islands, the Parish Medical Officer can only be dismissed with the consent of the Local Government Board. (3 & 4 Geo. V, c. 26.)

and Shetland, the ballot papers need not be printed but may be written.

In spite of the good work that has been accomplished by the School Boards, they are probably the most adversely criticised of all the Scottish local authorities. Such criticism is mainly levelled against the cumulative vote, the unsuitability of the parish as the unit area of administration, and the constitution of the board as an *ad hoc* authority.

THE CUMULATIVE VOTE.

The cumulative vote was adopted from the English Act of 1870, into which it had been introduced for the purpose of assisting the representation of minorities. Educational questions in the southern kingdom have always been invaded and obscured by differences of religious opinions, and it was probably for that reason that this method of enabling a group of voters to obtain by combination some representation on the board was devised. In Scotland, however, religious differences, which do not there correspond with any social cleavage, have seldom tormented the progress of education. There was, therefore, less need for the introduction of the cumulative vote into Scotland, and it may be questioned whether that introduction has been really beneficial. It has certainly led to the representation of minorities, but the weight of experience seems to indicate that the power thus given to comparatively small, but determined, cliques to get their candidate elected makes for the presence of one or more "difficult" members of the board, and it may well be that such members do more injury by hampering the smooth working, creating friction, and impeding progress, than they do good by urging the views of the minority they represent. This should not be the result; the true function of a minority representative is expository not gubernatorial; it is his business to see that the views of the minority are known, and, as far as may be, correctly appreciated; it is not his business to attempt to impose the policy of the minority on the whole board nor to obstruct and delay any action which does not commend itself to the people he represents.

THE ADMINISTRATIVE UNIT OF AREA.

That the parish is the unit of educational administration is a legacy from the past, a legacy rich in valuable traditions which must vanish with the abolition of that unit. It has been urged that this area is now too small. The work of the boards has been very considerably extended within recent years, and the tendency is towards further extension, so that, if the whole machinery of education is to be organised with maximum efficiency and economy, an authority

is needed with a wider management. Scotland has long been famed for the interest in education which is taken by the people generally, but the parish is too small an area for this interest to manifest itself effectively. The apathy of the parish electors in educational affairs has been a matter of common remark; the poll at elections is usually noticeably small, and, indeed, contested elections are somewhat rare. There is at least one parish, Langton in Berwickshire, which has not had a contested election since 1873; while of 960 school board elections in 1911, 540 were uncontested. The smallness of the area does not, however, directly restrict the number of suitable candidates, for residence is not a necessary qualification. A person of recognised capacity in educational administration might, if willing to serve, be elected to any number of boards, and a case has been known where the same man was a member of five different school boards and chairman of four of them. There is, nevertheless, little doubt but that an extension of the administrative area would, by giving greater responsibility and importance to membership of a board, attract a more highly qualified type of candidate, while the widening of the electoral unit would eliminate the member who represents only the peculiar views of local extremists. As things are, it is often a matter of difficulty to get a sufficient number of persons willing to be nominated, and it can, therefore, hardly be a matter for surprise that the rural boards not seldom include members unsuitable by lack of knowledge or want of interest. Hence, one of the great advantages claimed for the wider area is that it would result in an improvement in the personnel of the board. A second claim is, that the administration, even apart from any change in the type of administrator, could be more efficiently organised. The wider area would render possible a more extended use of itinerant specialists in subjects, such as singing or fine sewing, which the ordinary school staff cannot reasonably be expected to be invariably qualified to undertake. It would make easier a comprehensive scheme for the provision of higher education for the children of outlying districts, and it might prevent any development towards the separation of the authorities for secondary and primary education. The teachers in the wider area would find better opportunities for promotion and interchange, and the present tendency of teachers to shun the stagnation of small rural schools would be removed. By centralising expenditure the wider authority would promote economy of administration and might find some just

way of equalising the rates, whose incidence is at present often unfairly distributed. Towns with a secondary school, for example, have often to support that institution largely for the benefit of children from the outlying parishes. Again, the wider area would not only lead to some reduction in the number of the permanent administrative officials, but would enable these officials to be better paid and more useful. The clerk to a rural school board has duties which are at present purely secretarial, and receives a salary which presupposes that most of his time is given to other work. If the administrative area were larger, the work would be sufficient to justify the employment of a full-time officer with an adequate salary, and such a permanent officer would provide that valuable reserve of expert local and general knowledge which the school boards—at least, the rural boards—alone among local authorities, lack. For the above reasons, the demand for an enlarged area for educational administration has grown in strength; and the reorganisation of areas is, indeed, long overdue. A writer in 1902 claims that the need was admitted by all, and prophesies that the change would doubtless be made in the next year or so. The teachers, and especially their association, the Educational Institute of Scotland, are strong supporters of the demand, and it is believed now to be favourably regarded at the Education Department. As a matter of fact, the larger area would have been introduced by the Act of 1908 but for Sir Henry Campbell-Bannerman's reluctance to sacrifice the traditions of the parish school board and his fear of the strength of the opposition which such a change would provoke. Possibly also the Department may have feared that the wider authority would prove less tractable.

Atkinson :
*Local Govern-
ment in Scot-
land*, pp. 258,
271.

THE SELEC-
TION OF AN
ENLARGED
AREA.

There remains the question as to the delimitation of the new area. When the English school boards were abolished in 1902, the county was chosen as the new unit of area for rural education, and it is probable that the general body of opinion in Lowland Scotland regards the County Committee, with or without power to co-opt, or an *ad hoc* county school board, as the natural successor to the present parish school boards. But the county area is, as has been pointed out by Dr. Gunn, in many cases too large, especially so in the Highlands where the attendance of a member of a county board might entail several days' absence from home. "An area might also be too large," he thinks, "in the sense that it contained too many schools and too large a population. In such a case the real management inevitably fell into the hands

Address to
the Lothian
Branch of the
Educational
Institute,
Nov. 1913.

of the permanent officials and became mechanical. The usual result was, the waste of much time in collecting statistics and reports, and the strangling of initiative in the teachers by employment of inspectors, directors, and specialists of all sorts." That such a danger does exist need not be denied, but in the light of the successful administration of such areas as Edinburgh, the West Riding of Yorkshire, and London, Dr. Gunn seems hyperbolic in speaking of the inevitableness of the one result and the frequency of the other. It is more to be desired that the districts included in the educational area should be fairly homogeneous; and such would not be the case in, for example, Ross-shire, where a county school board would be faced by quite different problems in dealing with the Black Isle from those which would meet them in Lewis. Dr. Gunn laid down three principal requirements which an ideal area ought to fulfil. Firstly, it should be a unity in the geographical sense, especially as regards modern means of communication. Secondly, in view of the co-relation between primary and secondary education, it should have a natural centre or focus, with a secondary school, and perhaps several subordinate centres with intermediate schools. Thirdly, it should as far as possible be an historical unity, in the sense of lending itself to the feeling of local interest and local patriotism. The county is too rigid a unit to fulfil these requirements in every case. It would be far preferable that the wider area should develop naturally by the amalgamation of similar parishes. Such a development would be of the necessary elasticity, permitting, in suitable cases, the county to become the unit, and it would not require any fresh legislation for, under the Act of 1908, such amalgamation is, with the sanction of the Department, already permissible. By 1910 thirteen amalgamations had taken place, but the Department, for unstated reasons, were then doubtful whether this policy of combination of school board areas could be carried very far. Considering the difficulties involved by the necessity for financial adjustments and that amalgamation naturally involves the retirement of a certain number of members, the voluntary movement towards union would hardly make much progress without the encouragement of the Department. It would seem, however, that the Department have conquered their doubts and are now favourable to, rather than averse from, amalgamation. In November, 1913, a very significant step was taken in Berwickshire, where a special meeting of the chairmen of the school boards in the county was unanimous in approving the principle of

8 Ed. VII,
c. 63.

Scotch Education Department Report, 1910-11, p. 3.

an amalgamation of the school boards into one county board or three district boards. The meeting was addressed by one of His Majesty's Inspectors, Mr. C. J. S. N. Fleming, who strongly advocated the adoption of the principle.

THE BEST
AREA FOR
THE
CROFTING
COUNTIES.

In the crofting counties the present centres for the training of junior students might well become the nucleus round which the circumjacent parishes could coalesce into one administrative unit. In Inverness-shire, for example, the existing thirty-seven boards could thus be replaced by four boards, having Inverness, Kingussie, Fort William, and Portree as centres, whose authority would not necessarily be limited by the county boundary. Doubtless, as time renders progress possible, the number of these centres will increase, and it might eventually be feasible to make the school district coincident with the present district subdivisions of the county, when the school authority could, if desired, become the District Committee with power to co-opt.

THE
"AD HOC"
AUTHORITY.

The third point of criticism refers to the method of appointment of a school board. It has been pointed out that the present electoral method is to constitute an *ad hoc* authority by means of the cumulative vote, but it is to be remembered that the cumulative vote is not an essential feature in the election of *ad hoc* authorities, and in the following discussion it, having already been criticised, will not be further considered. The main argument for *ad hoc* authorities is that there are certain functions of local government which are of so important and special a character that they demand specially qualified administrators and require direct control by the electors. It will at once be conceded that the adequate provision of efficient education is a most important function and, even, that it, compared with other functions, to a certain extent demands somewhat special qualifications in the administrator. While the benefits resulting from proper sanitary or police regulations are apparent to almost every one, it needs a far-sighted man to appreciate the true value of education to the community. It is claimed for the *ad hoc* authority that it does attract specially qualified men who are keenly interested in the work, but might not be prepared to undertake such work merely as a branch of general administration, for which latter, indeed, they might not be so well fitted as others. The electors are free to select such men for the special work, whereas, if the provision of education were a function of the general local authority, the more suitable candidates to exercise that function would be neglected for men more generally, but less specially, capable.

Against this argument it is alleged that the supposed advantage of *ad hoc* authorities in attracting to themselves specially qualified men frequently does not appear, that in rural districts the parish board and the school board often contain many members common to both—this is especially the case in the Highland and Island districts where, for many reasons, the number of men able and willing to serve is frequently very small—and that in every case the required calibre of the authority could be more easily secured by the co-optation of members by the general authority. Another point worth noting is, that a general authority concerns itself mainly with matters of policy and leaves the actual executive details to its permanent officials, retaining a general supervision over the results; but an *ad hoc* body is inclined to regard itself as capable of undertaking both the determination of policy and its execution, without the aid or advice of any paid permanent organising officer, and, even if such a one be appointed, sufficient confidence is seldom reposed in him. This usually leads, in order to impose a reasonable uniformity of policy, to an increased central control with its tendency to rigidity; and another result is, that the direct relations between the teachers and the board, if any cause of dissatisfaction arise, render harsh the friction which an intermediary might have softened. Moreover, the *ad hoc* authority leads to a multiplication of elections and a reduplication of officials and buildings, and the relations between it and the other local authorities are not so harmonious as they would be were both committees of the same general authority. It is even doubtful whether the more direct control, which an *ad hoc* authority might be thought to give to the electors, really exists, since the tendency is for attention to be devoted to the proceedings of the general authority while the special *ad hoc* body is left to conduct its work in a somewhat obscure manner.

The Secondary Education Committee is a local authority established, not by any Act of Parliament, but by a minute of the Scotch Education Department, for the purpose of assisting the Department in the distribution of the parliamentary grants available for promoting secondary education. These committees were first set up in 1893, when one was established in each county and one in each of the six largest towns. Since 1911 the Fife and Kinross committees have become a joint committee, so that at present there are thirty-eight committees in existence. The Department has a very strong power of control; it fixes by its minutes the

Atkinson :
Local Govern-
ment in Scot-
land, p. 128.

THE
SECONDARY
EDUCATION
COMMITTEE.

61 & 62 Vic.
c. 56.

constitution and mode of appointment of each committee; one of its officers is nominated as assessor to attend, but not to vote at, the committee meetings; and the schemes of the committee are subject to the Department's approval. The money available (see p. 369) is allocated to each committee under a scheme framed by the Department so as to give greater aid to those districts in which, *per capita* of the population, the burden of expenditure on educational purposes approved by the Department is excessive as compared with the valuation of the district. This scheme has to be laid before Parliament for one month, after which, unless either House has presented an address against it, it is approved by Order in Council. The present constitution of these committees is somewhat varied, the idea being to have every interested body represented thereon. The following table indicates the constitution in the crofting counties.

County.	Members appointed by Authorities having the Management of a Secondary or Intermediate School.	Members (a) elected at a Meeting of Chairmen of School Boards of each County District, or (b) appointed by School Boards.	Nominated by the County Council.
Argyll	11	9 (a)	4
Caithness	13	10 (b)	5
Inverness	10 (c)	11 (a) (d)	5
Orkney	6	18 (b)	6
Ross and Cromarty	10	11 (a) (e)	6
Shetland	3	11 (b)	4
Sutherland	12	8 (b)	5

(c) Including one member nominated by the Town Council of Inverness.

(d) Including one member appointed by each of the following School Boards: North Uist, South Uist, Barra, Harris.

(e) Including one member appointed by each of the following School Boards: Applecross, Gairloch.

DISTRICT
BOARD OF
CONTROL.

Scotland is divided by the central lunacy authority into lunacy districts (of which there were twenty-seven in 1913), in each of which a District Lunacy Board was appointed. This local board was elected annually by the authority of the county, or counties,¹ comprising the district, and by the magistrates of royal or parliamentary burghs within such district.² The number of members, which varied from five to twenty-three, was determined by the General Board, and

¹ Now the County Councils; but originally the members of the County Prison Boards selected persons from the commissioners of supply and magistrates of burghs to form the District Lunacy Board.

² In the case of big towns in the south, the district was sometimes a single parish, and the Parish Council then became the District Lunacy Board.

was proportioned by them as nearly as possible in accordance with the valuation of each county or burgh. The duty of the District Lunacy Board was confined to the purchase of sites and the erection or acquisition, maintenance, and management of district asylums, and, with the sanction of the General Board, the fixing, collection, expenditure of, and accounting for the rates received from Parish Councils in payment of the cost of maintaining pauper lunatics. Since 1885, Parish Councils, which have the responsibility for the maintenance of pauper lunatics and the provision of the funds required, have pressed for representation on the District Lunacy Boards, which levy and expend these funds. This was granted by the Act of 1913, which provides that one-third as nearly as may be of the total number of members allotted to each district board shall be elected annually by the chairmen of the Parish Councils of parishes within the district. Moreover, if a district board contains no women, the board shall co-opt not more than two women to be members of the board, and the number of the board shall be increased accordingly. The constitution of the boards was otherwise left unchanged, but their name was altered to District Boards of Control.

3 & 4 Geo. V,
c. 38.

The Old Age Pension Committee, established in 1908, is one of the new local authorities whose constitution marks a break away from the normal. These committees are appointed by the council of every burgh of 20,000 inhabitants or over, and by the council of every county, but the members of the committee need not be members of the council by whom they are appointed, nor have the council any other power whatsoever, beyond that of appointment, over the committee. The power to make regulations as to the number, quorum, tenure of office, and proceedings generally, of an Old Age Pension Committee is vested in the Treasury in conjunction with the Local Government Board and, so far as relates to the Post Office, with the Postmaster-General. The decisions of the committee can be appealed to the central pension authority, the Local Government Board, whose decisions are final and conclusive. Committees may appoint sub-committees consisting partly or wholly of their members, and may delegate any of their powers to such sub-committee.

PENSION
COMMITTEE.

The National Health Insurance Committee is a composite body of not less than twenty-five persons appointed since 1911 for every burgh of 20,000 inhabitants or over, and for every county.¹ Three-fifths of the committee are representatives

INSURANCE
COMMITTEE.

¹ For the purposes of the Act, the counties of Kinross and Clackmannan are united, and also Elgin and Nairn.

of the insured residents appointed under the regulations made by the insurance commissioners; one-fifth, who must include two women, are selected by the county or burgh council from women or members of the local sanitary authority; two members are elected by the medical practitioners; one, two, or three members, according to the size of the committee, are medical practitioners selected by the county or burgh council; and the remainder, who must include one medical practitioner and two women, are nominated by the commissioners. The commissioners have the power to make regulations as to the appointment, quorum, tenure of office, and proceedings generally, of the committee, and, unless they consider it owing to special circumstances unnecessary, to require the committee, after consultation with the County Council, to appoint district insurance committees. The insurance committee has the power, with the consent of the commissioners, to modify or suspend any benefits on substituting equivalents under the Act, where, owing to sparseness of population, difficulty of communication, or other special circumstances, they consider it desirable so to do. Insurance committees may be required to combine by the commissioners.

TOWNSHIP
COMMON
GRAZING
COMMITTEE.

The Township Common Grazing Committee has many curious features. Any two landholders interested in a common grazing or other right may call a "public meeting" by publishing a fortnight's notice to that effect. This meeting may appoint a township common grazing committee from their own number. A new election is held triennially. Members are eligible for re-election and casual vacancies are filled by nomination. A majority forms a quorum. The only official is the clerk or constable appointed by and from the committee. If the landholders interested do not appoint a committee, the Land Court may appoint either a committee or a grazings constable, and if the committee do not carry out their main function of making regulations for the common grazings, the Land Court may make the regulations themselves. The Land Court has also the power of suspending, removing, or replacing unsatisfactory members.

MINOR LOCAL
AUTHORITIES.
J. H. Turner :
*History of
Local Taxation in Scot-
land, 1908,*
c. 4.

Three other local authorities remain for passing mention :
(1) The Heritors (or landed proprietors) assess themselves for certain ecclesiastical purposes, viz. for building and repairing churches and manses, and for glebes and churchyards. These assessments totalled £4752 for the crofting counties in 1911-12.

(2) The Fishery District Boards are elected by the

owners of fresh-water salmon fisheries, and rate such owners to defray the expense of the protection and preservation of their fisheries. In 1911-12, £14,701 was raised by assessment, by the District Fishery Boards of Scotland, of which sum nearly one-half came from the riparian owners of the Tweed, Tay, and Spey.

(3) Power to establish sea-fishery district committees, which should contain an element directly representative of the fishing industry, was given by the Sea Fisheries Regulation (Scotland) Act of 1895.

“It is a striking commentary,” says Mr. Johnstone, “on the utility of all this complex machinery, and on the familiarity of the Legislature with fishery questions and needs, that no (sea-fishery) district committees have been, or are likely to be, formed in Scotland. The reason for this is the great difference between the fisheries of the two countries¹ and the satisfactory manner in which the administration of the law is already provided for by the Fishery Board (for Scotland) staff. Another reason which may be assigned is that the expenses of these local committees would have to be met by rates incident on the areas constituting them, whereas the expenses of the Fishery Board administration are provided out of Imperial funds.”

Johnstone :
British
Fisheries,
p. 70.

THE JUDICATURE

Scotland is divided into three districts for the purpose of administering justice, and circuits for criminal cases are held as often as necessary. The judges and sheriffs are appointed by the Crown, and hold office *ad vitam aut culpam*.

The supreme civil court of justice in Scotland is the Court of Session, consisting of thirteen judges. Five of them, having co-ordinate jurisdiction, sit as Lords Ordinary of the Outer House. The remaining eight are equally divided into two divisions of the Inner House, which are chiefly courts of appeal, though they have original jurisdiction in a few cases, including actions over division of commonty and division of runrig lands. The Court of Session has jurisdiction in all civil cases cognisable in a Scottish court except where it is expressly excluded, and has also the power to compel inferior courts to exercise their jurisdiction. Appeal lies to the House of Lords.

COURT OF
SESSION.

The Sheriff Court has both civil and criminal jurisdiction. Except in cases involving questions of status, such as marriage, divorce, and legitimacy, the Sheriff Court has a jurisdiction

SHERIFF
COURT.

¹ England and Scotland.

which covers almost all civil actions. It has no exclusive jurisdiction since the Court of Session has a cumulative jurisdiction in practically all cases, but in all civil actions not exceeding £50 in value, exclusive of interest and expenses, the decision of the Sheriff Court is final,¹ nor can such actions be raised in the Court of Session. There is no appeal in cases of summary ejection of a tenant, though application for a review can be made by petitory action for suspension to the Sheriff Court.

SMALL DEBT
COURTS.

Besides the ordinary Sheriff Court, the sheriff sits in the Small Debt Court with summary jurisdiction in causes in which the value does not exceed £20, and he or his substitute sits in the Circuit Court for small debt cases held in sub-districts of the sheriffdom at various times and places. Two or more justices of the peace can sit as a small debt court to deal with causes not exceeding £5 in value. Appeal from any small debt court can be founded on the ground of corruption, malice, or oppression on the part of the court, and lies from the Sheriff Court to the Circuit or High Court of Justiciary, from the Justices Court by way of an action for reduction in the Court of Session.

CRIMINAL
COURTS.

The High Court of Justiciary is the supreme court for criminal cases in Scotland, and its decisions are final and not subject to review by any tribunal. The court consists of thirteen members, who sit singly with a jury of fifteen to try criminal cases, and in a court of two or more to review the decisions of inferior courts. These latter are the Sheriff Courts, Police Courts, and Justices of the Peace Courts, for the summary trial of police offences and petty delinquencies.² The Sheriff Court has further jurisdiction, with the assistance of a jury, in all the more serious crimes, with the exception of the four pleas of the Crown.

THE LAND
COURT.

This court was first constituted in 1886, when it was identical with the Crofters' Commission, and had jurisdiction only in crofting parishes. The three commissioners (see p. 190) were abolished in 1912 when their functions passed to the new Land Court. This new court, established by the 1911 Act, with jurisdiction throughout Scotland, consists of not more than five members, the chairman being an advocate of the Scottish Bar of not less than ten years' standing,

¹ With the sheriff's certified approval, appeal in these cases may be made to the Court of Session.

² These Courts' powers of awarding punishments have different statutory limits.

and one member being able to speak Gaelic. The members are appointed by the Crown on the recommendation of the Secretary for Scotland. Their tenure is of a curiously mixed nature, being partly the ordinary tenure of civil servants, and partly the more independent tenure of a judge. Thus the chairman has the full rank and tenure of a judge of the Court of Session, with the right to a retiring annuity, and can only be removed on an address from both Houses of Parliament. The remaining members, however, can be removed on reason stated by the Secretary for Scotland for inability or misbehaviour. The order for removal cannot come into force till it has lain thirty days before both Houses of Parliament, nor if either House passes a resolution objecting to it. Again, while the State employs the officers and officials required by an ordinary court of law, the Land Court has the power, subject to the approval of the Secretary for Scotland and the sanction of the Treasury, to appoint and employ its own officials except the principal clerk, who is appointed by the Secretary for Scotland. The salary of the chairman is £2000 a year, and each of the other members gets an annual sum not exceeding £1200. These salaries are a charge on the Consolidated Fund, so that the conduct of the Land Court cannot be impugned in the House of Commons on the Estimates. The Land Court is a body corporate with a common seal, and all courts of justice take judicial notice of its orders. The court has full power to hear and determine all matters committed to them by the Act of 1911, and their decision is final on questions of fact, but on a question of law they must on request state a case for the opinion of the Court of Session, whose decision is final and cannot be appealed to the House of Lords. Unlike an ordinary court of law, however, the Land Court must present its decrees to the sheriff in order to get them made executive: a purely formal process if the decree has been properly recorded. Three members form a quorum, but the court can delegate its powers to one member whose decrees, if appealed against, are subject to review by the chairman and at least two other members. Apart from their judicial functions, the Land Court has, curiously enough, purely administrative functions in the supervision of the township grazing committees: work which should properly belong to the Board of Agriculture.

The Sheriff-Principal is an officer appointed by Royal Warrant under the sign manual, and must be either an advocate or sheriff-substitute of five years' standing. He holds his office *ad vitam aut culpam*, but can be removed by the

THE
SHERIFFS.
7 Ed. VII,
c. 51.

Secretary for Scotland upon a report from the Lord Justice Clerk and the President of the Court of Session, such report having to lie before the Houses of Parliament for four weeks during a session. Historically, the officer is the King's representative in the shire, and he still has executive functions, though, in the main, he is a judicial officer. The office is quite different from that of the modern English sheriff; its English counterpart does not exist, the Scottish sheriff's functions being dissipated in the southern kingdom among several officers, such as the county court judge, the high sheriff and the revising barrister. There are fifteen sheriffs in Scotland who, except in the cases of those of Midlothian and Lanark, need not reside in their sheriffdoms. The sheriff-principal is mainly a judge of appeal from the sheriff-substitute, but he must hold periodical courts within his sheriffdom at times and places subject to the Secretary for Scotland's approval, and he is bound to act once a year as a judge in the first instance on the Small Debt Circuits.

The sheriff-substitute is appointed by the Crown on the recommendation of the Secretary for Scotland, and must be an advocate or law agent of not less than five years' standing. He cannot engage in any other business or private practice, must live within his sheriffdom, and holds his office *ad vitam aut culpam*. There are sheriff-substitutes for nearly every county, the Secretary for Scotland having the power to fix the number, their place of residence, and the times, places, and number of the courts to be held. The sheriff-substitute acts as a judge of first instance and in summary criminal business, while he may be called upon to undertake any duty imposed on the sheriff. In the crofting counties the sheriff-substitute gets the larger share of the work.

Besides their judicial functions, the sheriffs have many and varied executive duties as the local representative of the King, and the Central Government; the principal of which are—

- (1) The preservation of the peace of the county by supervising the police, and in case of need calling in the military.
- (2) To superintend the preparation of the register of parliamentary electors, and to receive writs and conduct the proceedings at parliamentary elections.
- (3) To attend the regular circuit of the judges within the sheriffdom.
- (4) To act as statutory arbiter or to appoint the same.

There are several quasi-judicial functions—what Mr. Dallas calls administrative functions performed by an independent authority in a judicial spirit—of great importance as exercising judicial control over the executive. The sheriff, for example, deals with appeals from the action of local authorities in matters of an administrative nature, and he considers and confirms by-laws made by local authorities or other bodies invested with that power.

He also conducts inquiries or other proceedings when he is invoked to set local government machinery in action, or to enable local authorities to obtain powers, or to have differences or conditions settled expeditiously and economically. The tendency is to confer on the sheriffs any duties or powers of the Central Government which have to be locally performed and exercised, and for which no other authority is considered suitable. It seems to have been only the fact that the work involved was too great which prevented the sheriff from taking the place now occupied by the Land Court.

The clerk to the sheriff is appointed by the Crown *ad vitam aut culpam*.

The Justices of the Peace, first instituted in Scotland in 1609, never attained the importance of the English Justices. They are nominated by the Lord Lieutenant of the county, assisted sometimes by an advisory committee, to the Lord Chancellor, who makes the appointment under the Great Seal. There are certain justices *ex officio*, such as the sheriff, and, unless a woman, the convener of the County Council, and the chairmen of the District Committee and Parish Council. A justice may resign his office or can be removed at pleasure. The justices have judicial functions in the Justices of the Peace Court, but their administrative functions were reduced by the Act of 1889. Their main administrative duties now are to grant licences and, individually, to take affidavits. There are four annual statutory meetings known as Quarter Sessions besides the periodical Petty Sessions.

JUSTICES OF
THE PEACE.

PART IV
THE FUNCTION OF THE AUTHORITIES

PART IV

THE FUNCTION OF THE AUTHORITIES

RELIEF OF THE POOR AND EMIGRATION

The Clan System—Early Scots Poor Law—The Act of 1579—The Kirk Session—Justices of the Peace—Act of 1672—Poor Relief in the Highlands: 1745–1845—Quartering in Shetland—Vicissitudes of the People—Formation of Large Sheep-walks—Public Works—The Kelp Industry—Redundancy of the Population—Cholera—The Crisis of 1837—Inaction of the State—Search for Remedies—Emigration—The Colonial Land and Emigration Department—The Poor Law Commissioners' Views on Emigration—The Act of 1845—The Board of Supervision—The Parochial Board—Increase in the Number of Assessed Parishes—Method of Assessment—The Able-bodied Poor in the Highlands—The Potato Famine—Eviction and Emigration—The Sollas Evictions—The General Situation in 1851—Attitude of the Board of Supervision—The Popular View of Relief as a Right—Sir John McNeill's Report—The Power of the Inspector—The Knoidart Case—The Check on Expenditure—The Board of Supervision's Policy—Erection of Poorhouses—A Recurrent Error exemplified—The Utility of the Highland Poorhouse—Parochial Lodging Houses—1868–1880: a Period of Comparative Ease—The Breakdown in the West—Skye—Harris and the Lews—The State comes to the Rescue—The Napier Report advocates Emigration—Lady Gordon Cathcart's Experiment—A State Experiment in Crofter Colonisation—Why it Failed—The Act of 1894—Existing Functions of the Local Government Board—Existing Functions of the Parish Council—Settlement—Medical Relief—The Medical Relief Grant—Its Diminution—The Insurance Act—Present Inadequacy of the Medical Service—The Highlands and Islands Medical Service Committee, 1912—Lunacy—The Act of 1857—State Aid and the Pauper Lunacy Grant—Progress Achieved—Functions of the General Board—Functions of the District Boards—Duties of the Parish Council with regard to Pauper Lunacy—The Prevalence of Lunacy a Serious Burden—The Mental Deficiency and Lunacy Act, 1913—Old Age and Pauperism—The Old Age Pensions Act, 1908—Pauper Disqualification—Assignment of Crofts—The Pension Authorities—The Caithness Tinkers.

IN a country whose resources are so scanty and so pre-^{THE CLAN}carious as those of the Highlands and Islands, the support of ^{SYSTEM.} the poor must always be a grievous burden on that remaining portion of the inhabitants which, while equally entitled to the designation, is yet able to support itself. The fundamental cause of the prevailing poverty is the disproportion between the population and the means of subsistence, and it

is generally accepted that this disproportion is a legacy from the Clan system, which fostered the growth of population for the sake of the fighting value of the men. This would seem to imply that, under the Clan system, each clan maintained its own poor; that, in fact, the clan was, in this aspect, a sort of mutual insurance society; and, no doubt, there was a recognition by its members of their community of interest, of their dependence on the chief, and, by him, of his responsibility for their maintenance. Yet, when it is remembered that, at that time, the methods of agriculture were wretched in the extreme, that neither the potato nor the turnip was known, and that fishing was pursued only in a desultory and ineffective manner, it is only reasonable to suppose that not even the Clan system could prevent the existence and increase of destitution, though it did, doubtless, succeed in, so to speak, spreading the risk. In ancient times when the pressure on the clan's resources became too great, it was relieved by forays by sea or land, and this custom lingered on in milder, less organised, and less obvious forms. Fletcher of Saltoun declared that at the close of the seventeenth century, the Highlanders for the most part lived upon robbery. The Highlands, indeed, formed a convenient, if cheerless, retreat for vagrants threatened by the very drastic penalties characteristic of that age. Fletcher mentions that "vagabonds will rob as much food as they can out of the low country and retire to live upon it in the mountains," and the Highlands provided "a vast and unsearchable retreat for them." "This part of the country," he says, "is an inexhaustible source of beggars, and has always broke all our measures relating to them." It is necessary to glance at these Acts, whether kept or not, because they are the genesis of the present Scots Poor Law.

*Second Dis-
course, 1698,
p. 103.*

EARLY SCOTS
POOR LAW.

The earliest laws were mainly Vagrancy Acts intended to suppress "sornars and maisterful beggars," men for whom the comparatively peaceful fifteenth century offered no congenial employment except that of beggar-bandits. These Acts begin in 1424, when the arrest and punishment of vagrants was ordered unless it was seen that they could not win their living otherwise, in which case the sheriff¹ was to give them a badge as a licence to beg. Any one found begging without the sheriff's badge was liable to branding on the cheek and banishment. This law proving ineffective, subsequent Acts increased the stringency of the punishment. By an Act of 1449, the vagrants were to be imprisoned so long as they had any goods of their own to live upon, and then to have their

¹ In the burghs, the bailies.

ears nailed to a tree and cut off. If found begging again, they were to be hanged. By Acts of 1455 and 1477 sornars were ordered to be summarily put to death as thieves. The principle of these statutes is the principle which has always been the basis of the Scottish Poor Law, namely, that no help should be given to the able-bodied, and an act of 1503, defined more precisely the folk who, being unable to win a living otherwise, were to be licensed to beg; these were, in the words of the Act, "the cruikit, blind, impotent, and waik." Moreover, the sheriff was made liable to the penalty of a merk for every beggar, other than these, found within his jurisdiction. The Act of 1535 marks the beginning of the Law of Settlement, since it decreed that no beggar should be allowed to beg in any parish except that of his birth. Each parish was to give tokens to its own beggars and to sustain them within its bounds.

The disordered state of the country during the reign of Queen Mary naturally led to a great increase in the number of vagrants, and, in any case, the alienation of Church lands at the Reformation would have necessitated some further effort by the State. The result was the Act of 1579, "for punishment of strang and idle beggars, and relief of the pure and impotent." This important Act takes the same place in Scottish Poor Law history, as Elizabeth's Act of 1601 does in English, and, like that Act, remained till well into the nineteenth century as the foundation of the Poor Law system. It ordered the apprehension of able-bodied vagrants and, on conviction by the Justice,¹ their scourging and burning through the ear. Their only chance to avoid these penalties was that some honest and responsible man should take them into his service for a year. A second conviction, which could not take place till a lapse of sixty days after the first, was followed by the death sentence. The Justices¹ were also directed to provide for the maintenance of the aged and impotent poor born in the parish or having there resided for seven years, and, if necessary, to tax and stent the whole inhabitants of the parish according to the estimation of their substance. The taxation and stent roll was to be recorded and annually revised, and overseers and collectors were to be appointed. Further provisions were that the aged and impotent folk might be required to perform suitable work, that beggars' children might be handed over by the authorities to any liege of honest estate to be kept in service till the age of twenty-four, if male, or eighteen, if female; that testimonials licensing the poor to beg their way back to their

¹ In burghs, the provost and bailies.

own parish were to be given by the authorities. Finally, the interpretation, explanation, supplement, and full execution of the Act were reserved to the Privy Council.

THE KIRK
SESSION.

This Act does not seem to have proved of any great immediate benefit, and, like most of the preceding Acts, was only partially operative. It was especially to enlarge its sphere of operation to the Highlands, where the sheriffdoms were of long and wide boundaries, that an Act of 1592 gave to the Kirk Session¹ power to nominate justices or commissioners to be responsible for the due execution of the law, and it is interesting to note that parishes might combine for this purpose. At length, in 1597, came the Act which had the effect of placing the administration of the Poor Laws directly in the hands of the Kirk Sessions. A later Act in 1600 strengthened the administration by placing upon the Presbyteries² the duty of supervision and report.

JUSTICES OF
THE PEACE.

However, the number of vagrants still continued to increase, and the Scottish King having now ascended the throne of England a new expedient was borrowed from that country. The office of Justice of Peace was introduced into Scotland in 1609 and to these Justices was entrusted, in 1617, the due and full execution of the laws against vagrants, without, however, any rescission of the powers of the Kirk Session. The same year witnessed an attempt to attack the evil at one of its sources by dealing with "beggars' bairns." The period for which such children might be kept in servitude had been extended, by the Act of 1597, to life; it was now reduced to the age of thirty and the people were exhorted to take upon them, each according to his power and faculty, the care, entertainment, and education of the poor indigent children. It would appear that the appointment of Justices of the Peace with their assistant parish constables was attended by some good results, for from 1617 there is little important legislation anent the poor until 1661 when an Act was passed which, after testifying to the successful work of the Justices, gave into their hands practically the whole management of the poor. Presumably at this time the legal responsibility rested with the Justices and the moral responsibility with the Kirk Session, for there is some reason to believe that the latter body continued to be active in its efforts to deal with the poor. Another Act of the same year ordered the heritors of each parish to provide

¹ The minister and lay elders of the parish.

² The minister and one lay elder from every parish within a certain area. These bodies were formed on the abolition of episcopacy, 1580.

and pay for a fit person to instruct poor children, vagabonds, and idle persons in textile manufacture, and, in 1663, the owners of factories were given statutory right to the forced labour of vagrants and unemployed persons. These workers were bound to serve for eleven years, but the manufacturers had to provide them with food and clothing, receiving, however, from the parish twopence a day *per capita* for the first year, and half that rate during the next three years. If the parish of birth was not ascertainable, a three-years' residence rendered a parish chargeable, and the money was to be raised by a stent one half on the heritors and one half on the tenants and occupiers. Hereafter the three years' residence as fixing the settlement of a pauper and the half-and-half method of assessment became regular features of the Scots Poor Law.

Dunlop :
*Parochial
Law*, 1830
p. 174.

It is probable that no assessment was ever collected for the benefit of the manufacturers, and, in any case, in 1672 an Act transferred the money to the correction houses which, under penalty of 500 marks quarterly, certain burghs were then ordered to erect. This part of the Act was never put into execution, but another part, with some later interpretations under statutory authority by the Privy Council, practically settled the administration of poor relief till 1845. The Kirk Session and the heritors together formed the local authority; church collections with power to supplement by a half-and-half assessment formed the poor fund, and licences for begging might be granted to the impotent. The able-bodied were not provided for, otherwise than by placing them under the liability of seizure for forced labour in factories, coal mines, salt works, or correction houses. The local authorities were not under the control of any responsible central authority, but the Acts of 1695-8 gave to the Privy Council power to put the poor laws into execution, "and particularly to cause the persons therein entrusted to do and perform their parts according as they are thereby enjoined." On the abolition of the Privy Council, this power passed to the Court of Session.

THE ACT OF
1672.

The system outlined in the last paragraph was the legal system of poor relief, framed more especially with a view to the necessities of the towns and lowlands. One may contrast with it what might be called the natural system, by which the impotent poor were maintained by their relations, friends, and neighbours. This natural system would be most in evidence in the Highlands and Islands where the tradition of clanship and the segregation of the inhabitants

POOR RELIEF
IN THE HIGH-
LANDS, 1745-
1845.

in small communities made the mutual dependence of the people customary and less open to abuse. The system of poor relief which, from the break-up of the clan till the Poor Law Act of 1845, was actually in operation in the Highlands was a combination of the legal and natural systems. The impotent poor continued to be supported by their neighbours, but the Kirk Session came more and more into prominence as a supervisory and directing authority. The heritors took little or no share in the ordinary management. The Kirk Sessions, indeed, cannot be said to have undertaken the maintenance of the poor; their funds, obtained from the Church collections,¹ were hopelessly inadequate for that purpose, and in accordance with the general public opinion a legal assessment was never levied. The following table shows the gross funds at the disposal of the parishes² comprised in each of the Highland Synods in 1819, and it can easily be seen that, even supposing the whole of the funds were expended in the year, the relief to the paupers must have been quite illusory.

Poor Law Report, 1844, p. iv.

Select Committee on Emigration, 1841, Minutes of Evidence, q. 399. Poor Law Report, 1844, p. v

Supplementary Report of the Committee of the General Assembly on the Management of the Poor in Scotland, 1820.

Synod.	No. of Paupers.	Gross Funds.			Amount of Gross Funds per Pauper.		
		£	s.	d.	£	s.	d.
Argyle	1,471	1,542	13	0½	1	0	11
Glenelg	1,312	457	16	6½	6	11	
Orkney	966	514	3	3¾	10	7	
Ross	1,464	765	4	8	10	5	
Sutherland and Caithness	1,464	512	15	5	7	0	
Total of Highland Synods	6,677	3,792	12	11½	11	4	
Total of Rest of Scotland	37,522	110,403	4	9½	2	18	8

Taking some of the individual parishes: Barvas had 80 paupers and £19, the highest rate paid to any pauper *per annum* was 4s., the lowest 3s.; Stornoway had 135 paupers and £38, the highest and lowest rates being 6s. and 2s.; a donation of £25 from one family was all the money that was available to support the 120 paupers of South Uist. As the Report of 1844 says: "In the Northern and Western Highlands generally the relief given from the poor funds is so small that it can scarcely be taken into account, and is not represented as a material assistance, far less as a sufficient provision for the maintenance of the poor. In the county

Poor Law Report, 1844, p. xi.

¹ The Church collections were supplemented by such small sums as might accrue to the Kirk Sessions from fees and fines, aided in a few instances by occasional donations from heritors or casual visitors.

² Returns were not received from twenty parishes in Scotland.

of Sutherland we were told that it was considered as an acknowledgment of poverty, that is, a sort of recognition of the claim of the party receiving it to obtain charitable aid in whatever other way he can from the benevolent individuals in the neighbourhood. We accordingly find that in these districts the annual allowances are sometimes as low as 2s. and seldom exceed 10s., even in cases of special necessity." One may conclude that, had there been no Poor Law at all, the result, as far as the Highlands were concerned, would not have been materially different. There were no poorhouses, no legal assessment, no expenses of litigation; the few shillings given by the Kirk Sessions were useful as a testimony to the proper claims of the recipient who, when he had exhausted the small crops of potatoes which, by the kindness of some neighbour, he had been permitted to raise, was forced to cast himself on the charity of neighbours of whom many were nearly as poor as himself, but few, if any, were inclined to refuse whatever aid they might be in a position to afford.¹

Poor Law Report, 1844, p. xv.

Throughout the Highlands this was the general method, but there were some minor local differences. In Sutherland, the Duke had built cottages for paupers in several of the parishes and the occupants, living rent free, only required to beg for food. The most interesting variation, however, was found in the Shetlands, where provision for the paupers was made in a less haphazard way than usual and with some approach to organisation. Any person recognised as a fit object for poor relief was, in these islands, assigned to a particular district of a parish, and it was considered obligatory on the inhabitants of that district in rotation to provide him with board and lodging for a certain number of nights in proportion to their means. Sometimes the pauper had a house of his own and merely went round collecting food, but otherwise he had a blanket which he carried with him along with his bed as he moved from house to house. This practice of quartering was considered a grievance by the better class of householders.

QUARTERING IN SHETLAND. *Poor Law Report, 1844, p. x.*

Ibid., p. xii.

Apart from these special variations, the general system of poor relief in the Highlands and Islands was as described above, and this, though certainly economical, depended for

VICISSITUDES OF THE PEOPLE.

¹ "The readiness with which private charity was given by persons who had little to spare was very striking and touching. There are few of the working classes in these districts who are not ready to share what they have with a neighbour in distress, and the demands upon them had become frequent."—Sir John McNeill's *Report, 1851, p. vii.*

its satisfactory working on the attainment by the bulk of the population of a reasonable standard of prosperity. If the mass of the people were living near the margin of destitution, the system broke down. Indeed, the fundamental weakness of the system was the lack of any reserved resources or of any emergency fund from which difficulties, when they became temporarily acute, might be met. In the remoter districts, the lack of means of communication aggravated misfortune. The people were not able to bring victuals to their families and, if the harvest failed, they had often to resort to the desperate practice of bleeding their cattle and mixing the blood with their scanty supply of meal. Moreover, they, being unable to bring in seed from other districts, were obliged to sow the damaged seed, with the result that next year gave another bad crop and the evil was perpetuated. Similar difficulties were experienced in bringing in hay for the relief of the cattle, which, in severe winters, often died in large numbers for want of provender.¹ Indeed, the cattle were habitually starved every winter from February to April, and, in the Hebrides, were forced to feed on seaweed, a diet which brought on disease. The general result was that the population was always liable to recurrent periods of famine and destitution, and their condition tended to grow steadily worse. The remarks of such travellers as visited the Highlands in the latter half of the eighteenth century bear striking testimony to the general poverty of the inhabitants. On the other hand, there were circumstances which for a time staved off in certain districts the utter destitution of the people. The potato was introduced by Clanronald in South Uist in 1743, in Barra in 1752. It is curious to note that the people at first refused even to plant the potato

Select Committee on Emigration, 1841, Minutes of Evidence, q. 3269.

Walker : *Economical History of the Hebrides, 1812, I, 382; II, 64.*

Ibid., I, 250.

¹ "It is by the loss of cattle that the Highland farmers are generally either hurt or ruined in their circumstances and the revenue of the proprietors impaired. This is a calamity in some degree unavoidable, and must frequently happen, in the present state of the country. The cattle having no provender but what they can find in the fields, are, before spring, reduced to an impoverished state. They can subsist, for the most part, till about Candlemas upon the decayed herbage of the former summer, but from thence, till the return of the grass, they are always, even in the best seasons, in great necessity. If the winter is severe, and the spring backward and inclement, a third, a half, and sometimes even a larger proportion of the cattle upon a farm perishes for want of food."—Walker : *Economical History of the Hebrides, 1812, Vol. II, p. 42.*

"The number of black cattle kept by the natives exceeds the provender provided for them so far that, in a bad winter and spring, the greatest part are swept off by famine."—*Third Report of the State of the British Fisheries, 1785, p. 154.*

and were, indeed, committed to prison for their refusal, an incident which throws a strong light on the administration of justice before the abolition of hereditary jurisdiction in 1745. Even after they had been induced to plant the potatoes, they for a short time refused to eat them, but it was not long before the potato became the principal food of the inhabitants, as the Old Statistical Account abundantly testifies. The holders of hereditary jurisdiction were compensated for the loss of office by the payment of £152,000, and this gave to those Highland lords who received a part of this sum an unusual supply of ready money, available for the improvement of their estates. Again, the Forfeited Estates were annexed to the Crown in 1752 and their management, entrusted to commissioners, was beneficial both to the tenants, who were generously treated, and to the Highlands generally, since the income from the estates was expended in public works. Finally, the wars were responsible for a great boom in the black-cattle trade. The Highlands were the chief rearing ground for these cattle and, as early as 1723, 30,000 head had been sold at Crieff Fair for as many guineas. It was from the yearly sale of a few animals that the Highland tenant paid his rent; there was little else on the farm that could bring in money. When, therefore, the wars drove up the price of cattle, a period of comparative prosperity ensued. In thirty years the price doubled, and in 1766-69 the highest prices ever known were being obtained. Unfortunately, these conditions did not last; the price of cattle fell; there were losses of animals owing to overstocking and bad seasons, and the rents, which had been considerably raised, were not reduced to help the tenants tide over their difficulties. A great wave of emigration swept the country, and in the twelve years preceding the American War of Independence some 20,000 Highlanders, including many of the larger tacksmen, left their homes for the New World.¹

Grey Graham : *Social Life in Scotland in the Eighteenth Century*, Vol. I, p. 205.

Walker : *Economical History of the Hebrides*, II. P. 46.

But another development was now taking place in the Highlands. It was discovered that sheep imported from the south could withstand the rigour of a Highland winter without being housed at night. The sheep farmers from the southern uplands began to offer higher rents than had previously been obtained from farms under black cattle, and from 1762 the formation of large sheep-walks proceeded apace. The land rose to six or seven times its former value;

FORMATION OF LARGE SHEEP-WALKS.

¹ From 1760-83, 30,000 Highlanders are said to have emigrated.—Knox : *View of the British Empire*, 1785, p. 129.

Grey Graham : *Social Life in Scotland in the Eighteenth Century*, I, p. 257.

Ibid., I, p. 226.

PUBLIC WORKS.

Barron : *The Highlands of Scotland in the Nineteenth Century*, I, p. xxiii.

Ibid. I, p. xx.

rents were tripled or even quadrupled. "Small tenants," says Mr. Graham, "were being turned out to give place to larger farms, crofts were being absorbed in big holdings, patches of land which had given livelihood of a poor sort to hundreds were broken up in the north and turned into sheep runs; many families were in this way cast adrift; small tenants were often reduced to be ploughmen or shepherds; and ploughmen were sometimes forced to seek employment in towns at the new factories springing up, for which they had little skill." There was a famine attended by meal riots in 1772;¹ in 1782 the harvest, both of the sea and the croft, failed and hundreds were starved to death and cattle died in crowds. In 1792 serious riots occurred in Ross and Sutherland, where the people attempted to drive off the sheep.

Relief to this appalling state of affairs came in two ways : by the extension of public works and by the rise of the kelp industry. The conclusion of peace with the United States and the clearances for sheep in the Highlands had the joint effect of causing the tide of emigration to rise alarmingly.² It was in order to check this serious outflow that the State began a series of public works which were not only beneficial in themselves but provided work in a district where there had hitherto been little or no market for hired labour. The Crinan Canal was constructed during the last few years of the eighteenth century at a cost of over £100,000; the Caledonian Canal from 1803 till its opening in 1822 cost £885,000, probably nearly half of which went directly to the manual labourers, who were paid 1s. 6d. to 1s. 8d. a day in 1803, but as a result of the war's effect on prices, were receiving 2s. 4d. to 2s. 6d. a day in 1814. At the same time as the Caledonian Canal was being constructed, there was great activity in road-making; 875 miles of road were made at an average cost of about £400 a mile. These roads with

¹ In the following year an Act (23 Geo. III, c. 53) was passed temporarily removing the restrictions on the importation of corn in the Highlands and Islands, and giving the Commissioners of Supply power to levy upon all heritors and landowners in that area a sum of money not exceeding £14 Scots on every £100 Scots of valued rent, to be raised in the same manner as the land tax, for the relief of the inhabitants.

² "The Highland Emigration can no longer by any person be contemplated as an immaterial circumstance; far less (as some have thought it) as beneficial in the way of draining a surplus population. It is fast approaching to the point of complete depopulation of a large district of the Kingdom, a fact which the Society cannot, without betraying its duty, fail to submit to the wisdom of Government."—Minute of the Highland Society quoted in *First Report of Committee on Telford's Survey of Coasts and Central Highlands*, 1803, App. p. 9. Over 3000 persons emigrated from the Highlands north of Glenmore in 1802.

the necessary bridges cost over £540,000, of which sum the State contributed £267,000, the county authorities £214,000 and the individual proprietors £60,000.

The manufacture of alkali by the incineration of kelp, or seaweed, is an industry which is said to have existed in Scotland as early as the seventeenth century. It was not, however, introduced into the Western Highlands till about 1755, when McDonald of Boisdale, in Uist, brought over some Irish to instruct the natives. He reaped large profits, and his example was soon followed by other seaboard proprietors. By 1785 many thousands of tons were being annually manufactured; two years later a duty of £5 5s. a ton on barilla drove up the price of kelp; wars, interrupting the barilla import, accelerated the rise, and the kelp trade at the beginning of the nineteenth century was proving remarkably remunerative. The average cost of making the kelp was £2 5s. a ton, freight and charges amounted to £1 5s., while the selling price was at one time as high as £22. Over 50,000 persons were employed in this manufacture; thirty to forty vessels laden with kelp from the Western Coast annually entered the port of London; Alexander Macdonald, one of the chief kelp agents, paid in less than ten years (1807–17) nearly £240,000 to the different proprietors; the revenue derived from the kelp came in some instances to double the land rent of the estate. The fall in price began about 1814, when the Spanish trade was reviving after the Peninsular War. In 1817 the reduction of the duty on salt gave a serious blow to the industry,¹ which was practically killed by Vansittart when in 1822 he reduced the import duty on barilla from £11² to £8. Protests from the Highlands were of no avail; the duty was again lowered, to £5, next year. The industry was moribund, and the subsequent total repeal of the duty by Peel in 1845 was, therefore, of little moment to the Western Highlands.³

Now, one of the results of the prosperity brought by the kelp industry and the expenditure on public works was that

THE KELP INDUSTRY.
Select Committee on Emigration, 1841, Minutes of Evidence, qq. 793–5.
Third Report on the State of British Fisheries, 1785, p. 81.

Select Committee on Emigration, 1841, Minutes of Evidence, q. 2080.
Ibid., q. 560.
Inverness Courier, Feb. 21, 1812.

Select Committee on Emigration, 1841, Minutes of Evidence, q. 2053.
Inverness Courier, Aug. 5, 1814.

REDUNDANCY OF THE POPULATION.

¹ “ Ever since the duty has been taken off salt, there is an alkali made from it at a very small expense which answers all the purposes for which kelp was formerly used, and has rendered kelp of so little value that it will not pay the expense of making it. This has thrown thousands of the poorer classes totally out of employment.”—*Select Committee on Emigration, 1841, Minutes of Evidence, q. 951.*

² Fixed in 1819.

³ “ Since 1880 there has been a revival of the kelp industry in connection with the production of iodine, and a very marked improvement in the working of seaweed is anticipated.”—Professor W. R. Scott: *Report on Home Industries in the Highlands and Islands, 1914, c. 7.*

the population of the crofting counties increased so rapidly as considerably to exceed, in the west, that for which the country could afford the means of subsistence or furnish adequate employment. Everything, in fact, was working towards a general breakdown of the system of poor relief. The collapse of the kelp industry (1817-23), the cessation of public works (1822), the withdrawal of the herring fishing bounties (1820-30), were among the chief causes of a widespread lack of employment. It must be remembered that for the able-bodied unemployed no relief was legally obtainable, except what might be available from that half of the church collections which was not appropriated to the common poor fund for paupers on the regular roll.¹ The redundant population, reduced in years of scarcity to the verge of starvation, was a burden to the proprietors who had often to supply food for the preservation of the people. Attempts were made to shift this burden by removing the people from the hills to the shore. It had been hoped that the cattle-raising folk from the hills would find it easier to obtain a subsistence on the coast by devoting themselves to the fishing industry, but these people had not the inclination, the means, nor the aptitude for a sea-faring life. The notorious Sutherland Clearances took place during the years 1807-20 and the general result was that, in the words of one of the parish ministers, "the sea coast, where the shore is accessible, is thickly studded with wretched cottages, crowded with starving inhabitants." Year after year the crofting population sank deeper and deeper into hopeless poverty. In 1831 we hear that "a more deep and universal distress prevails on the Western Coast than was ever before remembered. In fact the whole of the peasantry, with the exception of those who have got cattle and can subsist on milk, are in a state of the most lamentable want and destitution. Their best food consists of shell-fish and a kind of broth made of seaweed, nettles, and other wild plants, into which is infused a small sprinkling of oatmeal. The immediate cause of the present famine is the circumstance of the poor people having,

Mackenzie :
*Highland
Clearances*,
p. 75.

Ibid., p. 42.

*Inverness
Courier*, July
6, 1831.

¹ "The indigent poor, or, as the common term is, the impotent poor, have a legal right to be maintained, others who from unfortunate circumstances come to be in distress have no legal right; they may have a claim but they have no legal right. . . . The general tenour of the Scotch statutes applies solely to those who are permanently disabled, and although in many parishes it has been the practice to afford relief to persons labouring under temporary sickness, there seems to be no authority for considering this to be imperative on them."—*Select Committee on Emigration*, 1841, *Minutes of Evidence*, qq. 363-4. See also Dunlop: *Parochial Law*, 1830, p. 185.

from necessity, sold their potatoes to the natives of the mainland in Gairloch, Kintail, and Lochalsh; and thus deprived of their main support, and having exhausted their little store of money, they are left literally destitute.”

In 1832 a fresh misfortune befell the country. Cholera CHOLERA. spread from the south to ravage the Highlands. At this time there was no regular service of medical relief for the poor, but the people roused themselves to combat the scourge. The Commissioners of Supply appointed local Boards of Health and preventive measures on a considerable scale were undertaken. Nevertheless, the disease entered the Highlands, being brought by fishermen from the south to the Sutherland fishing towns. On an August evening the north mail drove into Inverness with the guard dying, and within five days there were seventeen deaths in the town. Within a month there were 409 cases, of which 136 terminated fatally.¹ In the villages of Easter Ross the disease spread with frightful rapidity. Tain seems to have been the centre, and of the hundred inhabitants of Inver, a village in the vicinity, scarcely one escaped infection and only half the inhabitants survived. The plague, which, as far as the Highlands were concerned, seems to have been confined to the north-east, was practically over by November.

*Inverness
Courier, Sept.
26, 1832.*

For the Western Highlands the crisis came in 1837. The THE CRISIS
OF 1837. harvest of 1835 had been bad, that of 1836 still worse. In 1837 half the population of Skye was destitute, and we read of them that “the unfavourable weather destroyed their peats, and they have neither money nor opportunities to purchase coals or wood. In this extremity the poor people have lately in some places been driven to consume their turf huts and cottages for fire. They meet and draw lots whose house is to be taken down for fuel, and afterwards in the same manner determine which of their number is to maintain the poor family deprived of their home. Almost shut up by the stormy elements, crowding round their miserable fire thus scantily and painfully supplied—and with only, at long intervals, a handful of oatmeal or potatoes—we know not that the history of the British people ever presented such pictures of severe unmitigated want and misery as are exemplified at this moment in the case of the poor Highlanders.” Destitution had, indeed, increased to an alarming extent, the poor relief finally and completely broke down, and subscriptions were gathered in Glasgow, Edinburgh, and London to bring immediate relief in oatmeal and potatoes to the people. Some £70,000 were collected at that time

*Inverness
Courier,
March 1, 1837.*

¹ By the end of October these numbers were 553 and 175 respectively.

and distributed in the shape of food and clothing. In the opinion of the Select Committee on Emigration, 1841, famine and destitution were so extensive that many thousands would have died of starvation had it not been for this assistance.

INACTION OF
THE STATE.

It is of interest to note that though the State was largely responsible for the condition of affairs in the Highlands and Islands, it had done little or nothing to rescue the people from the hopeless position into which they had been allowed to drift. The Government had abolished the fishery bounties, it had killed the kelp industry, its soldiers had helped to clear the people from their hill farms. On the other hand, it had not exerted itself for the benefit of the people, except by promoting certain public works, and it had no power of control over the administration of the local poor law authorities. The latter, adhering steadfastly to their abhorrence of a legal assessment, had proved incapable of averting the crisis, and it was only by the action of private benevolent agencies from outside that the people were saved. It was apparent, however, that such private help could not be regarded as a permanent provision against the recurrence of general destitution. Sir Robert Inglis brought the claims of the Highlands before Parliament in 1840; Henry Baillie, the member for Inverness-shire, urged them in 1841; but neither Lord John Russell nor the Opposition Leader, Sir Robert Peel, was willing to support financial assistance, and the only concession obtained was the appointment of a Select Committee to inquire into the condition of the population of the Islands and Highlands and into the practicability of affording the people relief by means of emigration.

THE SEARCH
FOR REME-
DIES.

Few people seem, at this time, to have advocated the imposition of a legal assessment. It is true that many of the proprietors were embarrassed, rents were in arrear, and many estates were sold. Yet the estates sold fetched prices incomparably higher than those of a few decades back. Some examples are given here—

	Year.	Rents. Amount.	Year.	Amount.	
<i>Inverness Courier, June 21, 1837.</i>	Argyllshire	1760	under £20,000	1837	£192,000
	Chisholm Estate . . .	1783	700	1837	over 5,000
	Glengarry Estate . . .	1787	800	1837	over 7,000
	Orkney Islands	1791	19,000	1837	70,000
	Year.	Sales. Amount.	Year.	Amount.	
	Castlehill Estate . . .	1799	8,000	1804	£80,000
	Glencg Estate	1798	30,000	1824	82,000
	Redcastle Estate . . .	1790	25,000	1824	135,000

A legal assessment regularly imposed on the heritors would have gone far to place the poor relief on a satisfactory financial basis and would have been infinitely preferable to the then existing system whereby those heritors—and many were absentees—who so desired gave occasional donations or voluntarily assessed themselves. No doubt the emigration of the surplus population would still have been necessary, but it seems strange that the local poor relief authorities, even though they included the heritors themselves, should not have attempted to exercise their right to levy a legal assessment. Presumably the opposition and power of the heritors was too strong for the Kirk Sessions.

Emigration was the prescribed remedy and a third great wave, beginning about 1820, swept the country, but did little, if anything, to better the conditions of those who remained. It was the young and the strong who left the country, the aged and infirm who stayed behind. The 459 persons who emigrated from the island of Skye in 1837 left behind them 254 near relatives, of whom 103 were parents or aged sisters. To Australia only the young and able-bodied were conveyed free, “the consequence was that poor helpless females—grandmothers, sisters, etc.—were thrown upon the parish funds, and the emigration, instead of lessening, increased the misery of many districts in the Highlands.” Little wonder that the Inverness Town Council petitioned Parliament for an extensive and properly organised system! The Select Committee on Emigration, mentioned above, reported in 1841 that “an excess of population existed beyond that for which the country could afford the means of subsistence or furnish adequate employment along that part of the Western Coast which includes portions of the counties of Argyll, Inverness, and Ross, as well as amongst the islands, and this excess of population, who are for the most part for a period of every year in a state of great destitution, was variously estimated at from 45,000 to 80,000 souls.” The committee were of opinion that “the origin of this excess must be traced back as far as prior to the year 1745; and it originated in the feudal system which existed at that time, when the proprietors were accustomed to value their estates according to the amount of their population, and the number of men whom they could bring into the field; this led to the minute subdivision of lands and to the Croft System, which was maintained up to a late period in those districts by the full employment which the people received from the manufacture of kelp, as well as by an

EMIGRATION.

*Inverness
Courier*, Sept.
5, 1838.*Id.*, Feb. 24,
1841.*Op. cit.*, § 1.*Ibid.*, § 3.

occasionally abundant herring fishery, which the coast at one time afforded, and for the encouragement of which considerable bounties were awarded by Parliament. Most of these resources have now failed them." The committee also noted the effect of the Government's practice of raising large bodies of Volunteers and Fencibles in the Highlands, of the clearances, of lack of education, and of the want of roads. They believed that "the country is not only liable to a return of such a visitation as that which occurred in the years 1836 and 1837, but that, in the nature of things, it must recur; that the population is still rapidly increasing, in spite of any check which the landlords can oppose and without any corresponding increase in the natural productiveness and resources of the country." Consequently they reported that "a well-arranged system of emigration, in order to relieve the present state of destitution and as preparatory to any measures calculated to prevent a return of similar distress, would be of primary importance," but, they added, "it seems to us impossible to carry such a system, upon so extensive a scale as would be necessary, into effect, without aid and assistance from the Government, accompanied by such regulations as Parliament may impose, to prevent a recurrence of similar evils."

Ibid., § 9.

Ibid., § 6.

THE COLONIAL LAND AND EMIGRATION DEPARTMENT.

S. C. Johnson: *A History of Emigration*, p. 26.

Little, however, was done by the State to carry out the recommendation of the committee. The Government had established in 1840 a Colonial Land and Emigration Department, whose duties had been defined by Lord John Russell as (1) the collection and diffusion of accurate statistical knowledge, (2) the sale in this country of waste land in the colonies, (3) the application of the proceeds of such sales towards the removal of emigrants, (4) the rendering of periodical accounts, both pecuniary and statistical, of their administration. The board gradually lost their functions as the Colonies became self-governing and, as after 1872 no new members were appointed, came to an end on the retirement of the last member in 1878. They were never possessed of any considerable funds, but, as far as their resources permitted, they assisted emigration.

THE POOR LAW COMMISSIONERS' VIEWS ON EMIGRATION.

Poor Law Report, 1844, p. lxiv.

The new Government (Peel) was preoccupied with Tariff Reform in 1842; in 1843 the Disruption obscured all other Scottish questions, and in 1844 the Poor Law Commissioners reported that "they did not consider it necessary to recommend any legislative measures for promoting emigration as a remedy for the peculiar evils under which the Highland districts labour. Were the resources of the Highlands

opened up, the population might be profitably employed in their own country. Emigration, even if it were practicable on an extended scale, we are convinced would form of itself a very inadequate remedy." Thus during these years the proprietors were left to deal with their difficulties as best they might, and clearances and emigration, voluntary or forced, went steadily on with all their attendant misery and friction.

The secessions from the National Church were particularly numerous in the Highlands and Islands, and for this reason alone some method of supplementing the dwindling church collections was necessary. The labours of the Commission of 1844 resulted in the passing of the Poor Law Amendment (Scotland) Act of 1845, which, in spite of its title and of the permissive character of many of its clauses, in reality introduced a new system and remains to-day the principal Act of the Scots Poor Law.

THE ACT OF
1845.
8 & 9 Vic.
c. 83.

Central administrative control was introduced by the creation of the Board of Supervision. This board consisted of nine members: the Lord Provosts of Edinburgh and Glasgow, representing the great urban centres; the Sheriffs-Depute of Perth, Renfrew, and Ross and Cromarty, representing agricultural, mining and manufacturing, and Highland areas respectively; the Solicitor General for Scotland; and three other persons appointed by Warrant under the Sign Manual. One of these last was a paid member giving regular attendance at the Office in Edinburgh, and he became in practice the chairman of the board. There was also a paid secretary, while the sheriffs received an extra £100¹ a year for their services. The board contemplated by the commissioners was more of the nature of a central bureau for information and advice than a controlling administrative authority, and, though the Legislature went beyond the commissioners' recommendations, yet the powers of the board do not, at first sight, appear to have been very considerable. They had powers to require returns from the local authorities, to examine witnesses, and to conduct inquiries, and they had the duty of submitting an annual report to the Secretary of State. They were not granted the power, which the English Commissioners under the Act of 1834 possessed, of issuing general orders of a mandatory character, and their ultimate resource was to apply by summary petition to the Court of Session.

THE BOARD
OF SUPER-
VISION.

Again, at first sight, the changes in the local authority

THE
PAROCHIAL
BOARD.

¹ Increased to £150 by the Public Health (Scotland) Act, 1867.

appear to have been slight. In each parish a parochial board was established, but where a legal assessment was not levied, the Kirk Sessions and heritors remained the authority and formed the parochial board. Should resort be had to a legal assessment, then the parochial board of a landward parish consisted of all the owners of land and heritages of the yearly value of £20 and upwards, of the provost and bailies of any royal burgh, if any, in the parish, of not more than six members of the Kirk Session, and of certain members (the number being fixed by the Board of Supervision) elected by such ratepayers as were not members of the parochial board. Thus there was no direct compulsion on any parish to levy a rate and therefore no compulsion for any change, except in name, of the local authority.

INCREASE IN
THE NUMBER
OF ASSESSED
PARISHES.

The pressure was indirect and worked in this way. Each parochial board was obliged to appoint an Inspector of Poor to whom was entrusted the direct management, under the board, of poor relief. This officer was made criminally liable for the death of any person whose application for relief had been refused. Moreover, though he was appointed by the parochial board, he could only be dismissed by the Board of Supervision. Being thus in a position of serious responsibility and yet comparatively independent of the local authority, he had every inducement to bring all reasonable cases before his board, when, of course, his sole responsibility ended. Should the board refuse relief, the applicant might appeal to the sheriff¹; should the relief offered be regarded as inadequate, appeal lay to the Board of Supervision. In both cases, appeals were very common during the early years of the Act, and, though the parochial board might fight an adverse decision and carry the case to the Court of Session, in practice they generally acquiesced and granted the relief required. Thus it became impossible for the boards to continue without a poor rate. In 1845 there were 650 unassessed parishes in Scotland; during that year 200 of these resorted to a poor rate, and the number so doing gradually increased year by year. It was, indeed, the fear of the poor rate which caused many of the Highland proprietors to proceed so hastily with the clearances.

*First Annual
Report of the
Board of
Supervision,
1846, p. xx.*

METHOD OF
ASSESSMENT.

Four methods of rating were permitted by the Act—

- (1) Where assessment was already made in accordance with a local Act or established usage, such method might be continued.

¹ There were over 1000 such appeals in the year 1846-7.

- (2) One half upon owners and one half on the occupiers.
 - * In this case and with the concurrence of the Board of Supervision, a parochial board might classify the lands and heritages and fix such a rate upon the occupiers of each class respectively as to such board might seem just and equitable.
- (3) One half upon owners and one half on the whole inhabitants according to their means and substance other than lands and heritages in the United Kingdom.
- (4) As an equal percentage upon the annual value of all lands and heritages, and upon the estimated annual income of the whole inhabitants from means and substance other than lands and heritages.

The last two methods were thought to be inquisitorial, and the majority of parishes adopted the second method, taking the annual value or rent as the criterion of a man's means. Of 451 assessed parishes in 1846, 379 adopted this method, with or without classification. Later, by the Act of 1861, the method of assessment upon means and substance was abolished, and there was only left the mode which provides for half on owners and half on occupiers according to the annual value of the lands and heritages. Classification was made compulsory for parishes abandoning the means and substance method, but the classification was not uniform and varied with the majority of any particular interest sitting on the parochial board. The Board of Supervision could veto any classification which they considered decidedly unfair, but they had no power to compel the parochial boards to classify, nor could they, if a scheme of classification were once approved, take any steps to alter that classification should it afterwards prove to be inequitable in its operation. On the other hand, parochial boards had no power to alter or vary a classification, once approved of by the Board of Supervision, without the consent of that board.

First Annual Report of the Board of Supervision, 1846, App. p. 105.

Report of Select Committee on Poor Law (Scotland), 1869-70, pp. viii, ix.

The Act made no change with regard to the persons entitled to relief. These were still the impotent; relief to the able-bodied was condemned by the commissioners,¹ and their

THE ABLE-BODIED POOR IN THE HIGHLANDS.

¹ Edward Twistleton dissented from this as from several of the commissioners' findings. Also, he was not content with the amount of authority granted to the Board of Supervision, nor satisfied that the fears of the bad moral effect of a legal assessment were well founded. Many of the reasons he brought forward to support his objections have been justified by later experience. It is interesting, and perhaps significant, to note that Twistleton was the member who had been visiting the Highlands for the collection of evidence.

legal right to demand relief was expressly denied in the Act. Now, this question of relief to the destitute unemployed was nowhere more acute than in the Highlands and Islands, and the commissioners, recognising the peculiar conditions there, were hard put to find justification for refusing to abandon the principle—always one of the leading principles of the Scots Poor Law—of no relief to those able to work. “Relief to able-bodied paupers was a premium on indolence,” they said, but, feeling that this statement hardly justified them in ignoring the difficulties in the north-west, they proceeded to explain that there was plenty of work in the Highlands, but the people were idle; what was to be the wonderful means of improvement was that the people should learn to speak and understand English, while the landowners might help by developing the resources of the land and the fisheries. Emigration was no use, and a legal assessment would simply ruin the proprietors. These opinions are so surprisingly crude that, to avoid a charge of misinterpretation, the germane paragraphs are here quoted. “Were we required to point out the cause, which has had the principal effect in retarding, in the case of the labouring classes in the Highlands, the progress of improvement, we should, without hesitation, assign as that cause, their ignorance of the common language of the United Kingdom.” This shows the influence of the preceding Report of the Select Committee on Emigration, 1841 (see p. 147). To continue: “Since, in addition to the important fact that the habits of the Highland labourer are desultory and imperfectly formed, it has further resulted from our investigations that profitable investments of labour are fairly open to him, we cannot but come to the conclusion that to provide for his wants in such circumstances by means of an assessment would in fact be taking the most effectual steps for arresting his advancement towards the acquisitions of an honest and independent industry.” “While, therefore, we should wish to see a much wider diffusion in the Highlands of the elements of sound knowledge, and also the adoption of other appropriate means by the owners of the soil, for encouraging amongst their cottars and labourers the growth of a self-dependent spirit, and the formation and diligent exercise of habits of industry and forethought, we cannot recommend, convinced as we are, that a retrograde movement would result from it, any such alteration in the existing system of Poor Laws, as would enable these parties to receive relief from funds raised by assessment . . . we are fully persuaded that no beneficial consequence could possibly result from the

*Poor Law
Report, 1844,
p. xlix.*

Ibid., p. 1.

adoption of any provisions coming, strictly speaking, within the scope of a Poor Law. . . . In reference to some parishes in the Highlands and Islands there is also another consideration which, in a practical view of the matter at least, must be allowed to have an important bearing on the question of assessments for the relief of the able-bodied poor. We allude to the insufficiency of the whole rental of certain parishes to meet the demands of an assessment which would make even a moderate provision for the relief of such parties, particularly on the occurrence of deficient harvests, or of failure in the fisheries. An assessment in this case, and for the purpose now mentioned, would, in the first instance, ruin the holders of property without conferring any sensible benefit on the persons intended to be relieved, while the further effect of it, by reducing all to the same level, would necessarily be to check the progress of improvement and to postpone indefinitely the commencement of that better order of things which the advancement of intelligence and industry, if not thus arrested, may be expected generally to introduce." The commissioners, in fact, do not seem to have understood the economic situation in the Highlands and Islands. They attempted to deal with that area in the same way as they dealt with the rest of Scotland, and, indeed, their energies were devoted to, and, it is permissible to say, exhausted by, the problem of Poor Relief in the Lowlands, the seat of three-quarters of the Scottish population. It may here be noted that the same remarks are true of the Poor Law Commission of 1909. That commission also recognised the existence of distress in the Highlands, but refused to deal with it on the ground that the problem there was exceptional and that other commissions had sufficiently set forth the facts. Both these very important Poor Law Commissions took full evidence from the Highlands and Islands; both, therefore, recognised that area as properly within the scope of their work; both found exceptional and considerable distress there; yet neither attempted to indicate any special remedies.¹ Either their energies were exhausted after their protracted and laborious investigations of the Poor Law as affecting the Lowlands, or they succumbed to the usual desire of making one system cover, without modification, the whole of Scotland.

*Poor Law
Report on
Scotland,
1909, p. 164.*

The Act of 1845 had barely been passed when the country was visited by a calamity which would have strained the most perfect system of poor relief. The potato crop failed. In

THE POTATO
FAMINE.

¹ The 1909 Commissioners' recommendations include two—on medical relief—peculiar to the Highlands and Islands.

1808 Dr. Robertson had asserted that half the inhabitants of Scotland lived mainly on potatoes during nine or ten months of the year, and that the proportion was greater in the Highlands; it was said of Ross-shire in 1846 that probably two-thirds of the food of the labouring classes had consisted of potatoes. The potato disease spoilt the Irish harvest of 1845, but did not appear in northern Scotland till the last month of that year. In 1846 the potato fields of the Highlands were devastated by the disease, whose effect was diminishingly felt for the four following years. Destitution was widespread,¹ starvation imminent; assessments on people in such circumstances would have been futile. Appeals were made to the Government, but again the State did little, and, as in 1837, it was largely the aid of benevolent outsiders which saved the people. The Board of Supervision, it is true, undertook to supply the wants of the legal (*i. e.* the impotent) poor, and revenue cutters were placed at the disposal of proprietors for the transport of food, but the Home Secretary wrote in September 1846 to the Member for Inverness-shire that the Government could not encourage the expectation that by any direct system of pecuniary advances they could relieve the proprietors from the obligation which rests upon them, or take upon themselves the charge of providing for the wants of the people. To the credit of the proprietors he it said that they spent large sums and involved themselves in heavy liabilities for the sake of their tenantry,² but they could not pull through the crisis by themselves and external aid was imperative. Subscriptions were gathered in all parts of the country, and, indeed, of the Empire, and the funds so obtained were administered by two Central Boards, one at Edinburgh and the other at Glasgow. The final report (December 1851) of the former board, to whose care was entrusted the greater part of the Highlands, shows that £151,532 had been received in money or kind. The administration of the funds was at first somewhat hasty and lax, but, after the appointment of a paid staff and the imposition of a labour test, it was more economical. In March 1849 a third of the population of Skye was still in receipt of relief, while during the summer of

¹ Out of a total population of 868 in Arisaig, 671 required relief, and this was not regarded as abnormal for the district.

² The Duke of Sutherland spent £78,000 during the famine years, Sir James Matheson of the Lews £40,000. The expenditure on Colonel Gordon's Long Island estates for 1846-50 exceeded the income by £5609. In Skye, Lord Macdonald and Macleod of Macleod spent practically the whole of their resources.

that year £15,000—£10,000 from the proprietors—had been expended on relief works, chiefly road construction, in Wester Ross. It was not till 1851 that the destitution boards were dissolved, though even then the situation was very far from satisfactory. The Glasgow section lamented that they had not succeeded in effecting any improvement in the condition of the people, which was in many cases worse than when the destitution began in 1846. The Edinburgh section seems equally to have failed in bringing about any material permanent improvement in the Highlands, though some success attended their efforts to establish the knitting of hosiery as a home industry in the Islands and the West. “The result of this splendid fund has altogether been so unpopular and so unproductive generally, proportioned to its amount, that we are convinced no such subscription will ever again be raised for the Highlands.” Such was the harsh criticism of the editor of the *Inverness Courier*, but, on the other hand, it must be remembered that not a single death from starvation had occurred during the five famine years. The destitution boards had saved the people; it was beyond their power to place the inhabitants in a sound economic position.¹

*Inverness
Courier,
Jan. 1, 1852.*

While the Highland population was thus being supported during the years 1846–51 mainly by private subscriptions from outside, evictions and emigrations went on intermittently and continued after the crisis. Glencalvie was cleared in 1845, Sollas in 1849, Strathconan in 1850, Knoidart in 1853, and Greenyard in 1854; partial clearances took place in South Uist and Barra in 1851, and in Skye, 1851–53.² From 1847–50 the Duke of Sutherland, at a cost of £7000, emigrated nearly a thousand persons from the north-west of that county; as many were sent from the Lews to Canada in 1851 by Sir James Matheson, who, with his usual generosity, provided them with food, clothing, a free passage and a week’s support on arrival. Vessel after vessel was sailing with its human freight for Canada or Australia. In 1851, under the chairmanship of Mr. Fraser, the Sheriff-Substitute

EVICTED
AND EMIGRA-
TION.

¹ “All the attempts made to extricate the crofter from his difficulties have not only failed, but have failed to arrest even the deterioration of his circumstances and condition. The state of the Highland population in the distressed districts has continued to decline, in the face of an unexampled expenditure for the relief of their wants and the amelioration of their lot. Every class has felt the pressure—not only proprietors, tacksmen, tenants, crofters, tradesmen and cottars, but the clergy and professional men.”—Sir John McNeill’s *Report*, 1851.

² See Mackenzie’s *Highland Clearances*, 1883 (2nd edition, 1914), for a quite sufficiently harrowing account.

*First Report
of the High-
land Emigra-
tion Society,
1853.*

of Skye, a voluntary association known as the Highland Emigration Society was formed, which during the first year of its existence sent 2605 persons to Australia at a cost of £7200. This society raised £8000, and the proprietors of the estates, from which the people were removed, agreed to contribute one-third of the cost. The emigrants themselves gave promissory notes to the society for £7000, but it is doubtful if much of this was ever recovered. The Tasmanian Government sent a subscription of £3000.

THE SOLLAS
EVICTIONS.

It is not possible to select any one clearance as typical of all, but a short account of one may be useful as illustrating the difficulties involved and the means by which the proprietors sought to overcome them. We select for this purpose the evictions at Sollas in North Uist. The proprietor was Lord Macdonald, and in his case, at least, the idea of a wicked and grasping landowner callously and ruthlessly evicting the tenantry for his own profit may be dismissed. Lord Macdonald acted throughout in what he considered to be the interests of the people, and even the bitterest critics of the landlords admit that "it was well known that, in other respects, no more humane man ever lived than he who was nominally responsible for the cruelties in Skye and at Sollas." This point is emphasised here because what follows shows that grave difficulties existed even under an unselfish and generous landlord, and, therefore, the difficulties in the north-west generally cannot have been created, though they may in some cases have been aggravated, by the immediate action of the landlords. Sollas was a township of 110 families consisting of 603 people. The rental of the place was supposed to be £382, but in 1849 arrears to the extent of £624 had accumulated. Since the potato famine the people had been living in great misery; they had constantly received relief from the Highland Destitution Committee or the proprietor, and, at the time (May 1849) notice of eviction was served, the proprietor was supplying them with meal free of cost. It is even said that sometimes they were reduced to living for weeks solely on shell-fish picked up on the shore. Obviously such tenants were no advantage to the landlords, and the moral duty of supplying them with absolute necessities was an expense which, considering the continuous drain on his resources,¹ he could not afford; nor, indeed, did the

Mackenzie:
*Highland
Clearances,*
p. 212.

¹ Lord Macdonald incurred debts on his property to the extent of £200,000, and a year later, the estates being entailed, the creditors appointed a trustee to intercept certain portions of the rent in payment of the debt.

continuance of the population under these wretched conditions seem desirable in the interests of the people themselves. Accordingly, efforts were made to induce the people to go to Canada; the Highland Destitution Committee agreed to pay 20s. for every adult and 10s. for every person under fourteen years of age, and Lord Macdonald offered to remit the arrears, to take the crop and stock at a valuation, to supplement the assistance of the Destitution Committee by whatever additional sum was necessary to convey the people to Canada, to send some one in charge, and to help the necessitous with clothing. The people, however, were not willing to go, and, in any case, they wanted to wait till the summer markets would enable them to sell their stock to the best advantage. Negotiations dragged on; in July Lord Macdonald's agent and the sheriff-substitute visited the island to try to persuade the people to accept summonses, but the sheriff's officers were deforced, and the people adopted a threatening attitude. They now urged, and with truth, that it was too late in the season to start for Canada, for, had they gone, they would have had to face the cold winter without means, money, or opportunity to obtain work. The agent, nevertheless, persisted. In August, the sheriff with his officers and a force of thirty-three constables came from Inverness and arrested four men concerned in the recent resistance. They then proceeded to turn out ten families by unroofing the houses, whereupon the crowd began stoning the police, who were forced to charge. The sheriff had throughout acted in a very difficult duty with marked restraint, and at this point he was able, with the assistance of the parish minister, to control an ugly situation and to get the people to sign an agreement to emigrate to Canada at some time between February 1 and the end of June under the terms of assistance previously offered, or, at least, to promise to leave the Macdonald estates. The police then left with their four prisoners, who were tried at Inverness on September 13. The jury by a majority returned a verdict of guilty, but "unanimously recommended the prisoners to the utmost leniency of the Court in consideration of the cruel, though it may be legal, proceedings adopted in ejecting the whole people of Sollas from their houses and crofts without the prospect of shelter or a footing in their fatherland or even the means of expatriating them to a foreign one." As was pointed out at the time, the means of expatriating them had been offered but refused. The men each received a sentence of four months' imprisonment. The following summer passed without the promised emigration; in September

*Inverness
Courier,
Sept. 20,
1849.*

it was proposed to remove the people to Langlash and Loch Efortside on the south side of the island, where holdings of about twenty acres were to be allotted to each family. The Destitution Committee agree to give £1700; Lord Macdonald consented to the scheme, but the people now expressed a preference to go to Canada. In October, however, they were removed to the allotments—henceforward known as the Perth Settlement—on conditions arranged between the proprietor and the Perth Destitution Committee. The sheriff-substitute of the Long Island was to be the sole arbiter if any question arose. Unfortunately, the settlement did not prosper; the first season was a bad one; the committee alleged that the people were indolent; others denied this and said that the settlement was badly placed and too far from the shore.¹ In October 1852, after £2300 had been expended, the settlement was broken up. Its unsuccess and the discovery of gold in Australia made the people at last willing to go. Just before Christmas 1852 they left Uist for Campbeltown, whence, on December 25, they sailed in the frigate *Hercules* for Australia, being detained at Queenstown en route by an outbreak of small-pox. This emigration was carried through by the Emigration Commissioners, and their regulations seem to have been curiously arbitrary. Young men over eighteen years of age were not allowed to go unless married; the single young women of the settlement must go unmarried. As a result, nearly one hundred young bachelors had suddenly to secure suitable wives from elsewhere, and they did so from the neighbouring island of South Uist. Presumably such regulations originated in the commissioners' desire to redress the preponderance of males in the Australian colony.

THE
GENERAL
SITUATION IN
1851.

It has been remarked that the Destitution Committees with their privately subscribed funds did no more than save the people, and that the general state of the north-west in 1851 was not appreciably better than in 1846. The Secretary of the Royal Patriotic Society stated in January 1851 that there were then 50,000 persons in the Western Highlands and Islands very nearly destitute if not entirely so. This was probably an exaggerated estimate, but one incident will suffice to show how acute was the distress in certain districts. In February of that year, sixty-one destitute folk arrived in

¹ "Either the place is quite unsuited for the purpose, or the nature of the soil has been entirely misunderstood by the person in charge of the affair, for such a display of failure in the first instance, I should think, has never been witnessed anywhere."—*Inverness Courier*, Sept. 25, 1851.

Inverness from Barra and sat down in front of the Town House to see what the authorities would do with them. Two-thirds of the party were sent to the poorhouse, and the rest were accommodated in lodgings. After a few days they drifted eastwards, hoping to find employment in the Buchan fisheries. Later on, other parties arriving, the Inverness inspector attempted to recoup the expenses of their sustenance from the Barra parochial board, but the latter pointed out that they were not responsible for the able-bodied, and demanded that the impotent, if any, should be sent back to the island. The Board of Supervision admitted that the attitude of the Barra board was legally correct, whereupon the Inverness board declined to give the wanderers any further help, and what eventually happened was that, since the exiles refused to return home, the colony remained in the town living in great poverty and supported by the charity of sympathisers.

The situation in the north-west at the beginning of 1851 was, indeed, gloomy in the extreme. The funds of the destitution boards were exhausted and no prospect of further subscriptions remained. The potato harvest was still a failure. "The source from which a large proportion of these people have derived their food, for the last four years, being now withdrawn," writes the anxious sheriff-substitute from Lochmaddy to his chief, "and no other having taken its place, it is very obvious that there is no alternative but that they must die of want unless food is provided in some other way." This letter was written in September 1850; in the following January, the minister of Snizort, Portree, writes direct to the Home Secretary: "Death from starvation must be the inevitable result if we are denied extraneous aid, as we have no available local resources of any kind." In the next month the Home Secretary received a petition from the presbytery of Skye stating that many families were already without food or means to provide it, and that many more in a few months would be added to the number of the destitute. Several similar petitions and representations were made, and were referred by the Home Secretary to the Board of Supervision.

Now, the Board were firmly attached to the emigration policy and were annoyed that the proprietors' offers of assistance should have been "met by a sullen refusal or turbulent resistance and by clamorous complaints of injustice." They conceived the idea that, to bring home to the people the necessity for emigration, it would be useful to throw the responsibility and burden of the immediate relief of

Sir John
McNeill's
*Report to the
Board of
Supervision,*
1851, App. B.

ATTITUDE OF
THE BOARD
OF SUPER
VISION.

destitution on the local authorities and the local resources. "Although the able-bodied unemployed poor have not in Scotland a right to demand relief, parochial boards are authorised by statute to apply, at their discretion, the funds raised by assessment to the temporary relief of the occasional poor including able-bodied persons who are destitute. There is, therefore, in every parish a fund, limited only by the ability of the ratepayers, which the parochial board may apply to the relief of destitution amongst the able-bodied poor. It appears to the Board that the fund thus provided by statute is the source from which the poor of this class ought, when it is necessary, to be relieved in the first instance; and it is only after exhausting the largest amount of assessment which the proprietors and tenants or other ratepayers are able to pay, that a parish is in a condition to prefer a claim for aid from the public." This view of the parochial boards' liability was not legally correct, as subsequent decisions in the courts determined. The Board of Supervision, however, impressed with the lack of success which had attended the efforts of the destitution boards, and convinced of the futility of a continuation of extraneous financial aid, had determined, to put it bluntly, to starve the people into consenting to emigrate. "There is reason to believe that, since they have ceased to expect further assistance from the fund raised by subscription, the reluctance of the people to emigrate has greatly diminished and will probably be altogether overcome by a just appreciation of the hopelessness of their prospects in their present position." This reply from the Board to the Home Secretary determined the Government to refuse financial aid, but further representations from Skye seem to have made the Government rather dubious of the Board's policy, and the Home Secretary requested the Board to favour him with a "report on the means of rendering the resources of the Western Highlands and Islands available for the relief of the inhabitants"; whereupon, the Board decided to send Sir John McNeill, its chairman, on a special tour of inquiry.

THE POPULAR
VIEW OF
RELIEF AS A
RIGHT.

Sir John set out in February for his three-months' tour. His Report is a very valuable one, though possibly it might have been more so had he not gone with the idea of gathering evidence to support a prejudiced decision. The view taken by his Board was that emigration was the only solution, that the chief obstacle to emigration was the tenacious attachment of the people to their old homes, and that this obstacle would only be broken down by leaving the people unaided and forlorn till they too realised that to remain was simply to starve. It

should be remembered that the people were far from realising this at that time; they counted confidently on a continuation of charitable relief, not indeed as charity but as the acknowledgment of a right, the precise nature of which they did not know, but which they believed to be permanent. How this idea became prevalent, Sir John clearly explains. "Towards the close of 1845 a change in the administration of the law for the relief of the poor had made the inhabitants of the Highland districts generally aware that they possessed rights of which they had previously been ignorant, and they immediately conceived exaggerated notions of the nature and extent of these rights. These misapprehensions had not been removed when the issue of relief from the Destitution Funds commenced. The relief provided by statute for one class of destitute persons and that provided by voluntary charity for another were confounded together by the working population in remote parishes." It is not a matter for wonder that the simple Highlanders who had for four years been more or less regularly supplied with funds—often through the same agency as paid over the legal allowance to the impotent poor—should consider that the worst had not yet come to the worst, and should decline to abandon their old loved homes for the uncertainties of a strange and distasteful land.

Sir John
McNeill's
Report, p. xii.

Sir John's Report opens with an account of the social history and conditions of the people, to which allusion is made elsewhere in this book; he brings ample evidence to show that the crofters were living on holdings which were not of sufficient size to provide food enough for an average family. Though the local conditions varied slightly, yet, generally speaking, the produce of an average croft would not maintain an average family for more than six or seven months, providing seed for next year, but not providing rent or anything for which money must be paid. All other necessaries, food for half the year, rent, poor-rates, clothing, remained to be provided out of wages, but there was no market for hired labour in the north-west, consequently the men of the southern islands went annually to the harvest work in the lowlands, those of the northern to the East Coast herring fisheries. "It was evident," Sir John says, "that the ordinary employment of every description in these districts was altogether inadequate to afford the means of living to all, or nearly all, the inhabitants who depend for their subsistence, either wholly or in part, on the wages of labour." "If distress is a necessary consequence of the multiplicity of insufficient crofts in a country where there is little employment, and if the persons

SIR JOHN
MCNEILL'S
REPORT.

Op. cit., p. vii.

Ibid., p. xxx.

now occupying these are not in a condition to cultivate such as would be sufficient, then they must seek their subsistence elsewhere or the distress must continue." The people must go; but, to strengthen his case, he discusses two suggested alternatives to emigration. One was that the crofts should be increased to such a size that each should produce sufficient to support a family—ten acres and some hill pasture was the suggestion of the Gairloch Parochial Board. Sir John's answer to this was, that the people had not the necessary capital, nor, if they had, was there sufficient land available. "The truth is the crofter cannot find employment in his district sufficient to maintain him till the produce of his land becomes available, and, if he seeks employment at a distance, he cannot cultivate the extent of land necessary to relieve him from the necessity of working for wages. To make land the means of subsistence he must also be provided with capital," which was to Sir John a *reductio ad absurdum* argument. As to the land available, a croft of £10 rental was regarded as about the minimum size for the support of a family, and "were every tacksman, tenant, and crofter paying, or promising to pay, above £10 of annual rent to be removed, there is not one parish that could furnish to each of the remaining families such a croft as is now let for £10. . . . The inhabitants of the distressed districts have neither capital enough to cultivate the extent of land necessary to maintain them, if it could be provided, nor have they land enough were the capital supplied to them." Consequently he dismissed all further considerations of any attempts to find a solution in the extension of the crofts, though it is to this solution that in recent times we have returned.

Sir John
McNeill's
Report,
p. xxx.

Ibid., p. xxxi.

The second alternative to emigration was the provision of work in the district, so that the crofters could supplement the produce of their crofts by the wages of their hired labour. This, as has been noted, was the specific of the Poor Law Commissioners who, in 1844, had decried emigration.¹ Sir John shows that the money provided by the destitution committees, for which, of course, work was in most cases exacted, had been of no permanent benefit to the district, and had even been harmful. "Men of all classes and denominations concur almost unanimously in the opinion that the relief thus administered had a prejudicial effect on the character and habits of the people, that it induced them to misrepresent their circumstances with a view to participate in it, and caused them to relax their exertions for their own

Ibid., p. xiii.

¹ See p. 90.

maintenance. . . . The fact is unquestionable that a people who some years ago carefully concealed their poverty, have learned to parade and, of course, to exaggerate it." "There was reason to fear that the expectation of relief at home detained in the country many who could have found the means of living in other parts of the kingdom." The Report then details the results of experiments by various proprietors to improve their estates and to provide work for their tenants. In particular, it alludes to the great expenditure (over £101,000 in six years [1845-51]) on the Matheson estates in the Lews, concerning which Sir John remarks: "After considering what has been done in Lewis—the large expenditure continued for six successive years; the purpose to which it was applied and the amount of relief provided in 1850 by the Destitution Fund, and the present circumstances, habits, and character of the people, it is difficult to escape from the conclusion that, if the potatoes continue to fail, a considerable number must either remove from thence, or must perish for want of sufficient food." Reviewing the whole situation in the north-west he finds that after an expenditure altogether unexampled in amount, and almost exclusively directed to the relief of the wants and the improvement of the condition of the people, no sensible progress had been made, and the state of the population had continued to decline. "Where the largest sums have been expended in providing employment and effecting improvements, no such advance has been made as would justify the conclusion that any practicable amount of additional expenditure for the same purposes would place the present inhabitants in a condition to maintain themselves where they now reside. Of the various measures that have at different times been proposed, on speculative grounds, by intelligent and benevolent men, to enable the inhabitants of those districts to produce the means of subsistence, all that are not impracticable appear to have been tried, and have hitherto failed." The final paragraph of the Report states "there is good reason to hope that this season will pass away, not certainly without painful suffering, but without the loss of any life in consequence of the cessation of eleemosynary aid. But if henceforward the population is to depend on the local resources, some fearful calamity will probably occur before many years, unless a portion of the inhabitants of those parishes remove to where they can find the means of subsistence in greater abundance, and with greater certainty, than they can find them where they now are." Thus, Sir John's conclusions remained that the people must emigrate and that

Sir John
 McNeill's
 Report,
 p. vii.

Ibid., p. xxi.

Ibid., p. xxxv.

Ibid., p. xlvii.

the administration of poor relief was being satisfactorily carried on by the parochial boards. What difficulties might be anticipated would, he considered, gradually vanish with the extension of intercourse between the Highlands and the rest of the country. Emigration was, of course, no direct concern of the Board of Supervision, but Sir John pointed out the reasons which might justify State assistance, and suggested that, in default of direct Government intervention, loans on the same principle as, but at a lower rate of interest than, those under the Drainage Acts might be made available to facilitate emigration.¹ In his vindication of the poor law administration he claims that the burden of supporting the legal poor had, since the Act of 1845, been largely shifted from the working class to the wealthier classes. The amount of funds raised was not, in his opinion, inadequate to meet the ordinary requirements, and it is interesting to note, in the light of later developments, that "the sums now raised and expended for the relief of management of the poor in these parishes probably bear a larger proportion to the total amount of the local resources than in any other part of the country." The money was duly and equitably raised and honestly applied.

Sir John
McNeill's
Report,
p. xxxvi.

THE POWER
OF THE
INSPECTOR.

On the other hand, he found that the meetings of the parochial boards were not so frequent or regular as they should have been, and this—a natural result in a wide parish with few and bad roads—tended to throw a greater responsibility on the inspector.² This was unfortunate, because in these remote districts the number of persons well qualified to perform the duties of an inspector was very limited. Too often it happened that the ground officer of the proprietor became inspector of the poor, and, perhaps, he was also the sheriff's officer. In such cases abuse of power and injustice were, one might say, inevitable. The man who collected the rent was the man who could either distribute the poor relief or pull down the roof. The people were almost completely at his mercy. It is true the Legislature had provided the

¹ This was immediately done by the Emigration Advances Act, 1851 (14 & 15 Vict. c. 91). "The loans for emigration under this Act were authorised to be made out of sums provided under the Lands Improvement Acts; and it appears from a communication from the Treasury that the amount applied for and sanctioned for emigration purposes was £15,544 17s. 10d., but that of this sum there was only actually advanced £5249 11s. On Nov. 30, 1883, there was still a balance of £5343 available for emigration."—*Napier Report*, p. 104, footnote.

² "There is more left to depend on the personal judgment and efficiency of the inspector than the statute appears to have contemplated."—Sir John McNeill's *Report*, p. xli.

appeal to the sheriff, but circumstances made this of little value. Suppose, for example, a pauper in Barra was refused relief. He determines to appeal to the sheriff and must forthwith travel ten or twelve miles to the ferry, on reaching which he must wait till some humane person gives him a passage to South Uist, for it is improbable that he would have the money, equivalent to a month's aliment, to pay for the hire of a boat. Landing in South Uist, he has then a walk of at least thirty-five miles to the residence of the sheriff. To take another case: the paupers of Islay and Jura were forced to go to Greenock and tranship there for Campbeltown, where their sheriff resided, a distance by land and sea not short of 200 miles. Even supposing that the appeal was granted, the parochial board might evade the decision, as happened in the case of a man of Glenelg parish whose successful appeal resulted in the grant of sixpence a week, but at the same time the board cut down his wife's allowance from one shilling to sixpence. Yet in face of these great difficulties and the expense involved, equal in many cases to half a year's aliment, appeals to the sheriff were numerous. The appeal through the Board of Supervision against inadequate relief was almost equally difficult. The Board only considered appeals made by applicants who filled up a form of seventeen questions. To help the uneducated pauper to comply with this, the person who was bound, if required, to write down the English answers for the pauper was the inspector—the very man against whose action, in reality, the pauper was appealing. One must agree with Ellice when he says: "It is quite plain that in the vast generality of such cases, the difficulties of this tortuous channel of appeal are insurmountable." Edward Ellice was the Member of Parliament for St. Andrews, and it was largely due to his exposure of maladministration in Strath that the Board of Supervision issued in January 1854 a minute demanding that any person holding the office of inspector of poor and also ground officer, or any similar situation under a proprietor or factor, should resign one or the other office. What had happened in Strath was that a crofter had been evicted from his house in August 1854 by the ground officer acting as sheriff's officer. The evicted man, his widowed mother of ninety-seven, and his four children took shelter in a barn, but the man died of fever on November 13. The ground officer was also the inspector of poor, and was therefore liable to a criminal charge, had the man's death been caused by a refusal of relief. The Board of Supervision did inquire into the matter, but as the inquiry

H.C. Papers:
No. 30 of
1854.

H.C. Papers:
No. 163 of
1855.

was conducted by a man who could not speak Gaelic, and who employed as interpreter the inspector himself, the only result was the minute above mentioned.

THE KNOIDART CASE.

One other case may be given here as illustrative of the difficulties of the middle years of the nineteenth century. In 1853 the homes of the people at Knoidart were destroyed and many folk left the country. Several, however, refused to emigrate and took refuge in caves, gravel pits, or hovels made in the ruins of their former dwellings. They were miserably clad, having no change of raiment, and their food was limited to potatoes. Some were able-bodied, but many were disabled and, therefore, entitled to legal relief; all were more or less destitute. The local parochial board was irregularly constituted; there were no elected members and the heritors did not attend. The police authorities, anticipating trouble, brought the condition of the people to the notice of the sheriff, by whom the Lord Advocate was informed. The latter requested the sheriff to make a full inquiry, and, as a result, the inspector of the poor was arrested on a charge of neglecting his duty in not providing four paupers—one of whom had died—with the necessary means of subsistence. The inspector's defence was that he was acting under the orders of the parochial board, who gave him no discretionary powers, limiting his duties to the simple payment of the quarterly allowances given by the board. The Solicitor-General decided to drop the prosecution, because "the difficulty of proving against the inspector culpable neglect or breach of his duties under the statute is considerable in any view, and is increased by the age and infirmities of some important witnesses who could not be brought to Inverness. A conviction to some extent might perhaps be obtained, but it is more likely that the inspector would be acquitted, while the parochial board might be blamed." It was also understood that the Board of Supervision were about to make an inquiry, and this was subsequently made by the chairman, who issued a whitewashing Report.

H.C. Papers :
No. 163 of
1855.

*Ninth Annual
Report of the
Board of
Supervision,
1854, App.
A. 1.*

NO CHECK
ON EXPENDI-
TURE.

*Report of
Committee on
Poor Laws
(Scotland),
1870-1, p. v.*

So the years went on, and the administration gradually improved. Now and again, inspectors were dismissed by the Board of Supervision, sometimes recalcitrant or disheartened parochial boards were threatened with judicial proceedings to compel them to fulfil their statutory obligations; on the whole, the condition of the paupers steadily improved, their allowances were better and more certain than in the days before the 1845 Act, while the burden of their maintenance had been, by the operation of the legal

assessment, transferred in a great measure from the poorer to the richer classes. With the lapse of time, however, certain defects in the Act began to appear, the most important being the lack of any effective check on the increase of expenditure, since it contained no provisions whatever for checking or reducing any unnecessary or even extravagant expenditure of the funds by the local boards. In 1858 the General Superintendent wrote to the Secretary of the Board of Supervision with more particular reference to the northern counties: "I have never yet (when speaking privately) found any member of the board that did not allow that a great part of the parochial funds was given to undeserving objects. Favouritism, clanship, popularity, want of firmness and moral courage, are the principal causes for undue relief. Want of a test, not wishing that parties should apply to the sheriff, and kindly feelings, are other causes." The Report of the Select Committee on the Poor Laws (Scotland) 1870 states: "The constitution of the parochial boards is not such as to secure any effective check generally on the increase of expenditure. The low qualification has been known to bring persons to sit on the board who are related to paupers and who prefer casting them on the public rate rather than maintain them themselves. This tends in many cases to favour increased allowances and to foster opposition to the application of the poorhouse test. The power of increasing expenditure is in fact entirely in the parochial boards. There is no compulsory audit of the accounts of the local boards."

H.C. Papers:
No. 396 of
1858.

Op. cit., p. vii.

The Strath and Knoidart cases mentioned above would seem to show the parochial boards niggardly in granting allowances, but in reality the main tendency was rather towards lavish expenditure, and the Board of Supervision sought to check this by urging the parish authorities to provide poorhouses. Mr. Crauford's committee supported this policy: "We are of opinion that the application of a poorhouse test would be generally advantageous in the administration of the Poor Law. There may be difficulties in some parts of Scotland in enforcing a test of this kind, but we would advise that, in the case at any rate of women with illegitimate children, no relief should be allowed except in the poorhouse." It was probably of the Highlands and Islands that the committee were thinking when they spoke of some parts of Scotland presenting difficulties. In those parts the people intensely disliked the idea of giving up their small cots—however mean and miserable—and being

THE BOARD
OF SUPER-
VISION'S
POLICY.

*Report of
Committee on
Poor Laws
(Scotland),
1870-1, p. xi.*

*Report of
Committee on
Poor Laws
(Scotland),
Minutes of
Evidence,
p. 82, q. 1401.*

associated with other paupers. Sir John McNeill speaks of this feeling as existing to an extent "perfectly inconceivable." Of course, in the Highlands, the offer of the poorhouse was naturally much harsher than elsewhere, for it involved practically an exile from the pauper's home and friends. To grant out-relief was often more immediately cheaper to the parish and was much more acceptable to the recipient, but the continued pressure by the Board of Supervision led eventually to the provision of poorhouse accommodation and the application of the poorhouse test. The Act of 1845 sanctioned three ways by which poorhouse accommodation might be provided—

8 & 9 Vic.
c. 83.
sec. 60.
sec. 61.
sec. 65.

- (1) any parish of a population of 5000 or more might erect a poorhouse for itself;
- (2) contiguous parishes might combine for this purpose with the consent of the Board of Supervision;
- (3) a parish might send its paupers as boarders to any poorhouse at rates which were subject to the approval of the Board of Supervision.

Of these methods, the first was financially impossible for the Highlands and Islands; the third was easiest; the second best.

ERECTION OF
POORHOUSES.

The first poorhouse built in the Highlands was opened at Tain in 1850 for a combination of nine parishes of Easter Ross. The following table shows the number of poorhouses in the Highlands in 1870.

Combination or Parish.	Poorhouse.	Sanctioned Accommodation.
Thurso C.	Halkirk	149
Latheron C.	Dunbeath	50
Sutherland C.	Portinleck	50
Easter Ross C.	Tain	176
Black Isle C.	Fortrose	100
Skye C.	Portree	75
Inverness P.	Inverness	170
Mull C.	Tobermory	125
Lorn C.	Oban	236
Lochgilhead C.	Ardrishaig	72
Islay C.	Bowmore	48
Campbeltown P.	Campbeltown	84

The effect of the opening of these houses may be seen in the accompanying graphs, and it is clear that, while they seem to have done something to keep down the number of paupers, they did not result in any serious check to the increase of expenditure. The cost of the necessary officials was onerous

and, unfortunately, many of the poorhouses were built on too extravagant a plan, *e. g.* the three houses in Caithness and Sutherland taken together cost £16,000 to erect and had accommodation for 249 paupers, but in 1870 there were less than thirty inmates. The local authorities alleged that the Board of Supervision were responsible, because they had refused to sanction the erection of the houses on a smaller scale. To whomsoever the blame belonged, the result was that the Highlands were saddled with several large, expensive, and comparatively useless poorhouses, which from the time of their erection have remained half empty. The following table shows the amount of vacant accommodation on January 1, 1910 :—

*Report of
Committee on
Poor Laws
(Scotland),
1870-1,
p. 400.*

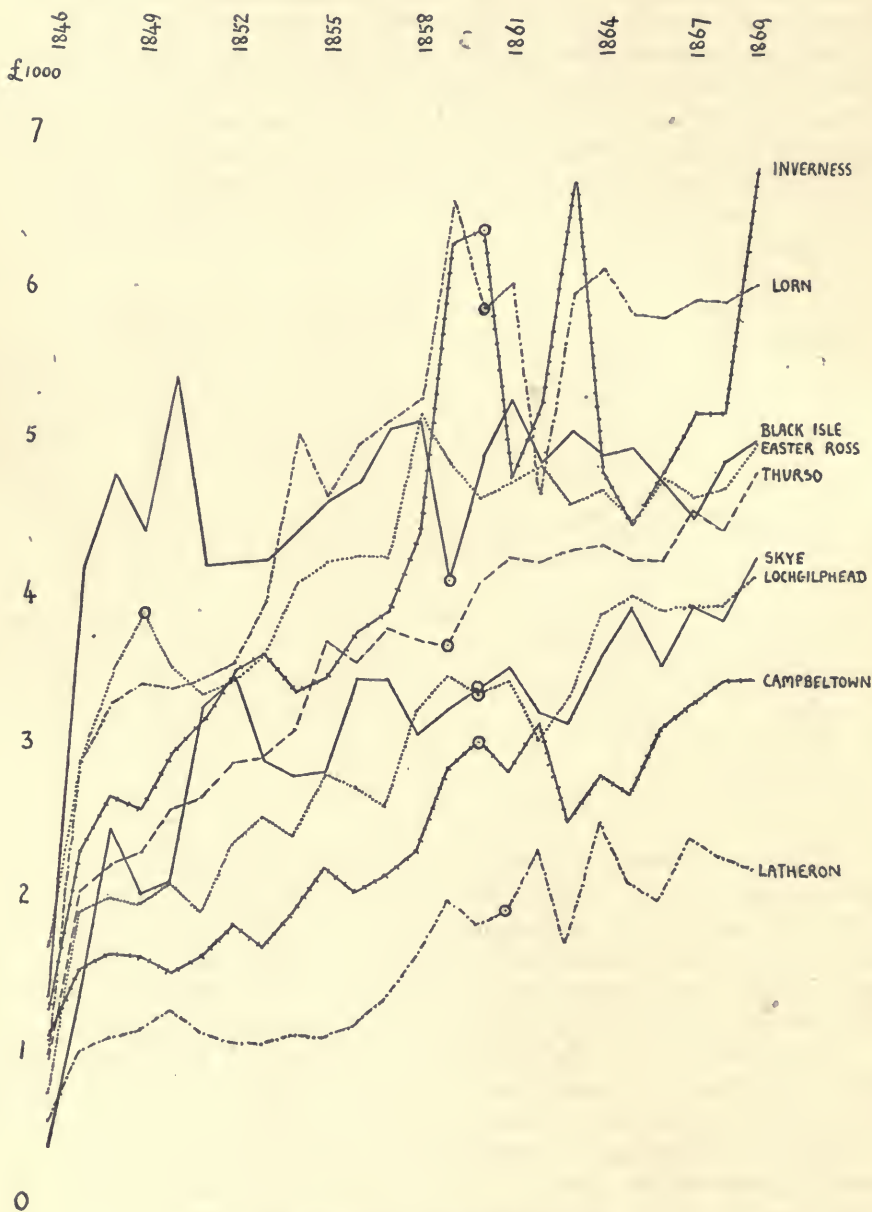
Date of Opening.	Poorhouse.	Sanctioned Accommodation.	Vacant Accommodation.	
Before 1860	Easter Ross	75	28	<i>Sixteenth Annual Re- port of the Local Govern- ment Board for Scotland, 1910, App. B. 12.</i>
	Black Isle	73	34	
	Thurso	149	133	
	Campbeltown	124	82	
	Inverness	168	74	
	Lochgilphead	72	28	
	Lorn	234	81	
1860-1870	Skye	51	38	
	Latheron and Wick .	50	33	
	Islay	48	24	
	Mull	125	100	
	Sutherland	114	87	
1883	Orkney	49	37	
1885	Long Island	9	8	
1888	Shetland	72	34	
1897	Lews	66	42	
		1479	863	

These totals give 58·3 per cent. of the accommodation as unoccupied; for the poorhouses outside the crofting counties, the sanctioned accommodation is 19,606, of which 3741 places are vacant, a percentage of only 18·8. The percentages for summer are naturally even higher, being 65·0 for the crofting counties and 29·3 for the rest of Scotland.

Now, this case of the excessive provision of poorhouse accommodation is one of the clearest examples of the main evil which this book attempts to expose: this evil is the constant application of methods of administration, very possibly suitable to the more densely populated parts of the kingdom for which they were framed, to remote and utterly dissimilar areas. The poorhouse contemplated by the Scottish Act of 1845 was a house of shelter or refuge for persons

A RECUR-
RENT ERROR
EXEMPLI-
FIED.

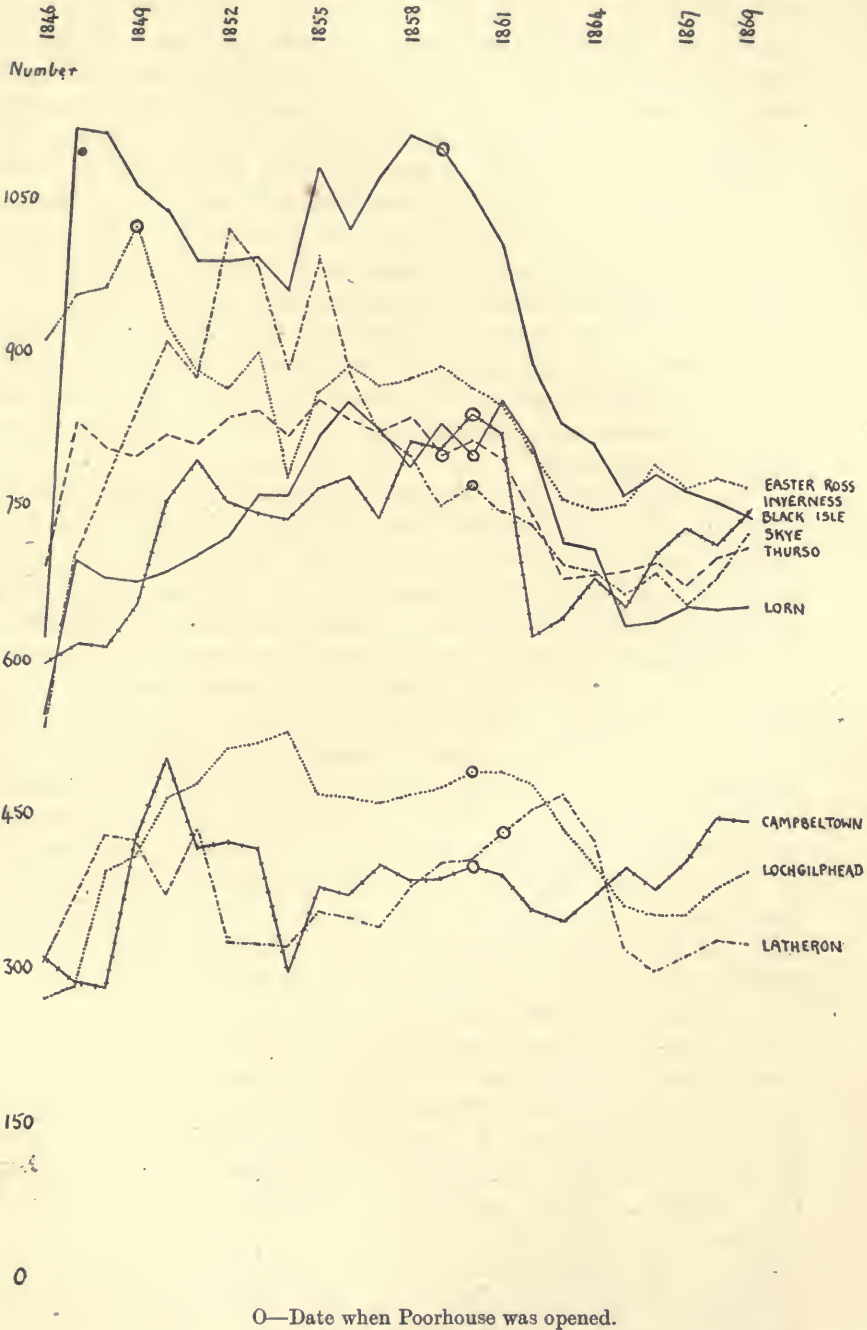
TOTAL EXPENDITURE ON POOR RELIEF
 For each year from 1846 to 1869 in those Parishes of
 the Crofting Counties which erected Poorhouses
 between 1848 and 1861



O—Date when Poorhouse was opened.

NUMBER OF POOR ON ROLL

For each year from 1846 to 1869 in those Parishes of
the Crofting Counties which erected Poorhouses
between 1848 and 1861



Poor Law Commission, 1909, Vol. VI. Macpherson, q. 53162.

“in such a condition that they could not profitably be given any help out of doors, . . . that is to say, those who are incapacitated by youth, or old age, or disease from contributing in any way to their own support.” The rules and regulations for the management of the poorhouse were, by section 64 of the Act, to be framed by the Parochial Board and were to be submitted to the Board of Supervision for approval. The latter body, however, issued in 1850 a set of model rules from which no deviation was to be allowed “unless some very cogent reasons were adduced to show the necessity.” This set of rules was not framed with any regard to the Highlands—perhaps that was too much to expect—it was not framed with any regard to Scottish traditions or feeling, nor with much regard to Scottish requirements: it was, as a matter of fact, copied almost verbatim from the rules issued a few years previously by the Poor Law Commissioners in England for the Management of English Workhouses!

Fifth Annual Report of the Board of Supervision, 1850, App. A. p. 1.

THE UTILITY OF THE HIGHLAND POORHOUSE.

Poor Law Commission, 1909, Vol. VI. Murray, q. 54176; Millar, p. 12.

Thus the Highlands became possessed of these costly buildings, to be utilised as a test of destitution and to be run on the lines of English workhouses. They were quite unsuitable, chiefly for these three reasons. In the first place, the population was so scattered that poorhouses were erected in positions so distant from some of the parishes they were supposed to serve that paupers might have to be conveyed distances of ninety miles or taken rough voyages by sea of over six hours. In the second place, the poorhouses in the Highlands and Islands were particularly costly to maintain. To give examples: for the last half of 1879 the average total weekly expenditure per head of ordinary inmates was for all Scotland 4s. 9 $\frac{3}{4}$ d., but in the Sutherland combination poorhouse it was 8s. 4d., at Lochgilphead 6s. 11 $\frac{3}{4}$ d., in Islay 6s. 4 $\frac{1}{4}$ d.; and, if we take the unweighted average of the poorhouses in the crofting counties, it was 5s. 3 $\frac{3}{4}$ d. It was not entirely the heavier cost of management and upkeep which accounted for this difference, for, taking the cost of maintenance alone (*i. e.* food, fuel, clothing, and light), the average for Scotland was 3s. 0 $\frac{1}{2}$ d., for Sutherland 4s. 11 $\frac{1}{2}$ d., for Campbeltown 4s. 1d. Coming to recent figures, the cost of maintenance does not now differ very materially as between the crofting county poorhouses and those of the rest of Scotland; 4s. 7 $\frac{1}{2}$ d. per head being roughly the average figure. The average total weekly expenditure per head of ordinary inmates is, however, still much higher in the Highlands. The unweighted average of the figures for the

poorhouses in the crofting counties was, for 1909–10, 10s. 4 $\frac{3}{4}$ d., for those in the rest of Scotland 8s. 2 $\frac{1}{2}$ d. The highest figures are reached by Skye, 13s. 6 $\frac{1}{2}$ d. (where the cost of maintenance, 6s. 8 $\frac{3}{4}$ d., is exceptionally high), Campbeltown 13s. 6 $\frac{1}{4}$ d., and Lewis 13s. 5 $\frac{1}{2}$ d. Only Shetland falls below the average of the rest of Scotland. In the third place, the people—not merely the paupers—had a strong aversion to a “workhouse.” The destitute who were to be sent there were legally the impotent, and even when the rigour of the law was softened in practice to admit of able-bodied poor receiving relief to some extent, these latter were not of that vagrant class which has been largely the cause of the development of the English workhouse. Practically there are no vagrant tramps in the Western Highlands and Islands. The three classes of applicants for whom the Board of Supervision advocated the poorhouse as a test were: (1) persons suspected of concealing or misrepresenting the extent of their means and resources; (2) persons regarding whom there was a doubt as to whether their disability rendered them incapable of maintaining themselves and their dependents without parish relief, and (3) persons of idle, immoral, or dissipated habits. As regards the first two classes they would be much smaller in number and more easily dealt with in the Highland glens than in the crowded towns; neither a potato patch nor a stirk can be easily concealed or misrepresented, and it should not have been a matter of very great difficulty for an honest parochial board to select the applicants who were justly entitled to relief. As regards the third class, the high moral standard of the Highland people has often been remarked. From these considerations it follows that the “test” class could not have been numerous.¹ On the other hand, the test, if it were imposed, was uncommonly harsh, involving what was practically an exile for the unhappy pauper. The expense of conveyance to the poorhouse, the strong feeling that the poor should not be exiled from their homes and friends, and the undoubted fact that any individual pauper could be more cheaply supported in his own parish, were the chief reasons why the parochial authorities continued to prefer granting out-relief. Even in the case of women with illegitimate children, for whom the poorhouse was considered by the central authority to be the only proper form of relief,

Poor Law Commission, 1909, Vol. VI, Mackenzie, p. 62591.

Napier Report, pp. 7, 110.

¹ “In the Highlands the ‘ins and outs’ and the ‘test’ classes are almost unknown, and the inmates of the poorhouses are chiefly aged or infirm or friendless persons.”—*Poor Law Commission, 1909: Report on Scotland*, p. 118.

the local boards resisted the strong pressure put upon them and often continued the out-relief.¹

PAROCHIAL
LODGING-
HOUSES.

*Poor Law
Commission,
1909, Vol. VI,
Maxwell,
P. 111.*

*Report on
Outer
Hebrides, Cd.
3014 of 1906,
P. xxi.*

*Poor Law
Commission,
1909, Vol. VI,
Murray,
qq. 53699
et seq.*

*Local Govern-
ment Board
for Scotland
Circular,
Oct. 30, 1895.*

Left to themselves, the Highland parochial boards would never have erected these costly and useless poorhouses²; most probably they would have succeeded in discovering some more suitable method of meeting the local needs. The offer of the poorhouse is not necessarily the only possible test of genuine destitution, and in the highly pauperised parishes of the Highlands and Islands old age is usually the sole cause of the excessive pauperism. For these old people the parochial authority were obliged to provide proper house accommodation and they endeavoured to do so in several ways which, no doubt, appeared makeshift, irregular, and unsatisfactory to the officials of the central authority accustomed to the methods of the urban districts of the Lowlands. Instead of being sent long distances to the poorhouse, the old paupers were left in their own homes, which were kept in repair by the parochial authority, who, sometimes, even paid the rent. Where this was not possible parochial lodging-houses were established, into which a few old paupers were gathered under the charge of a paid woman attendant. The plans of these houses did not require the approval of the Board of Supervision, but, on the other hand, the parochial authority could not borrow money for their erection. The central authority feared that these lodging-houses would be used for the purposes of statutory poorhouses, and they threatened, if appeal were made, to regard them as not providing adequate relief. In 1895 they expressed explicitly their disapproval of all parochial lodging-houses. Nevertheless these continued to exist. The Medical Relief Committee of 1904, however, supported the efforts of the local authorities,³ and the Poor

¹ "This practice will, I fear, never be discontinued in the more distant parishes until it is declared illegal."—*Sixth Report of the Local Government Board for Scotland, 1900, App. A. 4.*

² "The Lochmaddy Poorhouse was a gross and stupid blunder, carried out by influences ignorant of the requirements of these districts, and really in direct opposition to public opinion. It is an intolerable burden on the Long Island four parishes, costs 7*d.* per £ roughly of assessment to every ratepayer, and is absolutely of no value as a test or otherwise."—*Evidence of Clerk to the Long Island Parish Councils: Poor Law Commission, 1909, Vol. VI, p. 833.* The Board of Supervision, by an action in court, compelled these parishes to provide a poorhouse.

³ "Within certain limits and with adequate protection against abuses, parochial lodging-houses for the aged and infirm respectable poor appear to supply a means whereby the difficulty of obtaining and the expense of providing accommodation and attendance on such poor, when infirm, may be overcome."—*Report of the Medical Relief Committee, 1904, p. 81.*

Law Commissioners of 1909 remark: "It seems to us that the Parochial Lodging-House or Almshouse is an old established institution which it is difficult to uproot, and that its continued existence and its success, in spite of official discouragement, are evidence of its spontaneous growth to meet a local need." Perhaps as a result of these remarks, the central authority—now the Local Government Board—would appear to have modified their views and are not unfavourable to parochial lodging-houses under proper control; but the large empty poorhouses still stand and the expense of their upkeep continues. In 1891 the suggestion was made that, with the improvement of rail and other communications, one poorhouse, instead of three, would do for Sutherland and Caithness, and one, instead of two, for Ross and Cromarty, and that the vacant buildings might be applied to public health, lunacy, or cottage hospital purposes as might be thought best. The Medical Relief Committee of 1904 also advocated the conversion of the redundant poorhouses into hospitals or asylums, or their adaptation to some other public object. Not one, however, has been closed. The Local Government Board cannot, apparently, take the initiative and will not sanction the disuse of a poorhouse except under conditions so clumsy as to be prohibitive. Before such sanction could be obtained, all the parishes in the combination would have to agree as to the sum for which the poorhouse should be sold, how this money should be allocated amongst themselves and how applied. Only two successful efforts at utilising the vacant accommodation have been made. In 1907 the General Board of Lunacy licensed the Long Island poorhouse for the reception of twenty-eight¹ harmless lunatics in addition to the ordinary poor, and thus the parishes of this combination are saved the costly expense of sending their lunatics from the Hebrides to the asylum at Inverness, and are able to maintain them more cheaply at Lochmaddy. In 1911 a similar licence was granted to the Lewis combination poorhouse at Stornoway.²

Poor Law Commission, 1909: Report on Scotland, p. 119.

Forty-sixth Report of the Board of Supervision, 1890-1, App. A. 11.

Report of Medical Relief Committee, 1904, pp. 25, 26

Ninth Annual Report of the Local Government Board for Scotland, 1903, p. xxiii.

Thirteenth Report of the Local Government Board for Scotland, 1907, p. xxi.

Seventeenth Report of the Local Government Board for Scotland, 1911, p. ix.

We now revert to the increase of expenditure which the institution of the poorhouse test was intended to combat. The ratio of the total poor of all classes (*i. e.* sane and lunatic) in Scotland per 1000 of the estimated population rose from

1868-1880:
A PERIOD OF
COMPARATIVE
EASE.

¹ Now thirty-four.

² It appears probable that this movement will continue; at the present moment (1913) arrangements for licensing the Orkney and Shetland poorhouses are nearly completed.

Poor Law Commission, 1909, Vol. VI. App. CLIX. B. 10, and Maxwell, p. 105.

Fortieth Report of the Board of Supervision, 1884-5, App. A. 1.

Report on the Cottar Population of the Lews, 1888, p. 6.

40·6 in 1859 to 41·8 in 1868; from that year it dropped fairly steadily till it reached a minimum of 22·0 in 1900. Since then it has risen to 23·2 in 1910. The great decrease in pauperism subsequent to 1868 was claimed by Mr. Maxwell, the head of the Statistical Department of the Local Government Board, as being “probably due mainly to stricter administration.” The total expenditure per head of the estimated population rose at once on the passing of the 1845 Act—largely by the substitution of legal relief for charity—and reached 4s. 11½d. in 1869. After that date, the rise was checked and that figure was not again attained till 1902, following which date the rate has risen rapidly to 6s. 6½d. in 1910. This recent rise is attributed mainly to the development of more expensive forms of indoor relief and to the improvement in the standard of comfort in the institutions. These are the general movements of pauperism and the cost of relief for the whole of Scotland; in the Highlands and Islands the movements have been similar and influenced, to a certain extent by similar causes. From 1865 to 1880 was a period of decreasing pauperism and comparative ease. It was not due mainly to stricter administration, but to the influence of the extension of means of communication (see p. 322), the rapid development of the herring fishery (see p. 255), and the spread of education (see p. 154). Mr. Peterkin, the General Superintendent of the North Highland District, reviewing in 1885 his twenty years’ experience, stated: “Although doubtless there have been seasons of agricultural and trade depressions, a general improvement has taken place over the whole country. More business is now transacted. Competition has increased. The extension of railways has developed the resources of the country by giving greater facilities for social and business intercourse and for the carriage of goods and live-stock and carcasses to the southern markets. Steamers have multiplied. The herring and other fishings have advanced and spread, and the Valuation Rolls indicate a continued rise in the annual value of lands and heritages. The dwelling-houses of all classes have materially improved, and generally the style of living has changed for the better, and the poor have shared in the general advancement.” The expansion of the herring fishery was very beneficial to the Islands where “the Lews men engaged as hired hands, became acquainted with a scale of earnings which, to their forefathers, would have seemed almost boundless wealth; and when, as frequently happened, several members of a family were

employed, the result was comfort and abundance for the remainder of the year." Moreover, "there also occurred a gradual rise in the price of stock, so that it was not uncommon to find persons able to pay their whole rent from the proceeds of a single stirk, and to retain both crop and earnings for their own use. While, too, these circumstances tended to improve the condition of the people, the potato, by degrees throwing off the blight which threatened its extinction, became again, though slowly, an important article of diet, and a fall, on the whole continuous and progressive, in the price of oatmeal enabled the small cultivator to devote more and more of the inferior grain-crop which he raised to the winter sustenance of his stock."

Soon after 1880 difficulties began to arise in the Western Islands which led eventually to an almost complete break-down there of the poor law machinery. These difficulties are closely related to the land question, and the section on the land should be read in connection with what follows. It was in February 1882 that rumours of extreme destitution in the Western Highlands and Islands reached the Board of Supervision, who, on investigation, found that, in a considerable number of places, the circumstances of the population were worse than usual. Voluntary relief committees had been established, but allegations of widespread and alarming destitution continued. The potato crop of 1882 was generally a failure; a severe gale in October caused the loss of the grain crop; the coast-fishing on the west of the Hebrides was bad, while the average sum brought back by the men from the east coast was £3 instead of the usual £6 per head. The stock was pledged to the meal dealers and the credit of the people was exhausted. There was not, however, much pressure on the poor rates, because the effect was more prospective than present. The chairman of the relief committee and the minister of Barvas were agreed that the destitution was greater than it had been in 1846, and the Board of Supervision's investigators reported from Stornoway that "unless the funds at the disposal of the Relief Committee, now almost exhausted, are immediately and largely supplemented, much suffering must ensue, and unless a large amount of seed, particularly of sound potato seed, be provided without delay, the prospect for next year is gloomy." The Board of Supervision, reviewing the reports, claimed that "it was abundantly clear that, although in some places an exceptional amount of poverty existed (but chiefly of a temporary character), there had been scarcely

THE BREAK-DOWN IN THE WEST.

Infra, p. 177.

Thirty-eighth Report of the Board of Supervision, 1882-3, p. 7.

Ibid., App. A. 5, p. 9.

any increase in the number of applications for parochial relief, and no pressure whatever on the poor rate." The difficulties seem to have been tided over in the Outer Hebrides for a few years—many of the proprietors gave seed on credit—but in 1884 came a change in the economic organisation of the fishing industry which proved disastrous to the Islanders. Before that date, the Lewis fishermen, when they joined the east coast boats at Stornoway in May, received a fixed wage varying from £7 to £10, and, if they proceeded to the east coast at the end of June, they were also paid by a fixed wage with an addition of 6*d.* to 1*s.* per cran fished. It was not unusual for men to return from the east coast fishing with £20 or £30, while a moderate average was £12. After 1884 the curers abandoned the system of engaging boats to fish exclusively for them, the catch of fish began to be sold by daily auction, and the hired hands were paid by a share, usually one-twelfth, of the proceeds. Thus the hired hands, suffering from the fluctuations of the market, lost the guarantee of an assured maintenance for the remainder of the year. It was stated that not less than £80,000 for the seasons of 1886 and 1887 were lost to the inhabitants of the Lews by this change of system.

Report on the Cottar Population of the Lews, 1888, p. 4.

Ibid., p. 5.

SKYE.

The difficulties in Skye were of rather a different nature. In 1882 there had been riots in that island, in connection with the land question, which led to the appointment of the Napier Commission in 1883. During these years the rents had been largely withheld and this, in rather a curious way, affected the poor-rate collection, because it was customary in Skye for the rent and the rates to be paid at the same day and place. Hence large arrears of poor rate accumulated; the parishes were forced to borrow from the banks, and four of them had drawn more money from the bank than they were entitled to borrow on the faith of the assessments. By 1886 the parochial boards were so heavily in debt that the banks refused further credit, and there was serious danger that the allowances to the poor would not be paid, whereupon the Board of Supervision began proceedings in the Court of Session to compel the local boards to use the utmost powers at their command to enforce the payment of rates from the owners as well as the occupants. This action having the desired effect, the petition to the Court of Session was withdrawn.

Forty-first Report of the Board of Supervision, 1885-6, p. 7.

Forty-second Report of the Board of Supervision, 1886-7, pp. 8, 9.

HARRIS AND THE LEWS.

No sooner had the crisis in Skye been overcome than a similar collapse threatened in Harris and the Lews. In addition to the losses caused by the change in the system of

conducting the fishing industry, the people experienced the misfortune of a serious fall in the price of stock. Crofters' stirks in the Lews, which had been worth £5 or £6 in 1883 were said to be almost unsaleable in 1888 and could be bought in large numbers at 30s. In these parishes; as previously in Skye, the poor rate could not be collected, the credit of the parochial boards at their bankers had gone, and the funds for the payment of the allowances to the poor were approaching exhaustion. The parochial boards seemed to be paralysed by the difficulties with which they were surrounded and not to know what to do in the circumstances. Remonstrances from the Board of Supervision led to more vigorous methods in the collection of the rates which, for the moment, averted the dreaded deficiency of funds.

Report on the Cottar Population of the Lews, 1888, p. 7.

Forty-third Report of the Board of Supervision, 1887-8, p. 9.

The policy of galvanising the activities of the local rate collectors by periodical threatenings from the central authority was, however, now becoming obviously inadequate to meet the situation. The Board of Supervision themselves stated that "these crises and indeed the collapse of the whole system of administering relief to the poor in these Highland districts is, in the present condition of the population, in constant danger of recurring, and some effectual and permanent remedy is urgently called for." To this was added the solemn warning of Sheriff-Substitute Fraser and Mr. Malcolm McNeill, who reported to the Secretary for Scotland in January 1888: "It is our conviction, forced on us by the evidence of our personal inquiries and the communications of others, that actual starvation in the Lews has only been averted during the present winter by the exceptional abundance of last season's crop, and will almost certainly occur before the crop of next season is available; your Lordship will judge whether the immense population here congregated can safely be permitted to rely on a chance so precarious in this climate as a continuance of favourable harvests." The Crofters Commissioners (see p. 192) had already reduced the rent roll on the Matheson Estate by £637 18s. 4d. and cancelled £6398 6s. 2d. of arrears, but it was impossible to await the gradual amelioration of conditions that such action was presumed to entail. Immediate relief was required most urgently in the Lews, though also throughout the Western Highlands and Islands. It was given by the Probate Duties (Scotland and Ireland) Act, 1888, which provided £30,000 towards the relief of rates in the Highlands and Islands. Of this, £2000 was given to the Education Department for necessitous school boards,

THE STATE COMES TO THE RESCUE.

Forty-third Report of the Board of Supervision, 1887-8, p. 9.

Report on the Cottar Population of the Lews, p. 7.

51 & 52 Vic. c. 60.

and the remainder was distributed directly in proportion to population and in inverse proportion to the amount of rental per head. The Lews parishes received £4584 6s. 7d. as their share. This grant was only paid for one year to the Parochial Boards, but after 1889 relief was provided by the Local Government (Scotland) and other Acts, and the subsequent history of State Aid will be found in the section on Finance.

THE NAPIER
REPORT
ADVOCATES
EMIGRATION.

It was not only by direct financial assistance that the situation was relieved; the Crofters Commissioners were now at work and a few years later the Congested Districts Board was constituted. Both these bodies were established as a result of the Napier Commission, and another result was an experiment in State-aided colonisation. The Napier Commissioners had expressed a belief that emigration properly conducted was an indispensable remedy for the condition of some parts of the Highlands and Islands, and had strongly recommended that in connection with any measures which might be framed for improving the position of the crofters and cottars, provision should be made for assisting emigrants both by State advances and State direction.¹

*Napier Re-
port*, p. 108.

LADY
GORDON
CATHCART'S
EXPERIMENT.

A lead in schemes of crofter colonisation, as distinct from mere aided emigration, had been given by Lady Gordon Cathcart in 1883. The Canadian Government had that year passed a Land Act by which it contracted that, where any person advanced £100 on the settling of a family in Manitoba or the N.-W. Territory, the Dominion would not grant the settler his patent for the free grant of the 160 acres of land until the head of the family had repaid the loan, together with six per cent. interest.² Under this Act seven families, possessing on an average £107 15s. 1½d. and receiving Lady Cathcart's grant of £100 each, were sent out in 1883, and another fifty-six families followed in 1884, and ten more in 1886. Only one recipient ever refunded his loan in full, and most of them failed even to keep up the payment of the interest, so that whatever benefit may have accrued to the emigrants or to the island, South Uist, which they left, Lady Cathcart lost so heavily that neither she nor any other proprietor was encouraged to continue the work unaided.

*Napier Re-
port*, p. 105.
S. C. John-
son: *A His-
tory of Emi-
gration*,
pp. 74, 75.

A STATE
EXPERIMENT
IN CROFTER
COLONISA-
TION.

In April 1888 the Government announced their willingness to advance £10,000 to finance a colonisation scheme for the crofters and cottars of the congested districts of the Western

¹ The Emigrants Information Office was established in 1886.

² The amounts of interest and of the initial capital were slightly altered by subsequent Acts in 1888 and 1889.

Highlands and Islands, provided £2000—which sum was immediately forthcoming—were raised by private subscription. Mr. Malcolm McNeill, of the Board of Supervision, selected thirty families, comprising 183 persons, from the Lews and Harris, and they sailed from Scotland in two vessels on May 17 and June 2. Advances of £120 were made to each family, and this was to be repaid, with interest, in eight annual instalments of £20 17s. 8d., the first of such to be paid in the fifth year, and to be secured to the State by a mortgage upon the 160 acres of free-grant land selected by the settler and a chattel mortgage on his goods. On arrival at the settlement, Killarney, in Southern Manitoba, the expense of the journey had reduced the amount of money to £68 10s. in the case of the Lews families and to £62 10s. in the case of those from Harris. This being insufficient to enable them to provide themselves with the stock and implements absolutely necessary, a further £720 was distributed. Government schemes are notoriously slow in development,¹ and the delay in obtaining authority for, and completing, the necessary arrangements resulted in the settlers arriving too late to obtain anything but a very small crop. They had to be helped with provisions in the winter and with seed grain in the spring, and this further expense, costing £400, made the total loan to these thirty families £4720, averaging £157 6s. 8d. per family. In December 1888 the working of the scheme was transferred from the Scottish Office to a specially constituted board of four commissioners² representing, respectively: (1) the Imperial Government, (2) the Canadian Government, (3) the private subscribers, and (4) three important land companies who were co-operating. In 1889 arrangements were made in good time, and on April 1st forty-nine families, comprising 282 persons, went from Lewis, Harris, and North Uist to the Saltcoats settlement, 200 miles north-west of the former settlement and 261 miles by rail from Winnipeg. These settlers on arrival had on the average £84 14s. left of the original advance of £120 per family. This larger sum was partly due to the fact that these people had been told to provide for their own clothing and outfit from the sale of their stock and possessions before starting, but this had the unfortunate result that, when winter came on, they were

Select Committee on Colonisation, 1891, p. 4.

S. C. Johnson: A History of Emigration, pp. 240-3.

Fifteen Reports of the Crofters Colonisation Commissioners, 1889-1904.

¹ A more advantageous scheme had been rejected by the Government in July 1887, and when in autumn the land companies were asked to renew this offer they declined.

² The Board was later increased to eight members.

found to be miserably supplied with clothes, and further assistance became necessary. Loss of time in settling down to work, the inexperience and the difficult character of the settlers, combined, with the effect of a disappointingly light rainfall, to place the settlement in jeopardy, and a further sum of £1400 had to be advanced, making a total of £7280, or £148 12s. per family. These two settlements completed the State's attempts at crofter colonisation, and their subsequent history must be briefly related. The Killarney settlers, after periods of depression and difficulty, succeeded in repaying the entire balance of the sum originally advanced to them, and in 1904 they received from the Crown titles for the 160-acre lots on which each family had settled, several, however, having already purchased additional land in the ordinary way. The Saltcoats settlement was a failure from the start; most of the people abandoned the lands, which the Government eventually sold at a price practically sufficient to cover the indebtedness upon it exclusive of interest. From the £13,120 voted by Parliament, the State had, by repayment of capital with interest, and by sale, managed to obtain £16,173 with 480 acres still on hand in 1904 when the Crofters Colonisation Commissioners issued their final Report.

WHY IT
FAILED.

Thus ended the only serious attempt ever made by the State to emigrate the surplus crofter population, and it was abandoned the more readily since the County Councils by the Act of 1889 possessed powers—which they have never yet used—of assisting emigration. The experiment, though not bringing a financial loss to the State, must be regarded as a failure, since it was so soon abandoned.¹ In view of the fact that State aided and directed emigration has been so often recommended for these congested districts, it is worth while considering the cause of the failure. It has often been ascribed to the character and behaviour of the settlers,² but, since there is no reason to suppose they were not typical of the Western Highlands and Islands, to admit that these people are not fit to become successful colonists

¹ There seems no doubt that the experiment would have been continued had the instalments of the repayment, which first fell due in 1892, been satisfactorily met.—See the *Draft Report of the Select Committee on Colonisation*, 1891, p. xxvii.

² Of the Saltcoats settlers, Mr. Johnson says: "In every respect the men were a failure." Certainly, if the official reports can be relied on for presenting an accurate and fair account, the men do seem to have been lacking in perseverance, energy, determination, self-reliance, and cheerfulness, all very necessary qualities for a colonist.

is to abandon emigration as a remedy, to go against the weight of the opinion of all the Commissions—except, perhaps, the Poor Law Commission of 1844—who have ever considered the question, and to disregard the very considerable degree of success which emigrants from the Highlands have often attained. There is no need to detail all the difficulties which settlers, comparatively unskilled in agriculture and having very limited resources, would encounter in a new land where climate, soil, and economic conditions were alike strange to their experience. Again, State aid and direction has one main advantage: that it can secure, and seems in this case to have done so, the closest co-operation between the home and colonial authorities and the land and transport companies concerned; but it has one main disadvantage, that it saps the self-reliance of the settlers. Very serious difficulties admittedly existed; the question is, were they sufficient in themselves to defeat the scheme, or was the failure incurred by faulty administration? If the former is the right answer, State-aided colonisation—at least, under the conditions then existing—was not a possible remedy; if the latter, it might have been. There seem to have been four faults in the administration of the scheme: (1) the delay in sending out the 1888 contingents, though these people did eventually attain a “fairly successful” position; (2) the fact that the administrative body was called upon to work a scheme which it had not formulated and with which, it would seem, it was not in complete sympathy; (3) the £120 grant per family was too narrow. Of course, it is obvious that had unlimited funds been forthcoming the settlement could have been made a success, but assuming that £10,000 was the proper limit of State aid it would have been better to have given a larger grant to a smaller number of families. £120 might possibly have been just sufficient for the best class of settler, but these crofters and cottars were not expert agriculturists. Actually they had to be given £157 per family in Killarney and £148 in Saltcoats; it was afterwards agreed that £180 should have been the amount to be originally advanced. (4) It was a mistake to segregate the crofters; had they been scattered in small groups throughout the country they would have been far better able to benefit by the example and experience of others. Whether these faults were, or were not, sufficient to account for the failure of the experiment must, in the absence of any further attempts at crofter colonisation, remain a matter of opinion.

*Fifteenth
Report of the
Crofter Colo-
nisation Com-
missioners,
p. 3.*

THE ACT OF
1894.

*Forty-ninth
Report of the
Board of
Supervision,
1893-4, p. 19.*

In 1894 the Local Government (Scotland) Act abolished the Board of Supervision and the parochial boards and set up instead the Local Government Board for Scotland (see p. 39) and the Parish Councils (see p. 53). The last Report of the Board of Supervision showed that the new grants were not meeting the situation in the Hebrides where the financial embarrassments were threatening to assume a very serious aspect, and the Board reiterated their warning of 1888 (see p. 121). These difficulties continued to increase, but, being mainly financial, they are dealt with elsewhere. There has been little alteration in the administration of the Poor Law since 1894, and it will be convenient to conclude this section with an outline of the existing functions of the Poor Law authorities, followed by a few remarks on medical relief, lunacy, and the effect of the recent Old Age Pensions Act.

EXISTING
FUNCTIONS
OF THE LOCAL
GOVERNMENT
BOARD.

61 & 62 Vic.
c. 21.

The Local Government Board, without possessing the power of issuing mandatory orders, exercise a general guidance and supervision over the administration. This is attained (1) by the weight of their advice and opinion, backed by their powers of inquiry, report and publication, (2) by their power of dismissing or suspending the inspector of poor; (3) by their power of determining what shall be regarded as "adequate relief";¹ (4) by their power of applying by summary petition to the Court of Session to compel defaulting Parish Councils to perform their duties. The Board have also certain controlling powers over the erection, maintenance, management, and discipline of poorhouses, and over the borrowing of money by Parish Councils. They appoint auditors, distribute the State Grants, arbitrate on complaints of inadequate relief, and, by a later Act, in cases of disputed settlement, such arbitration being extremely valuable as a means of avoiding expensive litigation. The Local Government Board have many duties unconnected with the Poor Law (see p. 310); here it may be mentioned that they are the central authority under the Unemployed Workmen Act, 1905, and the Old Age Pensions Act, 1908.

EXISTING
FUNCTIONS
OF THE
PARISH
COUNCIL.

On the Parish Council are placed the duties of making suitable provision for those legally entitled to relief, and of making up the assessment roll, fixing the amount of the assessment, and appointing a collector. Destitution alone is not a sufficient claim to relief; the destitute person must

¹ In practice. Their legal power is merely to give facilities to the pauper to raise an action in the Court of Session, but the local authorities scarcely ever contest the Board's decision.

be (a) disabled,¹ (b) a widow, or deserted wife, with children dependent on her, (c) orphan children (girls under twelve and boys under fourteen). A person applies for relief to the inspector of poor, who is bound to give an answer within twenty-four hours and to grant interim relief to such applicants as may be entitled to it until the next meeting of the Parish Council. If the inspector refuses relief, he is liable to prosecution on a criminal charge, should the life or health of a poor person suffer through his neglect of duty. When the Parish Council meet, the inspector provides information as to the destitution of the applicants, the medical officer as to their disablement, and the Council determine how each applicant shall be dealt with. Respectable applicants not in need of paid attendance are given outdoor relief; others are usually—though less so in the Highlands and Islands than elsewhere—offered the poorhouse. The applicant can appeal to the sheriff against a refusal of relief, and to the Local Government Board against inadequacy. Pauper children are, in the Highlands and Islands, invariably boarded out.

The poor entitled to relief are chargeable only on the parish in which they have a settlement. Complaints have been made in the past that the law of settlement presses hardly upon the Highlands and Islands; possibly hard cases still occur, but, generally speaking, these are not sufficiently numerous to render more than a brief outline of these intricate laws necessary. There are four modes of settlement: (1) by residence—acquired by three years' residence in one parish without having resort to begging or poor relief, and lost by four years' continuous absence; (2) by marriage—a married woman, even if deserted, acquires the settlement of her husband during marriage; (3) by parentage—girls under twelve and boys under fourteen years of age have the settlement of the father, if he is alive, or, if he is dead, of the mother (4) by birth—to which settlement, in default of any other, a person reverts. With regard to medical relief to the outdoor poor, the law of settlement is abrogated.

There was no systematic Poor Law medical relief before 1844. The Poor Law Commissioners of that year were, however, of the extraordinary opinion that the poor did not, in point of fact, suffer materially from the want of medical aid. They based this opinion on the ground that adequate

SETTLEMENT.

*Report from
Select Com-
mittee on the
Poor Law
(Scotland),
1870, p. 360.*

MEDICAL
RELIEF.

¹ On the grounds of humanity, able-bodied destitute are not always excluded from relief, and, in particular, where an able-bodied man is unable to provide for a sick dependant, the law is constantly being broken.

provision was made by voluntary agencies, but whatever amount of truth there may have been in it as regards the urban centres of the south, it was completely false as regards the Highlands and Islands, where indeed to-day, seventy years later, the people are still suffering. The Act of 1845 made it essential to provide proper medical attendance, and permissible to appoint a qualified medical officer, for the poorhouse inmates. As it was not obligatory on parishes to establish poorhouses, practically all they were obliged to do was, as regards the outdoor poor, to provide for medicines, medical attendance, nutritious diet, cordials, and clothing in such manner and to such an extent as might seem equitable and expedient. Legally the only persons entitled to such medical relief were the destitute and disabled, but in practice destitution was generally taken as a sufficient claim. Even so, the sick dependants of an able-bodied destitute man were obliged to seek relief from some agency outwith the Poor Law, and hence it might happen that the only way in which a man could obtain medical attendance for his sick wife or family was by deserting them.

THE MEDICAL
RELIEF
GRANT.

It was soon found that progress in medical relief would be very slow if left to the unaided efforts of the parochial Boards, and in 1847 Parliament commenced the annual grant of £10,000 to be distributed by the Board of Supervision. This grant was used not so much as a means of alleviating the burden of cost as of improving the quality of the service. The Board of Supervision fixed a minimum expenditure for each parish, and it was made a condition of participation that no grant should be paid unless the minimum was reached, and unless the parish authority appointed a medical officer at a fixed salary which could not be altered without the consent of the board. It is not too much to say that the entire population—paupers and non-paupers—of the Highlands and Islands owe their medical service to this grant. For in the scattered communities of the crofting areas private practice is far from being remunerative, and in the poorer districts the fees from private patients are negligible; ¹ if the district is to have a medical attendant at all, he must be supported by the parish rates with the aid of the grant. Thus the parochial authority, ostensibly providing medical service for the paupers, in reality provides it for the community at large. As an extreme instance, an island parish (Papa Westray) in Orkney

*Report on
Medical Ser-
vice in the
Highlands
and Islands,
1912, p. 33.*

¹ "The evidence as to the general inability to pay adequate fees is quite conclusive."—*Report on Medical Service in the Highlands and Islands, 1912, p. 8.*

pays its medical officer £70 a year for attending one pauper. In several other parishes the amount comes to over £10 per pauper, and in Lochs the parish rate for medical service alone is 1s. 3d. per £ of the gross rental. The doctor, therefore, looks to his official salary from the parochial authority as his mainstay, but his services are given not only to the sick paupers for whom he is ostensibly being paid, but to the community generally, and much of his work is entirely gratuitous.¹ The Medical Relief Grant was doubled in 1882, and has since remained at £20,000.

*Report on
Medical Ser-
vice in the
Highlands
and Islands,
1912, p. 12.*

In 1885, in order to encourage the provision of trained nursing in poorhouses, the cost of such nursing, to the extent of rather more than one-half the expenditure, was made a first charge against the grant. This led to a considerable increase in such expenditure, from £264 in 1885 to over £7000 in 1912, and a proportionate diminution in the balance available for medical relief. The change was detrimental to the Highlands and Islands, for in 1911 they received only £272 for trained sick nursing, the bulk of the money going to the large poorhouses in the Lowlands, and none of it being available for the nursing of "outdoor" paupers whether in their own houses or in the parochial lodging-houses, which, as has been mentioned, largely took the place in the Highlands of the statutory poorhouse. The Local Government Act of 1889 made the grant a fixed charge on the Local Taxation Account, providing that it should be distributed in like manner and according to the like scale and regulations as in the year 1888. This stereotyped the method of participation and made it impossible to do anything administratively to bring about any improvement in the nursing of the outdoor sick poor or in medical relief generally. In 1911, of £13,000 available for medical relief in Scotland, less than £3000 went to the Highlands and Islands. The proportion of the expenditure of Parish Councils on medical relief borne by the grant has been rapidly diminishing; in 1883 it was 10s. 9¾d. per £ of vouched expenditure, in 1912 it was 4s. 3d. The result has been to cause a corresponding increase in the parish rates without bringing any improvement in the medical service, which has, indeed, been hopelessly inadequate down to practically the present day.

*ITS DIMINU-
TION.*

The passage of the Insurance Act in 1911 made it impossible

*THE INSUR-
ANCE ACT.*

¹ It would appear that the paupers have first call on the doctor's services, and "are better off in respect to medical attendance than the classes immediately above them."—*Poor Law Commission, 1909, Report on Scotland, p. 152.*

1 & 2 Geo. V, for the State to acquiesce any longer in the existence of such conditions.¹ This Act made insurance on a partly contributory basis compulsory for the less wealthy employed workers of the community, and the State undertook to provide various benefits such as medical service, sanatoria, payments during sickness or disablement, etc. Without entering on any account of this very complex piece of legislation, it may be said that the Act was quite unsuited to the Highlands and Islands.

Thecrofting population was outwith the compulsory provisions of the Act, and no scheme of voluntary insurance, such as was provided by other sections of the Act, has any likelihood of success, considering the economic conditions of the Highlands. Yet for the handful of Highlanders who came under the Act, the State was pledged to secure the promised benefits, and it became obvious that such could not be secured under the existing medical service. The Government, therefore, appointed in 1912 a committee to investigate and report on the medical service of the Highlands and Islands.

PRESENT IN-
ADEQUACY OF
THE MEDICAL
SERVICE.

A few of the more striking facts brought out in the evidence before this committee are: that people in some of the island districts may have in bad weather to wait a fortnight or three weeks before the doctor can arrive; that in South Harris the doctor was called in only to about $7\frac{1}{2}$ per cent. of the cases of confinement; that 47·5 per cent. of the deaths during 1908–10² in the insular rural districts of Ross and Cromarty were uncertified, whereas the corresponding figure for the whole of Scotland is about 2 per cent. In the registration districts of Coigach (Lochbroom) during 1901–10 only nine deaths were certified out of a total of 148. Many doctors earn less than £120 net income per annum; serious operations have to be performed by them, without any skilled assistance, in insanitary huts and perhaps by the light of a tallow candle. There is also urgent need of further provision of hospitals and nursing.

THE HIGH-
LANDS AND
ISLANDS
MEDICAL
SERVICE COM-
MITTEE, 1912.

For a complete description of the medical service recently existing, reference must be made to the Report itself;³ here

¹ See address by the Chairman of the Scottish National Insurance Commissioners to the General Assembly of the Church of Scotland, reported in *Scotsman*, May 31, 1912: "We feel very deeply that the Highlands and Islands constitute a grave administrative problem."

² Earlier conditions were, of course, even worse. For example, during the ten years preceding 1901 there were 3967 uncertified deaths in Inverness-shire, of which 1426 were in Skye and 770 in South Uist.—*Seventh Report of the Local Government Board for Scotland*, App. A. 43.

³ See also *Report of Departmental Committee on Medical Relief in Scotland*, 1904, and the *Report of the Poor Law Commission*, 1909, *Report on Scotland*, pp. 152 *et seq.*

there is only room to give the conclusions of the committee, which were :—

- (a) That on account of the sparseness of the population in some districts, and its irregular distribution in others, the configuration of the country, and the climatic conditions, medical attendance is uncertain for the people, exceptionally onerous or even hazardous for the doctor, and generally inadequate.
- (b) That the straitened circumstances of the people preclude adequate remuneration of medical attendance by fees alone.
- (c) That the insanitary conditions of life prevailing in some parts render medical treatment difficult and largely ineffective.
- (d) That in default or disregard of skilled medical advice and nursing, recourse is not infrequently had to primitive and ignorant methods of treating illness and disease. These methods are a source of danger, especially in maternity.
- (e) That there is danger of physical deterioration from defective dieting, and more markedly in the infant and juvenile population.
- (f) That rural depopulation is not a feature of the whole area of the remit, and that, even where notable, the necessity for medical provision is not materially reduced.
- (g) That the local rates, from which the doctors' income is mainly derived, are in many cases overburdened.
- (h) That owing to the industrial conditions the Insurance Act is only very partially operative.
- (i) That, in short, the combination of social, economic, and geographical difficulties in the Highlands and Islands—not to be found elsewhere in Scotland—demands exceptional treatment.
- (j) That the general efficiency of the existing medical service is impaired by inadequate remuneration, by inability to provide for old age and infirmity, by difficulties of locomotion and communication, by insecurity of tenure under the parochial system of appointments, by the difficulty of obtaining suitable house accommodation, and by lack of facilities for holidays or post-graduate instruction.
- (k) That the total number of nurses is quite inadequate.
- (l) That in a great part of the area the efficiency of

- the existing supply of nurses suffers from lack of organisation.
- (m) That while tending generally to alleviate suffering and remove danger in sickness and disease, efficient nursing is at present urgently required in connection with (1) the birth and infancy of children, (2) the "following up" and treatment of disease and defects in children as disclosed by school medical inspection, (3) promoting among the people a knowledge of personal and household hygiene, dietary, etc., (4) the earlier detection of illness.
 - (n) That the existing general hospital provision is quite inadequate, even if available in every case to the full extent of its capacity.
 - (o) That there is urgent need of further provision; that such provision should be mainly in the form of cottage hospitals, and for the following purposes: (1) to bring near to the doctor a distant case of illness requiring frequent visits, (2) to provide for the removal of patients from conditions which render medical treatment largely futile, (3) to reduce the cost and danger of travel entailed in removal from outlying parts to most of the existing hospitals, (4) to provide a home for the district nurse and a local dispensary for the doctor.
 - (p) That in any scheme proposed for improvement of hospital service the expediency of subsidising existing hospitals on definite conditions should be favourably considered.
 - (q) That the provision of tuberculosis hospitals is quite inadequate.

The above conclusions apply to the general medical service, but, since the parish doctor is almost always the only medical man in the place, they are appropriate here as showing the conditions under which his work is carried on. It must be admitted that these conclusions are just; on the other hand, the recital, and still more the consideration, of them is apt to conjure up too gloomy a picture. In spite of the most lamentable inadequacy of the medical service, it is a fact—certainly an astounding one—that the death-rate in the Highlands and Islands is considerably below that for the rest of Scotland, while the rate of infant mortality is even more surprisingly low, and, if the official figures are even approximately correct, always has been.

As a result of the committee's Report, an Act was passed in 1913 granting an annual sum of £42,000 for the purpose of improving medical service, including nursing, in the Highlands and Islands. A Board, specially constituted to administer this grant, has the duty of preparing schemes of distribution which require the approval of the Secretary for Scotland and the consent of the Treasury. The money may be given not only to local authorities, such as Parish Councils or insurance committees, but also to non-statutory bodies like nursing associations. It is hoped that the sum will prove sufficient to carry into effect the recommendations of the committee, and there is every probability that, wisely administered, it will cause a great improvement in the medical service, and, through that, in the social life of the Highlands and Islands.

A GRANT FOR
MEDICAL
SERVICE.
3 & 4 Geo. V
c. 26.

It will be convenient to treat Lunacy Control under this section, for although the Parish Councils have only the responsibility for pauper lunacy, yet the pauper lunatics in Scotland are not of the ordinary pauper class; they are drawn from 85-90 per cent. of the entire population, and it is only the remaining 10-15 per cent. which furnishes the private patients. One might say that the great majority of the lunatics of Scotland come under the classification of pauper lunatics, and the reason is that asylum treatment for a lunatic, not admitted as a pauper, cannot be obtained in Scotland for a sum much less than the year's earnings of an able-bodied labourer. Hence the pauper lunatics are not drawn mainly from the ordinary pauper class, but in many cases from classes who can afford to pay the cost of maintenance in the district asylums, but could not afford the higher rate required for private patients. In such cases the Parish Council agree to take the lunatic as a pauper lunatic provided the cost of maintenance is refunded; there were 230 such privately maintained lunatics in the district asylums in 1906.

LUNACY.

The Poor Law Act in 1845 placed on the parish authority the duty of providing that all insane or fatuous persons should be conveyed to and lodged in any asylum or establishment legally authorised to receive lunatic patients. Ten years later, owing to the exposure by Miss Dorothea Dix, of the condition and neglect of the insane, a Royal Commission was appointed whose labours led to the Lunacy (Scotland) Act of 1857. By this Act were created a General Board of Lunacy for Scotland (see p. 42) having the general supervision of the insane, and District Local Boards (see p. 64) having the duty of erecting or acquiring, managing and maintaining

THE ACT OF
1857.

20 & 21 Vic.
c. 71.

asylums. The General Board, under the leadership of Dr. James Coxe, introduced many reforms and insisted upon a more humane treatment, but, these proving somewhat costly, the opposition of the local authorities was aroused, and when in 1862 the continuance of the General Board was under discussion—for the original Act had limited its duration to five years—there was an attempt made to prevent its existence being continued. The value of the central authority's work and the need for it were, however, fully demonstrated, and the Act of 1862 renewed the Board, at the same time giving statutory sanction to the practice of licensing private dwelling-houses or poorhouse wards for the reception of pauper lunatics.

25 & 26 Vic.
c. 54.

STATE AID.
THE PAUPER
LUNACY
GRANT.

Nevertheless the cost of maintenance continued to become increasingly onerous, and in 1875 State help was given by a grant of £59,500, which steadily increased year by year till, in 1889, it amounted to £91,300. During this period the grant was distributed so as to pay half the cost of maintenance, provided that, if the cost was over 8s. per head, only 4s. per head would be granted. The Local Government (Scotland) Act of 1889 stereotyped this grant at £90,500 in a manner similar to its stereotyping of the Medical Relief Grant (see p. 129), and with the same result of causing a diminution in the proportion of expenditure borne by the State. In 1892, when the Education and Local Taxation (Scotland) Act granted a further annual sum of £25,000, the grant was distributed at 11s. 7¼d. per £ of admissible expenditure, or 4s. 7¾d. per £ of total expenditure; these rates have now (1912) dropped to 7s. 4d. and 2s. 11¼d. respectively.

PROGRESS
ACHIEVED.

Scotsman,
May 14, 1914.

The work of the lunacy authorities has been, within the limits of their powers, very satisfactorily performed. The character of that work and the general approval of public opinion are alike illustrated by the following extract from a leading Scottish newspaper. "There has been a complete metamorphosis in the administration of Scottish asylums since the institution of the General Board of Lunacy in 1857. For the introduction and carrying out of the many changes and improvements, which include the structural rearrangements of asylums, the extensive addition of lands where the patients can be usefully and beneficially employed, the abolition of the old system of prison-like airing courts, the introduction of the open-door system, the granting of parole to suitable patients, the almost total cessation of the employment of mechanical restraint and seclusion, the introduction and recognition of the hospital system in asylums, the reform

of night nursing as well as the system of nursing male patients by female nurses, the greatest credit is due to the medical superintendents of Scottish asylums. At the same time, too much praise cannot be bestowed upon the public boards which control local lunacy administration, for the intelligent and liberal manner in which they have promoted all those measures of reform which tended to advance the well-being of the insane." Space does not permit of the history of the introduction of these reforms being here detailed; it will be sufficient if a short account of the present condition of lunacy administration is given, it being understood that the Acts of 1857 and 1862 are still the principal Acts.

The duties of the General Board of Commissioners in Lunacy are supervisory rather than executive; they visit, inspect, and report on all establishments for the insane. They have no direct control over the internal administration of asylums, but the weight of their opinions, advice, and comments, supported by the power of making their reports public, is usually sufficient to enable them to enforce on the District Boards their views as to accommodation, care, and treatment. Moreover, in the case of a recalcitrant or palpably inefficient District Board, the General Board have the power, on authority of the Secretary for Scotland, to apply by summary petition to the Court of Session, who will appoint a person at whose sight all powers and duties of the District Board may be performed at the expense of the District Board. Over the Parish Council the General Board's control is mainly financial and depends upon their power of withholding or bestowing the Pauper Lunacy Grant.

FUNCTIONS
OF THE
GENERAL
BOARD.

The District Boards have simply the duty of establishing, maintaining, and managing the district asylum, and of fixing, with the sanction of the General Board, and expending the rates received from the Parish Council, in payment of the maintenance of pauper lunatics. The expense of providing accommodation is met by assessments on the landward parts of counties and upon burghs according to the real rent, and is collected by the county authorities. The General Board divides Scotland into lunacy districts, and the Highland districts number six. There is only one district asylum in the Highlands, that at Lochgilphead, opened in 1863, serving the districts of Argyll and Bute, and containing 459 patients in 1913. A District Board is not necessarily obliged to erect a district asylum since they may contract with existing asylums for the reception of their lunatics. Such asylums may be the asylums of other districts, or they may be Royal

FUNCTIONS
OF THE
DISTRICT
BOARDS.

Asylums. The latter are the earliest asylums of Scotland; they were built by private subscription under special Acts and possess royal charters. Subscriptions began to be collected for a Royal Asylum at Inverness in 1844, but it was not opened till 1864; it is the only one of the seven Royal Asylums which is situated in the Highlands, and serves the lunacy district of Inverness, which includes the four northern counties of Inverness, Nairn, Ross, and Sutherland. In 1913 it contained 675 patients. Thus there are only two asylums in the Highlands, at Lochgilphead and at Inverness; the remaining lunacy districts there have to contract out their patients; Caithness and Shetland districts contract with Montrose Royal Asylum, and Orkney with Edinburgh.

DUTIES OF
THE PARISH
COUNCIL
WITH REGARD
TO PAUPER
LUNACY.

The Parish Council have the duty of attending to and investigating all applications or intimations made on behalf of a lunatic, and, if parochial relief is found necessary, the lunatic must be properly disposed of. He need not necessarily be sent to the asylum serving the district, for, with the consent of the General Board, he can be placed in a private dwelling-house—boarded out—though the General Board does not license any dwelling-house for more than four patients. This method of dealing with pauper lunatics is much more used in the Highlands and Islands than elsewhere; it has the advantage of greater cheapness, especially when, as is usually the case, the guardians are related to the lunatic and content to receive a lower rate of pay. The following table shows the proportion received in establishments and in private dwellings, and also the increase in pauper lunacy.

NUMBER OF PAUPER LUNATICS CHARGEABLE TO EACH COUNTY, EXPRESSED AS AN ANNUAL AVERAGE PER 100,000 OF POPULATION.

	In Establishments.			In Private Dwellings.		
	1891-5.	1906-10.	1913.	1891-5.	1906-10.	1913.
Argyll	398	489	502	131	113	99
Caithness	240	267	297	210	226	197
Inverness	259	370	416	232	264	280
Orkney	218	264	297	121	142	116
Ross and Cromarty	225	350	389	193	247	266
Shetland	205	257	287	197	151	157
Sutherland	254	311	288	184	151	198
All Scotland	208	264	278	63	61	61

*Fifty-fifth
Report of the
General Board
of Commis-
sioners in
Lunacy, 1913.*

There is one other method of disposing of pauper lunatics. The General Board will sometimes license a separate ward in a poorhouse for the reception of harmless lunatics not

requiring curative treatment. There are fourteen poorhouses so licensed in Scotland, none in the Highlands proper, but both the poorhouses in the Outer Hebrides are licensed. This was done partly to save the heavy cost (about £10) of sending lunatic paupers to the Inverness Asylum and partly because the poorhouses were largely unutilised (see p. 111). The Long Island poorhouse is licensed for thirty-four lunatics, and has now (1913) the full number; the Lewis poorhouse, licensed for thirty, has an average number of nineteen resident patients.

The table just given shows that the number of pauper lunatics proportionate to the population is greater in each of the crofting counties than in Scotland generally, and this is corroborated by the Census Returns of 1911, which give the number of mentally infirm in Scotland as 496 per 100,000 inhabitants. Inverness heads the county list with 919, followed by Argyll with 895, Ross and Cromarty 810, Shetland 784, and Sutherland 741. Of the Highland counties¹ the Census Report says all, except Banff, are found to be subject to a significantly high mental infirmity rate, while of the counties in the remaining part of Scotland only three have a high rate, six have a significantly low rate, and eleven are normal. The general increase of pauper lunacy is believed by the Board of Lunacy to be due to two main causes: (a) the more widely spread and strong desire—often eagerness—to look to the parish as bound to provide for the mentally defective members of a family; and (b) the increased willingness of Parish Councils to recognise claims for assistance founded upon mental defect. These causes would probably have operated had there been no pauper lunacy grant, but there can be no doubt that the grant, especially in the poorer areas of the country, has greatly stimulated both causes. It is difficult to explain the greater prevalence of insanity in the Highlands.² Inbreeding and the deterioration of the stock by the constant emigration of the healthier members have been suggested as causes; but, whatever the causes may be, the fact remains that lunacy would in any case be a heavy burden on the Highland parishes, and its high rate makes it even more seriously so. An example of Mr. Maxwell's is worth citing: "The net cost on the rates of a pauper in an asylum is, say, £20; and there is, on an average, one lunatic in an asylum in every eighty families in Scotland. The average rental of eighty families in Scotland is £2554, and of

THE PREVALENCE OF LUNACY A SERIOUS BURDEN.

Census Report on Scotland, III, p. 24.

Report on the Social Conditions of the Lewis, 1902, APP. F, p. 17.

Brand Report, 1902, App. F.

Report on the Financial Position of the Outer Hebrides, 1906, p. xliv.

¹ That is, those north of the Highland fault.

² The rate of blindness is also significantly higher in the Highlands.

eighty families in Barvas £187. To support the one lunatic, 2*d.* per £ is required in the former case and 2*s.* 2*d.* in the latter. That is, with the same proportion of pauperism and the same expenditure per head, the rate in Barvas would be thirteen times as heavy as in Scotland generally." Barvas is, of course, an extreme case, but the burden is similar in character, if not quite so onerous, throughout the Highlands, and there are good grounds for regarding its incidence as inequitable, since lunacy should be a national rather than a local charge. A slight attempt has been made quite recently to lighten this burden on the localities, but they have at the same time had imposed the additional burden of the care of mental defectives, *i. e.* idiots, imbeciles, and feeble-minded persons. Admitting that the protection and care of defectives is necessary and may even lead to a decrease in their numbers, it remains the fact that the new Act sets up yet another drain on the feeble financial resources of these counties. The financial position is dealt with elsewhere; here a brief outline of the administrative arrangements of the Act is appended.

THE MENTAL
DEFICIENCY
AND LUNACY
ACT, 1913.
3 & 4 Geo. V,
c. 38.

The Mental Deficiency and Lunacy (Scotland) Act alters slightly the names and constitutions of both the central and local authorities (see p. 65). It leaves the existing law practically unaltered, but makes arrangements for dealing with mental defectives hitherto beyond the reach of the laws which protect the insane. Subject to various provisions intended to guard adequately the liberty of the subject, mental defectives are to be placed in an institution for defectives or boarded out with suitable guardians. The duty of discovering the defectives is laid on the School Board,¹ who also are the responsible authority, unless they are of opinion that the children are incapable of receiving benefit from instruction in special schools or classes or of receiving such instruction without detriment to the other scholars. In such cases, and in all cases when the defective attains the limit of school age (16 years), the School Board, in notifying the Parish Council accordingly, hand over their responsibility to that body. There appear to be only two institutions for defective children in Scotland at present, but the Act gives to the District Board power to provide such accommodation similar to their power of providing lunacy accommodation.

¹ The Parish Councils are ordered to discover defectives over school age, but this appears to be a transitory duty imposed till the Act is in full working, for the mental deficiency defined by the Act dates from birth or early age; hence the Parish Councils will not need to discover any defectives unless the School Boards fail to do their duty.

A general supervision of defectives is given to the General Board with power to act in place of any delinquent local authority, and some addition is made to their power of control over district asylums.

The following table shows the gradual decrease in pauperism :— OLD AGE AND PAUPERISM.

NUMBER OF PAUPERS OF ALL CLASSES IN THE CROFTING COUNTIES, PER 1000 OF POPULATION.

	1876.	1881.	1886.	1891.	1896.	1901.	1906.	1911.
Excluding Inverness Burgh	44.9	42.0	41.3	40.0	39.0	36.2	35.6	29.5
Inverness Burgh	38.6	36.7	35.8	38.1	36.4	36.7	35.9	35.6

It will be remarked that a notable drop is shown in the last five years. The explanation of this is the Old Age Pensions Act. The chief cause of pauperism in the Highlands and Islands was old age. *Poor Law Commission, 1909, Report on Scotland, p. 122.*

RATIO PER 1000 OF POPULATION OF ORDINARY POOR (EXCLUDING DEPENDANTS) AT MAY 15, 1906.

	Total Poor.	Paupers 65 years of age and upwards.	
Argyll	16.4	9.4	<i>Ibid., Vol. VI, App. CLIX, B.</i>
Caithness	20.9	14.4	
Inverness	21.7	12.3	
Orkney	16.1	9.4	
Ross and Cromarty	25.0	13.2	
Shetland	21.4	14.5	
Sutherland	29.4	19.6	
All Scotland	12.9	5.2	

TOTAL OF ORDINARY SANE POOR (INCLUDING DEPENDANTS) AT MAY 15, 1906.

	Number 65 years of age and upwards.	Number under 65 years of age.	Number of Poor 65 years and upwards to every 100 under 65 years.
Caithness	513	524	97
Orkney	287	394	72
Shetland	423	280	151
Sutherland	423	422	100

The weekly amounts paid to these old paupers were often very small. In 1909 in many Highland parishes small doles of from 9d. to 2s., the average being about 1s. 3d., per week were being paid to outdoor paupers. The Old Age Pension of 5s. a week came as a veritable godsend to these people, and has considerably lightened the burden of pauperism. *Ibid., Report on Scotland, p. 102.*

The first Old Age Pensions Act was passed in 1908. The statutory conditions for the receipt of a pension were that the person must have attained the age of seventy, must have THE OLD AGE PENSIONS ACT, 1908.

8 Ed. VII,
c. 40.

1 & 2 Geo. V,
c. 16.

PAUPER DIS-
QUALIFICA-
TION.

been a British subject for twenty years resident in the United Kingdom,¹ and must satisfy the pension authority that his yearly means do not exceed thirty guineas. If he was convicted of any offence entailing a punishment without the option of a fine, the recipient became disqualified for ten years from the date of his release from prison, but this period of disqualification was, in the case where the term of imprisonment does not exceed six weeks, reduced by the later Act to two years only.

Two other clauses of disqualification were of greater importance to the Highlands. A person was disqualified "while he is in receipt of any poor relief (other than medical or surgical attendance or relief to a pauper lunatic dependant), and, until December 31, 1910, unless Parliament otherwise determines, if he has at any time since January 1, 1908, received, or hereafter receives, any such relief." This clause struck very hardly at the crofting counties, and rendered the Act only partially applicable till the beginning of 1911, when the past receipt of poor relief ceased to be a disqualification. The Act of 1911 followed this up by ordering that "any rule of law and any enactment the effect of which is to cause relief given to or in respect of a wife or relative to be treated as relief given to the person liable to maintain them, shall not have effect for the purpose of disqualification."

The effect was immediate and most beneficial, as the following table shows:—

TOTAL NUMBER OF ORDINARY SANE POOR, EXCLUDING DEPENDANTS.

	Jan. 15, 1910.	Jan. 15, 1912.	Decrease.
Argyll, part of ²	495	368	127
Caithness	619	395	224
Inverness	1793	1277	516
Orkney	421	330	91
Ross and Cromarty	1735	1230	505
Shetland	517	269	248
Sutherland	572	333	239
	<hr/>	<hr/>	<hr/>
	6152	4202	1950

TESTIMONY
TO THE
BENEFICIAL
EFFECT OF
THE ACT.

"The effect of the Old Age Pension Acts," reports the General Superintendent of the Highland Division in 1912, "is clearly shown by the fact that while in 1910 there were 175 poor persons of seventy years and upwards in poor-

¹ The period of residence was altered by the Act of 1911 to an aggregate of twelve years out of the twenty.

² The part under the charge of the General Superintendent for the Highland Division.

houses and other institutions, and 2793 in receipt of outdoor relief, these numbers had fallen in 1912 to 141 and 554 respectively. Practically also those qualified for an old age pension who prefer to remain in the poorhouse are cases requiring more or less constant care and attention, who in the absence of relatives or friends could not provide for themselves on the old age pension allowance. Obviously many of these old people are much more comfortable in the poorhouse than they could be outside on 5s. a week, and have no desire to leave. The relief afforded by old age pensions to Parish Councils in the Highland districts has been of immense benefit, and to the pensioners themselves especially so, the allowance of 5s. being of much greater value in the country parishes of the north than in towns or even in many country districts in the south. In referring to this matter one of the inspectors remarks, 'The Old Age Pension Acts have very materially reduced the number of paupers in the parish, and have very largely relieved the chronic poverty formerly met with. The Parish Councils have to deal with a younger class of applicants than before the passing of the Acts, persons who, noticing the improved conditions of their aged neighbours, feel their own poverty more intensely than before. In one island having a population of a little over 250, I was informed that the amount received in old age pensions reached about £400 per annum.'"

Eighteenth Report of the Local Government Board for Scotland, 1912, App. A. 4, p. 6.

The second important clause alluded to above is the one which disqualifies a person "if before he becomes entitled to a pension he has habitually failed to work according to his ability, opportunity, and need for the maintenance and benefit of himself and those legally dependent upon him." The pension officers discovered that certain claimants had transferred their crofts to relatives in order to qualify for the receipt of a pension, and contended that the clause quoted above disqualified these claimants. The Board found these charges very difficult to prove or disprove, but this difficulty has been largely removed by the Small Landholders (Scotland) Act of 1911, under which the assignment of a croft cannot take place without the cognisance and sanction of the Scottish Land Court.

ASSIGNATION OF CROFTS.
Sixteenth Report of the Local Government Board for Scotland, 1910, p. lxxii.

The central pension authority is the Local Government Board; local pension authorities are appointed by, but not necessarily from, the County Council. Local sub-committees may be formed by the local pension authority; there are 13 such in Argyll, 8 in Inverness, 6 in Ross and Cromarty, 15 in Shetland, but none in Caithness, Sutherland, or Orkney. The pension officers are appointed by the Treasury in such

THE PENSION AUTHORITIES.

numbers as they think fit. A pension officer, or a person aggrieved, can appeal to the central authority, whose decision is final and conclusive, as is that of the local pension authority in cases where no appeal is made.

It has been mentioned above that there is practically no class of vagrant poor in the Western Highlands and Islands. In the more closely settled eastern districts, however, and especially in Caithness, there exists a small but diminishing body of vagrants known as "tinkers." Originally, possibly, of gipsy origin, they were itinerant tinsmiths till about thirty years ago, since when the competition of imported cheap tinware has robbed them of their main source of livelihood and they now maintain themselves with great difficulty as parasites on the crofters and small farming tenantry. In number they appear to be about eighty families, half of whom are found in Caithness. In summer they move from place to place bivouacking under rough tents, while in winter most of them occupy caves along the coast. These tinkers present a difficult problem to the administrative authorities; practically they are without the law; they pay neither rent nor rates, and any attempt to deal with them in the usual administrative way has hitherto been defeated by their economic position. The Educational Authorities, for example, have attempted to force them to send their children to school, but no houses being provided for the people, the attendance of the children becomes almost impossible. Even were the tinkers willing and able to rent a house, the landlords are generally averse to receiving them as tenants, and the tinkers have usually neither furniture, bedding, nor utensils sufficient for a house, nor adequate means of obtaining a livelihood in any settled position. The Superintendent of Poor for the Highland District states that "every effort, whether national or local, to deal with the so-called tinker problem was—and is—doomed to failure unless the economic basis is first dealt with. That is to say, each tinker family must, in the first instance, be provided with a house and a definite means of livelihood." At present (1918) it appears that about half the tinker population are maintaining themselves on the Government separation allowance while their men are away on active service, and the Inspector of Poor at Thurso has been able to obtain accommodation and help for eleven families in that place. In 1917 the Secretary for Scotland appointed a Departmental Committee to investigate the position of the tinker population, and a plan has also been put forward of settling these people on part of the Crown lands in Caithness.

THE
CAITHNESS
TINKERS.

W. L. Mac-
kenzie: *Re-
port on the
Physical Wel-
fare of Scottish
Mothers and
Children,*
1917, Chap.
XLVI.

Id. ib., p. 515.

EDUCATION

Introduction—Parochial Schools and Voluntary Agencies—"Parliamentary" Schools—The Committee of Council on Education—Decay of the Gaelic Societies—Two New Factors—The Act of 1861—A Change of Principle—The Report of the Education Commission (Scotland), 1865-7—The Financial Position in 1865—The Act of 1872—Help for Remote Districts—Higher Education in 1882—Compulsory Clauses Inoperative—The Napier Commissioners' Remarks—The Crisis of 1888: Appeals to the Department; the Department's Reply—The Inspector as Manager—Abolition of School Fees—The Highlands and Islands Educational Trust—State Aid for Secondary Education—The Existing Educational Organisation—The Provision of School Buildings—Elementary Education—Intermediate and Secondary Education—The Bursary System—Higher Work in the Elementary School—Continuation Classes—The Congested Districts Board and Technical Education—Defective Children—The Act of 1908—Tertiary Education—Increasing Expenditure.—Education Bill, 1917.

THE efficient education of the young is universally recognised as one of the most important interests of the community. It is as important to the inhabitants of the Highlands and Islands that their children should be suitably educated as it is to parents in other parts of the kingdom. Indeed, it might well be argued that it is even more important, since education provides the only avenue whereby ability may escape from the fisheries, the farms, or the crofts; and the lack of education—in particular, the inability of the Gaelic population to understand, speak, or write English—has operated in the past as a check to any movement of the workers to wider markets. In the crofting counties, however, the provision of educational facilities is hindered by obstacles and difficulties whose fundamental cause is geographical. The position of the area is remote both from any centre of population and from any route of traffic. As a first result, there has been a lack of that intercourse with strangers which would have contributed so valuable a stimulus to intellectual progress; while another result is the difficulty experienced in obtaining teachers, since they fear to become marooned in these remote districts. The presence of a Gaelic-speaking population in the west may also be ascribed to the geographical position, and this has proved a much greater

INTRODUCTION.

Select Committee on Emigration, 1841. Report, § 5.
Second Report of the Education Commission (Scotland), 1865-7, p. lxvi.
Napier Report, 1884, p. 78.

hindrance to educational progress than need have been the case. In the eighteenth-century schools, the reading, and even the speaking, of Gaelic was forbidden. The use of textbooks written in the unfamiliar English, and the employment of teachers unable to communicate with the children in a language the meaning of which they could understand, continued to a much later date. As long as this neglect and discouragement of the native language continued, the education of the children was naturally heavily handicapped, and even to-day with more enlightened methods of instruction, the co-existence of the two languages involves extra work. To the position is also largely due the character of the climate which, together with the influence of the physical features, has the following results. Only a small area is fit for cultivation or even pasture, and but poor results are obtained therefrom. This is the chief cause of the general poverty of the people and their distribution in small isolated patches. Consequently, the number of schools required is, in proportion to the population, very large, while the financial resources of the area are meagre. The schools are necessarily small in size and suffer from all the usual disadvantages which belong to small schools in comparison with large.¹ The cost of building in these remote districts is high and the rate of dilapidation rapid. The poverty of the people may affect the school attendance either by the children being needed for work at home or because the children, if ill-clad, are less able to face bad weather. Wet and stormy weather is, indeed, often experienced, and this, with the absence of easy or sheltered roads, lowers the average attendance, thus not only robbing the children of a certain number of school days, but, since the State grants are based on the attendance, decreasing somewhat the income of the School Boards.

These difficulties are indigenous; they have always been recognised and, in so far as they are due to the position and physical features of the country, their causes cannot be removed, though the effect of the cause can be mitigated. The poverty of the people may, however, be due partly to other causes, as, for example, State duties in the past on salt, or an evil system of land tenure. Lastly, it may be mentioned that the shifting of population, which has at times taken place, disorganises the provision of school accommodation then existing. This chapter deals primarily with the attempts of the State, working through central or local

¹ Out of sixty-seven schools in the Shetland Isles, forty had (in 1911) only one teacher in each.

agencies, to provide suitable education for the children of the crofting counties in the face of the difficulties just narrated. It will be necessary to allude also to the assistance rendered by the voluntary work of private individuals or societies, but it has not been thought advisable to go further back than the commencement of the eighteenth century.¹

The parochial school system of Scotland may be said to have its legal origin in the Act passed in 1646 for founding schools in every parish. This Act was repealed in 1662, but its main provisions were re-enacted in 1696, when the duty was laid on the heritors of each parish of providing a school-house and a salary of not less than 100 merks (£5 11s. 1 $\frac{1}{3}$ d.) nor more than 200 merks. Each heritor was allowed relief from his tenants for one half, and the responsibility for seeing that these duties were performed was given to the Commissioners of Supply for the county. It proved, however, impossible to enforce this statutory duty, and many of the parishes in the Highlands and Islands remained without schools. Private initiative came to the aid of the State, and, in 1709, a number of subscribers were incorporated under the title of the Society for Propagating Christian Knowledge in Scotland. The Society set to work to meet the deficiency, at first by sending itinerant teachers to necessitous districts, and later, as its funds increased by bequest and subscription, by establishing schools. That there was ample scope for its work is shown by the fact that in 1758 no less than 175 parishes were still without schools. In 1725 the Crown granted £1000 to the General Assembly of the Church of Scotland, and this sum, which became an annual grant, was administered by a committee of that body in co-operation with the Society. To meet the needs of parishes so large or so detached that one school could not possibly serve the needs of all the inhabitants, an Act was passed in 1803 providing for the appointment of additional teachers, but no obligation was laid on the heritors to provide any additional accommodation. Where such schools were established they became known as side schools. The same Act fixed the limits of the teacher's salary at 300–400 merks. A few years later were formed three voluntary societies which aimed not merely at the wider diffusion of education, but also at remedying the mistaken neglect of Gaelic. The Edinburgh Gaelic School Society, formed in

PAROCHIAL
SCHOOLS AND
VOLUNTARY
AGENCIES.

Strong: *History of Secondary Education in Scotland*, p. 118.

43 Geo. III,
c. 54.

¹ For the earlier centuries reference should be made to Edgar: *Early Scottish Education*, and for the crofting counties, to Chapter V in Gibson: *Education in Scotland*.

Strong: *History of Secondary Education in Scotland*, p. 126.

Kerr: *Scottish Education*, p. 188.

1811, taught Gaelic exclusively, but the Glasgow Society, formed in 1812, and the Inverness Society, formed in 1818, taught both Gaelic and English. In spite of the good work of these various agencies, a parliamentary return of 1818 showed that 50,000 children were without any school accommodation. In the Highlands half of the population were unable to read and above one third of the whole population were more than two, and many thousands more than five, miles distant from the nearest school. By 1826 the number of public schools in the Highlands and Islands was as follows :

Parish Schools	.	.	.	.	.	171
Society for Propagating Christian Knowledge	.	.	.	.	.	134
Edinburgh Gaelic School Society	.	.	.	.	.	77
Glasgow	"	"	"	.	.	48
Inverness	"	"	"	.	.	65
						495

Fresh effort was required, and the Church, which ever regarded the education of the people as one of its most important interests, responded. A fund, composed of collections made at the church doors, was placed at the disposal of the Education Committee of the General Assembly, and in 1825 they began to establish "Assembly" schools in the Highlands and Islands, to which district their attention, until 1837, was confined. The support of the Church was, however, conditional upon the local parties providing the school accommodation.

"PARLIAMMENTARY" SCHOOLS.

It was, nevertheless, becoming increasingly obvious that, in these remote and scantily populated districts, local effort, even when supplemented by external voluntary agencies, was not adequate to supply educational facilities to the people without further State assistance.¹ This was given by the Act of 1838 "to facilitate the Foundation and Endowment of additional schools in Scotland." An extract from the preamble of this Act is worth quoting here: "Whereas the Parish Schools and other means of education existing in the Highlands and Islands are wholly inadequate to the education of the people and some places are altogether destitute of such Schools or other Means of Instruction, and it is desirable that Provision should be made against so great

¹ "On a moderate computation, 170 additional schools are still required in the Highlands and Islands, and upwards of 8000 of the young betwixt eight and fifteen years of age are still unable to read and write."—*Report of Committee of the General Assembly*, 1829.

an evil. . .” What was done was to make special provision for the establishment of schools in parishes which, by the erection of additional places of worship under the Act 5 Geo. IV, c. 90, had become divided and disunited *quoad sacra*. The Commissioners of the Treasury were authorised to invest in Government Stock certain sums voted by Parliament,¹ and, when the heritors should have provided school-houses and schoolmasters’ houses in the divided portions of the parish, to pay out of the income from the stock the salary of the schoolmaster. Such schools became known as “Parliamentary” schools.

In 1839 an Order in Council appointed a Committee of Council on Education for the supervision of the distribution of £30,000 which Parliament voted as a grant in aid of education, and, to assist them in their work, the Committee appointed inspectors; to whose visits the schools accepting the grant had to be open.

The three Gaelic Societies, meanwhile, were decaying through lack of financial support—whether because the activity of the Church opened a new channel for subscriptions which had previously flowed into their coffers, or because the interest in the work slackened—and, in 1841, they were either altogether extinct or considered about to be so. Another reason for their funds being so low was that a more urgent appeal to the charitable was made by the destitution and distress which was prevalent throughout the Highlands and Islands, notably in 1836 and 1837, as the immediate result of bad harvests and the failure of the herring fishery. It is significant that, in the evidence brought before a Select Committee appointed to inquire into the practicability of affording relief by means of emigration, the *principal* cause of distress was alleged by the Hon. Sec. of the Glasgow Relief Committee to be the excessive want of education. The Select Committee itself reported that they “found it stated that the deficiency of education has tended to perpetuate this evil of excessive population, as want of knowledge of the English language and the ignorance of the people in other respects made them unable to estimate the advantage it would be to them to seek for employment where they might find a better market for their labour.”

It would seem, therefore, that in 1841 the aim of providing an elementary education for every child in the country was still far from being achieved, but two new circumstances

THE COMMITTEE OF COUNCIL.

DECAY OF THE GAELIC SOCIETIES.

Select Committee on Emigration, 1841, Minutes of Evidence, q. 2450.

Ibid., Report, § 5.

TWO NEW FACTORS.

¹ £24,666 10s. 4d. Three per cent. Consolidated Bank Annuities were purchased.

which arose about this time served to bring the task nearer the hope of completion. The first was that the aggregate population of the seven crofting counties, which had been steadily rising since the beginning of the century, began after 1841 to decrease, and the shrinkage has been continuous to the present day. As the total number of children for whom provision must be made became smaller and smaller, so the difficulty of providing for them would manifestly become less and less, though very possibly not proportionately so, since a school is established to serve a locality rather than mere numbers of scholars. The second circumstance was the secession of the Free Church from the Established Church in 1843, which brought a new and energetic agency to the work of establishing schools. In 1851 the Free Church possessed 712 schools throughout Scotland, but many of these were, from a secular standpoint, redundant, being merely denominational schools in rivalry with those of the Assembly. The following table shows the number of schools in the seven counties in 1851; "public schools" including all those supported by general or local taxation, by endowments, or by religious or philanthropic bodies.

NUMBER OF SCHOOLS IN 1851

	Public.	Private.	Total.
Argyll	175	6	181
Caithness	73	42	115
Inverness	142	20	162
Ross and Cromarty	148	19	167
Orkney and Shetland	111	36	147
Sutherland	73	5	78
Total	<u>722</u>	<u>128</u>	<u>850</u>

THE ACT OF
1861.
24 & 25 Vic.
c. 107.

The Act of 1861 raised the salaries of parochial schoolmasters to a sum within the limits of £35-£80, but it affected their security of tenure by providing that a schoolmaster, if guilty of immorality or cruelty, could be deprived of his office by the sheriff or, if reported by Her Majesty's Inspector as disqualified for his position through infirmity, old age, or wilful neglect of his duties, could be required to resign by the heritors and minister. If the disqualification was not brought about by any fault of the schoolmaster, he was entitled to a retiring allowance of not less than two-thirds of his salary, but this allowance might be granted in any case at the discretion of the heritors. This Act aimed at improving the quality of the teaching, firstly, by making the vocation of

a schoolmaster more remunerative and thus attracting men of higher qualifications, and secondly, by providing a means of getting rid of the incapable. In the Highlands and Islands the second aim was not readily attained. "I have no remark to make," says a minister, "on the state of education in the parish, except that if the present teacher of the parish school was to retire—he is an old man—the legal allowance would be inadequate for his support." In 1865 there were only two superannuated teachers in the whole Hebrides and the average annual salary of school teachers there was but £26 17s. 11d.

The period following the year 1865 is one of the most important in the history of the educational administration. The year 1865 witnessed the publication of the first volume of an elaborate Report by a strong Commission on Education in Scotland. The second Report was published in 1867 and, though the recommendations of the Commission were not uniformly adopted, the Education Act (Scotland), 1872, was mainly due to these Reports. By that Act, which still ranks as the Principal Education Act for Scotland, the leading principle of State action was radically changed. Before 1872 the principle was that persons interested in the education of the nation should, with the aid and under the inspection of the State, be encouraged to provide education. The Government professed, not to establish, but to assist in establishing schools—not to educate, but to assist in educating—and while it provided for the inspection of schools in order to secure their efficiency, it left their internal management free. After 1872 the State, no longer giving merely encouragement and assistance, assumed the entire responsibility for the education of the people.

Before we pass on to a brief account of this important Act, there is much of interest to note in the Commissioners' Report as to the state of education in the Highlands and Islands. Three things the Commissioners quite definitely perceived. Firstly, they fully appreciated the special difficulties of the district: the isolation and poverty of the inhabitants. For a people separated into numerous small and isolated hamlets by rugged and roadless mountains or wide and stormy firths, a much greater number of schools was wanted in proportion to the population than elsewhere. The insufficiency of the wild and barren country to afford reasonable means of subsistence to the existing population under the conditions then obtaining caused widespread poverty, which crippled the financial resources of the educa-

A CHANGE OF PRINCIPLE.

Second Report of the Education Commission (Scotland), 1867, p. lxxxvii.

THE REPORT OF THE EDUCATION COMMISSION (SCOTLAND), 1865-7.

The Report of the Education Commission (Scotland), 1865-7, p. clviii.

tional authorities. At a time when one-third of the sums devoted to Scottish education was derived from school fees, 74.1 per cent. of the scholars in the Hebrides were paying absolutely nothing and the average sum collected there in fees was less than 3s. 3½d. a scholar per annum as compared with 8s. 2d. for Scotland generally. The poverty-stricken people needed the assistance to be had from child labour, and their demands, together with the fact that bad weather often kept at home children who had but a scanty supply of clothing, caused the irregularity of attendance to be one of the most striking and discouraging facts noted in the Report.

Ibid., p. cxvii.

Secondly, the Commissioners were in no doubt as to the meagreness of the existing educational facilities. A large proportion of the adult population was unable to read or write; 35 per cent. of the children of school age (4-14) in

Ibid., p. lxxi.

the Hebrides were not on the roll of any school. There was reason to believe that the school buildings were in a worse condition and that the teachers were less efficient in the Highland parishes than in the same class of schools else-

Ibid., p. cxxx.

where. One hundred new schools, it was estimated, were required for the Hebrides and another hundred for the highland parishes on the mainland. The Special Commissioner sent to the Hebrides reported that there were there 32 parish and "side" schools and 10 parliamentary schools for a population numbering about 80,000. The number of scholars on the roll of these 42 schools—only 11 of which were under Government inspection—was, at the date of his visit 2212, or 18½ per cent. of all the scholars in the district.

Ibid., p. lxxxii.

"The school system, therefore, established under Acts of Parliament is," he says, "obviously inadequate to meet the exigencies of the case." Its defects, however, were partially supplied by 184 non-parochial schools—the majority of which had been established within the preceding twenty years—supported chiefly by fluctuating funds collected in other parts of the kingdom. The total number of 226 schools had a staff of 275 teachers and the attendance was, he found, 7173 scholars, of whom over half were less than ten years of age and 12 per cent. under six; yet there were only two schools in the Islands expressly designed for infants, and both these were supported by the proprietors.

Ibid., p. lxxxiii.

Thirdly, the Commissioners were convinced that the Highlands and Islands must receive special treatment; that no system of educational administration applicable to the country at large would prove successful in these remote

parishes unless it were considerably modified. They mention, too, that, far from having received more generous treatment, these needy districts had not even been obtaining their due share of State aid. "The proportion of funds voted by Parliament which has been expended within the Hebrides has not been according to the population, and still less has it been in proportion to the existing great educational destitution." Dealing with the cost of education, the following remarks of the Commissioners are of particular clarity and significance: "Two things must be admitted. On the one hand it must be admitted that taxation should be as equally distributed as possible; and, on the other hand, that adequate provision must be made for the education of the people. But it seems to us impossible fairly to apply both these principles to the Highlands and Islands, without treating them apart from the rest of the country, and without making special arrangements for the purpose of supplying an adequate number of schools. These arrangements need not, indeed, be permanent, but they must endure while the population continues so much in excess of the means of subsistence. If some plan of this sort is not adopted, one of two consequences must follow, either the proprietors must be over-burdened with taxes, or the people must be left in ignorance." The sequel will show which of these consequences did follow the halting recognition of the justness of these remarks. The statistical survey of the educational condition in the seven crofting counties in 1865 given on page 152 has been compiled from the Census Returns of 1861 and from information scattered through the Appendices to the Commissioners' Report.

Proceeding to investigate the financial strain that would arise if all the children of these counties were to be educated: the annual cost of educating a child in an efficient school was then found to be £1 6s. 6d., but it was thought probable that the figure might be reduced to £1 5s. by a more extended employment of female teachers. The number of children then attending school was 53,228, of those not attending 32,612, giving a combined total of 85,840 children, which at £1 5s. *per capita* comes to £107,300. Now it was found that the parliamentary grant from the Committee in Council was on the average 8s. 0½d. *per capita*, while the school fees came on the average for Scotland to 8s. 10d. *per capita*, though the amount was much less in the Hebrides. Assuming, however, that two-thirds of the expenditure would be met from the parliamentary grant and the school fees, it leaves

The Report of the Education Commission (Scotland)
p. lxxxi.

Ibid.,
p. clxviii.

THE FINANCIAL POSITION IN 1865.
Second Report of the Education Commission (Scotland), 1865,
p. clvii.

Ibid., p. clviii.

	Argyll.	Caithness.	Inverness.	Orkney.	Shetland.	Ross and Cromarty.	Sutherland.	Total of the Seven Counties.
Number of public schools	244	81	177	87	51	174	70	884
Number of private venture schools.	14	32	10	24	11	18	4	113
Total number of schools	258	113	187	111	62	192	74	997
Number of children of school age (4-15) on the roll	12,934	5,593	12,206	4,501	2,223	12,142	3,629	53,228
Percentage of children of school age not attending any school	34.1	41.1	37.6	35.9	67.5	32.8	30.8	37.9
INCOME : —								
Heritors' legal assessment	£2,143 18 9	505 2 0	1,400 19 7	633 10 0	476 1 11	1,500 14 8	682 10 0	7,342 16 11
Lords of the Treasury	383 0 0	58 0 0	98 0 0	30 0 0	—	119 0 0	89 0 0	777 0 0
Committee of Council	1,826 12 2	878 15 0	1,281 13 4	192 5 0	85 0 0	1,393 16 5	775 10 10	6,433 12 9
Church of Scotland	944 0 0	353 0 0	1,763 0 0	471 0 0	—	212 0 0	395 0 0	3,138 0 0
Free Church	873 1 6	402 9 9	1,574 7 4	226 15 3	—	1,477 10 0	458 6 4	5,012 10 2
Society for Propagating Christian Knowledge	818 0 0	138 0 0	500 0 0	205 0 0	382 0 0	217 0 0	148 10 0	2,498 10 0
Gaelic School Society	75 0 0	—	450 0 0	—	—	475 0 0	25 0 0	1,025 0 0
Total Income	£7,063 12 5	2,335 6 9	6,098 0 3	1,848 10 3	943 1 11	5,395 1 1	2,573 17 2	26,227 9 10
Valuation (including Burghs)	£384,006	108,302	277,951	84,440		229,246	59,311	1,143,256

to be provided a sum of £35,766 0 0

Towards this there were the—

Heritors' legal assessment .	£7342 16 11	
Grant under the Act of 1838	777 0 0	8,119 16 11
	<hr/>	<hr/>
Sum required, say	£27,646 0 0	
	<hr/>	<hr/>

It was considered that, if a national system of State-aided schools were to be established, the receipts from voluntary agencies would practically cease, and the deficiency would, in default of further State aid, have to be obtained by a rate. Now a penny rate on the valuation of £1,143,256 produces £4763 16s. 4d., and, therefore, to cover £27,646 the rate would need to be, on the average, 6d. But new buildings were required. Accepting the figures given by the Commissioners, the cost of erecting new buildings did not exceed £5 for each child. If provision were to be made for the 32,612 children not attending any school, the capital sum required would be £163,060, and, if this were borrowed at 6 per cent. in order to provide for its gradual liquidation, an annual charge of £8784 would have to be met, thus bringing the rate required up to 8d., and this without allowing for the repairs, maintenance, or replacement of existing schools or for the erection of new schoolmasters' houses. Yet the Commissioners reported that in Scotland the required number of efficient schools and efficient teachers might be supplied by a maximum rate of 2d. in the rural districts and most of the towns, and in the Hebrides—after stipulating for a Government grant on a doubled scale and assuming, on very slender grounds, a large increase from school fees—of 2½d. The great discrepancy between their results and the one given above is due, firstly, to the fact that the number of scholars for whom they made provision was based on the number on the Roll and calculated at one-seventh of 87 per cent. of the population, whereas above provision is made for all children of school age; secondly, they worked out their figures for the whole of Scotland, excluding the Hebrides. It is obvious that their conclusions were unsound as applied to the seven crofting counties, and, indeed, they seem aware of this in their remarks quoted above on the danger of overburdening the proprietors with taxes. Finally, were we to omit the school fees altogether, we should have the rates well on towards the abnormal height which they have since attained.

*Second Report
of the Educa-
tion Commis-
sion (Scot-
land), 1865,
p. clxxii.*

THE ACT OF
1872.
35 & 36 Vic.
c. 62.

The Act of 1872 provided for the establishment of a School Board (see p. 57) in each and every parish and burgh in Scotland. All schools established by parliamentary authority were transferred from the heritors to the School Board, and the heritors, as such, were relieved of all responsibility for their upkeep. The School Boards could purchase private adventure schools, but they could only accept, not purchase the schools, mostly denominational, which had been established by private subscriptions. It was the fundamental duty of the School Board to undertake the responsibility of providing a sufficient amount of accommodation in public schools for all in the parish or burgh for whom efficient education was not otherwise provided. To enable them to carry out their duties, they had placed at their disposal the school fund which consisted of the parliamentary grants, of money raised by loan, of the school fees, and of certain casual receipts. If the school fund were not large enough to meet the expenditure, the Board were empowered to cover the deficiency by means of a local rate, one-half upon owners and one-half upon occupiers, to be levied and collected with the poor rate by the parochial board. No limit was fixed to the amount of the rate. To carry through the transitional arrangements, the Act established a central Board of Education, which existed until 1878, when its powers and duties devolved upon the superior authority, the Committee of Council for Education in Scotland (see p. 40), commonly known as the Scotch Education Department. A strong central control was placed in the hands of the Department, mainly by reason of the facts that it was the agent for the distribution of the annual parliamentary grant, and that it was empowered to frame a code of minutes in accordance with which the grants were to be made. The Department was given extensive powers with regard to the constitution and alteration of school districts, the fixing of the number of members on each School Board, the regulation of School Board elections, the supervision of loans, and the completing of Boards not fully elected. Indeed, by section 13, the Department might, in the event of a School Board election not taking place, nominate the whole Board.¹ Attendance at school was made compulsory, unless the parent of the child not attending could show "reasonable excuse," such being defined by a later Act as (1) sickness or any other unavoidable cause, or (2) the absence of any public or inspected school within three miles by road of the child's home. As

46 & 47 Vic.
c. 56.

¹ In 1911 the Department nominated thirty-three School Boards.

fees were not abolished, it was necessary to provide for the case of parents unable to pay them, and it was enacted that the parochial board, on being satisfied of the parents' inability, should pay out of the Poor Fund the ordinary and reasonable fees.

In spite of the Education Commissioners' strong recommendations as to the special needs of the Highlands and Islands, there is but little provision in the Act for any special treatment of these districts. Section 67 enacts that where a rate of 3*d.* raises less than 7*s.* 6*d.* a child or £20 altogether, the School Board are entitled to such further sum as will make up that amount, this additional sum being irrespective of what the rate actually may be, provided it is not less than 3*d.*¹ This provision was intended to assist the Highland parishes and, later in the same section, the counties of Inverness, Argyll, Ross, Orkney and Shetland are specially mentioned as districts where the parliamentary grant might be, if the parish rate were not less than 3*d.*, in excess of the income of the school derived from fees, rates, and subscriptions. To these favoured counties, Sutherland and Caithness were afterwards added, thus completing the list of the seven crofting counties.

The system established by the Act of 1872 has continued, in its main outlines, to the present day. The elected School Boards are responsible for the provision of efficient education within their district, and we have seen that they are controlled partly by their susceptibility to the opinion of the electorate and partly by the Department's statutory powers. The real control, however, is financial; the School Boards are practically dependent upon the parliamentary grants, and these are distributed by the Department in accordance with the conditions laid down in the Code. A study of the progress of education would involve, therefore, an inspection of all the Department's minutes which have been issued from time to time, but these are so numerous that any attempt to detail them would be tedious. This section on Education will, therefore, conclude, after a brief mention of the more important Education Acts passed since 1872 and the difficulties encountered in carrying them out, with an attempt at estimating the present position.

In 1873 was passed the Highland Schools (Scotland) Act dealing with the position of the Parliamentary Schools established by the Act of 1838. The stock, from which their salaries had been paid to certain schoolmasters, was no

THE
HIGHLAND
SCHOOLS ACT.
36 & 37 Vic.
c. 53.

¹ See p. 364.

longer adequate in amount and was cancelled, and the sums payable in 1872 were to be charged thenceforward on the Consolidated Fund and passed over in half-yearly instalments to the respective School Boards. Thus the thirty parliamentary schools mentioned in the schedule to the Act became permanently endowed by the State with sums varying from £20 in the case of Kinlochspelve to £34 in the cases of Poolewe and seven others.

HELP FOR
REMOTE
DISTRICTS.
39 & 40 Vic.
c. 79.

The Highlands and Islands benefited from the help which was given to thinly peopled districts by the Elementary Education Act of 1876, which decreed that, in cases where the population within two miles by road of a school was less than 300, a special grant should be made if no other public or State-aided school was available for that population. The grant was to be £10 if the population exceeded 200, £15 if it did not exceed that number.

In the more remote glens and islands, where the population was not sufficient to justify the erection of a school and whence the route to the nearest school was so long or so difficult as to make the attendance of the isolated children at that school impossible, such children had to be instructed by itinerant teachers in whatever room could be obtained. To encourage the Boards in undertaking this work, the Education Department gave, under certain conditions, a special grant. The district had to be one where the number of scholars that could be brought together at one centre was less than twenty, and whence the nearest aided school was four miles distant or separated by the sea. The scholars had to receive instruction from an approved teacher for at least sixty days in the year and were to be presented before the inspector on the occasion of his annual visit to the central school. If these conditions were complied with, the managers might claim a double grant for these scholars and, should the number of such scholars reach 15, an additional grant of £10 might be claimed.

HIGHER
EDUCATION
IN 1882.
41 & 42 Vic.
c. 78.

The Act passed in 1878 aimed at remedying certain defects in the principal Act which experience had brought to light and it laid restrictions on the casual employment of children. It is chiefly of importance, however, because it makes an effort to provide for higher education. School Boards, with the consent of the Department, were empowered by section 18 to defray the expense of higher class public schools out of the rates. This permission was, however, hardly likely to be utilised in the Highlands and Islands, where the school rate was already over 9*d.* in 76 parishes at a time (1881-82)

when it exceeded that figure in only 115 parishes throughout all Scotland. If the School Boards very generally were failing to carry out the spirit of section 18, still less were the impoverished and harassed boards of the Highlands and Islands likely to attempt any provision for higher class schools. In fact, the Napier Commissioners found no such school in the west of Sutherland or of Ross-shire, none in all the Western Isles, or in the whole western coast from Cape Wrath downwards till Campbeltown was reached. "The weakness of the provision for secondary education constitutes," they remark, "a serious defect in the educational system and it is more peculiarly felt in the Highlands and Islands."

Napier Report, p. 72.

Strong: *History of Secondary Education in Scotland*, p. 217.

Napier Report, p. 77.

The Act of 1883 raised the upper limit of school age from 13 to 14 and dealt with the difficulty of enforcing compulsory attendance. The compulsory clause (section 70) of the Act of 1872 had been found impracticable in the north-west. The parishes were so large and the population so scattered in isolated groups that the compulsory officer could not possibly supervise effectively the whole area, more especially as he was never a full-time officer and had to supplement his meagre salary by undertaking other work. Moreover, the expense of prosecuting defaulting parents was appalling. The amount of fines recovered in 1881-82 under section 70 in the seven crofting counties was only £12 2s., while the expense of prosecuting amounted to £107 8s. 6d., being nearly in the proportion of £9 to each pound recovered. In two of these counties, Shetland and Sutherland, no fines at all were recovered. Obviously the School Boards could not afford to prosecute under these circumstances, and the Act of 1883 sought to lessen the necessary expense by enabling the prosecution to be instituted before a court of summary jurisdiction, instead of, as heretofore, by the Procurator-Fiscal before the Sheriff-Substitute.

COMPULSORY CLAUSES INOPERATIVE.

Napier Report, p. 74.

The remarks of the Napier Commissioners in 1884 on the progress of education in the north-west were, on the whole, and apart from the question of cost, encouraging. They noted the temporary paralysis of educational effort during the transitional period, but they considered a very marked improvement in the means of education had been manifested since the Act of 1872 came fairly into operation. Better buildings and apparatus, an increase in school fees, attendance improved though still very irregular, and a general rise in the salaries of teachers, are among the points they mention; while, on the other hand, attention is drawn to the excessive

THE NAPIER COMMISSIONERS' REMARKS.

school rates, the want of higher schools, and the neglect of Gaelic.

FURTHER
HELP FOR
THE CROFT-
ING COUN-
TIES.

Influenced by the remarks of the Napier Commission, the Scotch Education Department took steps to remedy each of these defects. Firstly, a special graduated attendance grant was given to the seven crofting counties with the hope both of improving the attendance and of relieving the financial strain. In these counties was paid, instead of the normal 4s. per scholar, a grant of 5s. per head where the average attendance was between 65 per cent. and 70 per cent. of the children on the register, 6s. if between 70 per cent. and 75 per cent., 7s. if between 75 per cent. and 80 per cent., and 8s. if it exceeded 80 per cent. Secondly, the Department, for the purpose of fostering higher education, gave a special grant for the teaching of certain advanced subjects specified in the Code. The normal grant of 4s. per subject for every day-scholar presented in Standards V and VI who passed a satisfactory examination in not more than two of these subjects, was increased to 10s. per subject in the case of all parish (not burgh) schools of the crofting counties, provided that, if the principal teacher had been appointed after 1885, one member of the staff should be a graduate in Arts or Science. Lastly, to any school in these counties which employed for children under Standard III a special pupil teacher having the ability to speak Gaelic, the grant due on the inspector's report might be increased by 1s. per scholar.¹

THE CRISIS
OF 1888.
APPEALS TO
THE DEPART-
MENT.

In spite of these efforts to bolster up the School Boards of the crofting counties, the financial situation became steadily worse. Many of the Boards were heavily in debt. Following the Act of 1872, they had undertaken the erection of a considerable number of school buildings, and this sudden activity had, in these remote localities, resulted in an abnormal rise in wages and the cost of building. A large part of the necessary funds had been advanced by the Government at 3½ per cent. interest, repayable in fifty years, and the Boards were encumbered with the heavy liability at a time when the poorer districts were floundering on the verge of bankruptcy. School attendance could not be enforced, fees dwindled to the vanishing point,² and even the parochial boards, unable

¹ The extra grant obtained from these three special grants was £4726 13s. for the year 1888.

² "In South Uist the average school fees per annum during the ten years from 1881 to 1890 were less than one penny per scholar in average attendance."—*Report on the Social Condition of the People of Uist* in 1903, p. xxix.

to collect their assessments, failed to meet their obligations to the School Board. The school rates rose alarmingly: in 1874 the rate had been 1s. in the parish of Uig, 9d. in each of the other parishes of the Lews; the average school rate for the nine years 1880-88 was 1s. 9d. in Stornoway, 2s. 10d. in Uig, 4s. 2d. in Barvas, and 4s. 7d. in Lochs. By 1888 many of the School Boards, especially in the Outer Hebrides, were in fact bankrupt, and in that year four of them—Barvas, Lochs, Uig and Harris—applied to the Scotch Education Department for special assistance, stating that they found themselves unable to meet their liabilities or to continue to maintain and keep efficient the schools under their management.

The Department, replying in a long and somewhat peevish letter, attempted to throw the blame of the break-down upon the Boards. The Napier Commission had stated that the chief cause of the exorbitant rates had been the expense incurred in building and maintaining an exceptionally large number of schools, and that, though the number of schools was justified by the enormous extent and scattered population of most of the Highland and Island parishes, the buildings themselves, erected under the stringent regulations of the Scotch Education Department, were in a style and on a scale often beyond the requirements of the people and at an expense quite disproportionate to their means. The Department, in answer to this criticism, which evidently rankled, cited cases, alleged by them to be similar, where the outlay was far less than the £14 8s. per scholar accommodated, which was the average scale of expenditure in the four parishes. They averred that their regulations aimed only at securing certain fundamental conditions of school efficiency by the simplest means and at the smallest cost, but they admitted that a very wide discretion was left to each locality. It seems a fair deduction that, if the Department had not forced the heavy expenditure, they, anxious more for efficient education, which was their direct concern, than for economy, had probably encouraged it and certainly had not taken any serious steps to reduce it to a sum reasonably proportionate to the resources of the district. In their letter, indeed, they deny that the expenditure had imposed a very serious burden, on the ground that nearly all of it had been recovered by the building grant or by loans, and they censure the Boards for having resorted to what they call the "illegal, extravagant and unauthorised course of raising temporary loans from the banks." The following table

THE DEPARTMENT'S
REPLY.

*Report of the
Scotch Education
Department, 1888-9,*
p. 96.

*Napier Re-
port, p. 72.*

shows what the cost in these parishes had been from 1872-88 and how it had been met. Fractions of a pound are omitted.

	No. of Children for whom Accommodation was provided.	Average Attendance 1888.	Total Cost of School Provision.	Building Grant from the Department.	Amount raised by Loan from the Public Works Loan Commissioners.	Amount of Loans Repaid.
Barvas	944	534	£ 8,523	£ 5,258	£ 3,076	£ 591
Harris	825	406	15,346	9,673	5,900	1,230
Lochs	1,463	710	20,122	12,428	7,636	1,214
Uig	696	331	12,600	7,704	5,000	1,327
Total	3,928	1,981	56,592	35,064	21,612	4,363

Having dealt with the cost of school provision, the Departmental letter proceeded to criticise the Boards' general administration. They accused the four Boards of having lost a total sum of, at least, £450 a year through the absence of rigorous action with regard to enforcing attendance; but, in the light of what has been mentioned above on the appalling cost of prosecution, this accusation seems hardly fair. Nor is their suggestion that the staff expenditure might have been diminished by gathering the older children into certain schools one which would, at that time, have been generally possible or likely to result in any material saving. Another accusation made was that the Boards had "illegally thrown away a source of revenue which was quite recently productive," viz. the school fees which, on the actual attendance, should have been, according to the Department, £945, but only yielded £5 1s. in 1887 as against £190 9s. 8d. in 1882. As the Department knew that both rents and rates had been largely unpaid in these districts, it seems unfair to have expected the School Boards to have been able to squeeze the school fees from the poverty-stricken people. The fact of the matter was that, in the words of the Napier Commissioners, "the Education Act of 1872 has laid a burden on the people (of such parishes) quite beyond their strength." Having reviewed the situation, the Department made the trite remark that "it was clearly incumbent upon Boards so situated as yours to use every effort to reduce expenditure," and went on to state that "their Lordships would therefore have expected to find greater economy in the provision of schools, in their organisation and in general expenditure." Now, as to provision, the Department were themselves responsible since their sanction for expenditure was necessary; as to organisation, the only defect alleged by the

Department was the neglect of any attempt—and it is difficult to see how it could have been successful—to grade the schools; and as to general expenditure, the only criticism made by the Department referred to a loss of income which was incurred, not so much by any laxity of administration, as by the special social and physical conditions of the district.

Unsatisfactory as the letter must be admitted to have been as an exculpation of the Department's administration, it was equally ingenious and far more valuable in the scheme of reform which it foreshadowed. The Department would not consent to assist the Boards any further without securing a greater and more effective control over expenditure and administration, but this might have been difficult to secure since the Department's powers, like those of all public authorities in Britain, are limited by statute and any action *ultra vires* would have been illegal. A neat way out of the difficulty was found. A section—hitherto rarely used—of the principal Act had empowered a School Board to commit the management of any school under their charge, and to delegate any of their powers under that Act except the power of raising money, to three or more managers who were to be appointed and removable by them, and had to observe such rules, conditions, and restrictions as the Board should prescribe. The Department, therefore, made the following offer to the School Boards of any parishes in the crofting counties where the necessary school rate was imposing a burden on the localities in excess of that which they could be expected to sustain; the School Board was to commit the management of their school to three managers of whom one should be Her Majesty's Inspector just appointed in special charge of these districts. Full powers under the section mentioned were to be delegated to the managers and they were to receive the parliamentary grant. Practically this left the management in the hands of the Department's officer, for it was a condition that, in any case of dispute between the inspector and the other managers, the question should be referred to the Scotch Education Department, whose decision should be final. If a School Board chose to submit to these conditions—the Department had no legal authority to compel them to do so—then the Department agreed, if the necessary expenditure was not covered by the ordinary income, to meet the deficit from the following sources: (1) from the Probate Duty Grant at the disposal of the Secretary for Scotland under the Probate Duties (Scotland and Ireland) Act, 1888, the sum allotted to each parish to be

THE INSPECTOR AS MANAGER.

35 & 36 Vic. c. 62, sec. 22.

52 & 53 Vic. c. 60.

distributed in the same proportion as the average attendance at the school bore to the average attendance of all the public schools in the parish; (2) if necessary, by a further grant not exceeding £25 in the case of any one school, or 5s. per scholar in average attendance, from any fund which might be placed at the disposal of the Department by the Secretary for Scotland. If any surplus remained to the managers at any time, it was to be paid by them to the School Board for the liquidation of outstanding liabilities to the Public Works Loan Commissioners. Applications to come under this scheme were at once received from fifteen School Boards in Ross and Inverness shires, two of which, however, were refused by the Department. The expected sum from the Probate Duties was, however, not forthcoming after March 31, 1890, and the necessary pecuniary assistance was provided by Parliament in a special grant of £4000 for 1890-91, and £2500 for 1891-92, in which latter year the conditions of distribution were slightly modified so as to adapt the special aid to the needs of each locality. The new scheme worked beneficially; the school rates were immediately reduced, and the average school attendance showed a very considerable increase.¹ At the close of 1892, the Department, who were anxious for the "restoration of full local autonomy at the earliest possible date," were able to report that "the Boards are restored to a position of solvency, and, though it cannot be said that the local resources are in all cases sufficient to meet the present burdens, yet we trust that provision has been made for a sound financial position combined with increased efficiency, and that before long local responsibility may be fully restored. In the case of one School Board (Stenscholl in Inverness-shire) we have thought it right to bring the provisional arrangement to a close." It was, however, some time before these hopes were realised, and the special grant was meanwhile continued. For the year 1892-93 it was £2000; from 1893-97 and from 1904-9 it was £1500 per annum, and from 1897 to 1904 it was £1200 per annum. South Uist was replaced on the normal footing in 1894, and Kilmuir, Barra, Bracadale, and Snizort in 1896, but the seven boards (Barvas, Lochs, and Uig in Lewis; Harris, Duirinish, Strath, and Sleat in Skye) remaining of the original thirteen continued under the special administration until the Act of 1908 merged the special grant in the Educa-

Scotch Education Department Report, 1891-2,
p. xxvi.

¹ In 1892 as compared with 1888 the attendance had increased 41 per cent. in Skye, 26 per cent. in Lewis, and 12 per cent. in the combined districts of Harris, South Uist, and Barra.

tion (Scotland) Fund (see p. 365). The Department, consequently, terminated the arrangement in 1909, though they offered these boards the option of retaining the services of the inspector as manager.

We must now go back a few years to note the passing of the Local Government (Scotland) Act, 1889, which had the result of abolishing school fees in all the compulsory standards of the Code, and made the fixing of such fees as might still be charged subject to the provisions of the Scotch Education Department. Another very important clause enacted the abolition of payment of school fees by the Parochial Boards. As compensation for the loss of these fees, the balance of the Probate Duty (see p. 347) was made available, and this amounted to £113,300 in 1889-90 and was estimated at £170,000 for 1890-91. By the Education and Local Taxation (Scotland) Act, 1892, this balance was allocated to a different purpose and, in place of it, a lump sum (£265,000 in 1892-93) and the balance (if any) standing to the credit of the Local Taxation (Scotland) Account (see p. 365) was made an annual grant in relief of school fees. Meantime a further sum of £40,000 had been granted by the Local Taxation (Customs and Excise) Act, 1890. The amount actually paid over by the Department to the School Boards in relief of school fees was £281,674 11s. in 1891-92, and £287,334 6s. in the following year. In 1894 school fees were completely abolished; so completely, indeed, that even the practice, which existed in certain of the Highland and Island parishes, of scholars bringing to school a daily contribution of peat was banned by the Department.

Besides being remarkable for the partial abolition of school fees, the year 1889 is marked by an alteration in the direction of the educational activities of the Society for Propagating Christian Knowledge. This Society was possessed of considerable accumulated funds, and when, after the passing of the Act of 1872, its support of public schools was no longer necessary, it began to devote the income to the provision of bursaries tenable at higher schools. In 1889 the funds amounted to £185,330, four-fifths of which was then delivered over to a body of Trustees and formed the "Trust for Education in the Highlands and Islands of Scotland," the remaining fifth being left in the hands of the Society for purely religious purposes. The good work of the Society is thus continued by the Governors of the Trust, who spend the income mainly in the provision of bursaries, in the encouragement of Gaelic, and in grants to the fourteen schools which they have selected

ABOLITION OF SCHOOL FEES.

55 & 56 Vic. c. 51.

Scotch Education Department Report, 1893-94, p. 128.

THE HIGHLANDS AND ISLANDS EDUCATIONAL TRUST.

Kerr: Scotch Education, c. 23.

for the free education of candidates for, and holders of, their bursary awards.

STATE AID
FOR SECONDARY
EDUCATION.

These same years witnessed a considerable advance in the State encouragement of secondary education. It must be remembered by English readers that the work of the Scottish parochial school was never legally restricted to elementary education; many of these schools had for long been accustomed to give higher instruction and, later, were encouraged to do so by the grant for specific subjects, which was the method whereby the Department endeavoured to carry out the spirit of the injunction in the Act of 1872 that the standard of education which then existed in the public schools should not be lowered. In time the more favourably situated schools developed a secondary department, and so grew into the Higher Grade or Intermediate Schools of to-day. Besides this work in the parish schools, secondary education was provided in the older endowed schools and the higher class Schools, many of which had come under the School Boards in 1872.

In 1885 the Department began the inspection of higher schools, and in 1888 the Leaving Certificate Examination was instituted, both these steps having a very beneficial influence on the progress of secondary education. Then, in 1892, the Education and Local Taxation (Scotland) Act granted an annual sum of £60,000 to meet the expenses of this inspection and examination, and to make provision for secondary education. In order to give the Department the requisite local knowledge, secondary education committees (see p. 63) were appointed for each county and for each of the six largest towns. These committees were required to submit to the Department a scheme for the distribution of their share of the grant, being guided by their own judgment as to the requirements of the locality and having due regard both to educational efficiency and to the extension of the benefits of secondary education to the largest possible number of scholars. If the Department approved the schemes, it paid over to each committee a sum proportionate to the population of the various areas. It was, however, usually the case that financial help was most needed where the population was scantiest and most widely distributed, and in July 1894 a Minute of the Department allocated £200 to each committee, leaving only the remainder of the grant to be shared proportionately to the population. This had the effect of bringing an additional sum of about £700 to the crofting counties, but, even so, their share of the

£57,000 available was not great, as the following table shows—

GRANT TO THE SECONDARY EDUCATION COMMITTEES, 1894-95

	£	s.	d.
Argyll	1116	12	0
Caithness	654	7	3
Inverness	1298	1	7
Orkney	572	3	9
Ross and Cromarty	1162	3	5
Shetland	550	17	11
Sutherland	467	12	1
	<hr/>		
	£5821	18	0

The Act of 1908 made important alterations in the financial position of these committees, for which reference should be made to a later section. It may, however, help to illustrate their functions if mention be here made of the chief items of expenditure which figure in their accounts. These are Bursaries, Medical Inspection, Contributions in Aid of Capital Expenditure, Salaries and Travelling Expenses of Teachers of Special Subjects, Travelling Expenses and Maintenance of Teachers attending classes for further instruction. As the first item accounts for more than half the total expenditure, and the first two account for more than two-thirds, it will be seen that the committees do not, for the most part, exercise any functions of direct management; but, using the influence of the distribution of their grants, they seek to systematise the efforts to provide higher education within the county.

The existing organisation of educational facilities may be said to have evolved during the period 1898-1903. The public *Elementary Schools* are organised internally in three departments: infants, age 5-7; juniors, age 7-10; and seniors, age 10-12. The Education (Scotland) Act, 1901, abolished exemption by examination and made 14 the age up to which children, not specially exempted, must remain at school. For such scholars as are destined to leave school at 14, a suitable course of further instruction during their last two school years is provided by the Supplementary Courses in the Elementary Schools. Parents who wish their children to remain at school until 16 or 17 years of age, send them at the age of 12, or, if they prefer, at the commencement of the child's scholastic career, to an *Intermediate* (or Higher Grade) School. These schools were first established by the Code of 1899 and provide, normally, a three-years' (12-15)

THE
EXISTING
EDUCATIONAL
ORGANISATION.

curriculum, having a commercial or scientific bias. The main road to the Universities and the Professions is through the *Secondary School*, whose full course extends for twelve years (5-17). The distinction between these three classes of schools, however, is by no means so definite as might be supposed. In the first place, pupils can pass from one to the other at the end of any stage, *e. g.* an infant of seven from an Elementary School might pass into the Junior Department of an Intermediate School or into the Lower Department of a Secondary School. In the second place, the organisation has to be modified for the reason that in many parts of the country, particularly in the north-west, the Intermediate Schools, and especially the Secondary, are not sufficiently numerous to be accessible to every child. To provide for such cases, the Intermediate School may keep pupils until seventeen and prepare them for the Leaving Certificate, and, when this is largely done, there is little difference between an Intermediate and a Secondary School. Where, in remote districts, not even an Intermediate School is within reach, the Elementary School may run a Secondary Course side by side with the Supplementary Course. Such is, briefly, the general scheme of educational organisation in Scotland.

The following table shows the school provision in the seven crofting counties in 1912—

THE PRO-
VISION OF
SCHOOL
BUILDINGS.

	No. of Schools. ¹	Population of School Age (5-14).	Recognised Accom- modation.	Total Actual Average Attendance.	No. of Teachers.
Argyll	171	12,038	19,416	9,976	377
Caithness	69	6,215	10,210	5,770	187
Inverness	194	15,672	23,166	12,701	445
Orkney	57	4,321	6,937	3,399	128
Ross and Cromarty	139	13,697	19,398	11,498	377
Shetland	66	4,661	5,526	3,390	119
Sutherland	52	3,499	5,259	2,846	122
Crofting Counties	748	60,103	89,912	49,580	1,755
Rest of Scotland	2,610	848,543	993,957	708,413	18,703

	Crofting Counties.	Rest of Scotland.
Number of places occupied expressed as a percentage of number provided	55.1	71.2
Average number of unoccupied places per school	54.0	71.0
Average number of scholars per school	66.2	271.4
Average number of teachers per school	2.3	7.1
Average number of scholars in a class	28.3	37.8
Scholars in actual attendance expressed as a percentage of population of school age	82.4	83.4

¹ Excluding schools not under the management of School Boards, of which there are 29 receiving public grants in the crofting counties.

With regard to the provision of school buildings, it would seem that there are few districts entirely remote from a public school, and probably none of these are districts where a school might with advantage be built. Indeed, since only 55 per cent. of the school places provided are occupied, it might appear as if either the present number of buildings were excessive or the children's attendance poor. The attendance figure of 82·4 is, however, high, and compares very favourably with that for the rest of Scotland. Many districts in the Highlands and Islands are wild and stormy, perhaps roadless too, and it is extravagant to expect children of five or six years of age to journey in all weathers the mile or so to school. In the Shetland Islands and similar districts, few children under seven attend school, and this practice, originating with the more distant homes, has extended by the growth of custom to homes which are reasonably near the school. Except for the slight increase that would result from the abandonment of this custom, the attendance figure is unlikely to prove capable of elevation, and, indeed, its present height, when the natural difficulties are fully considered, reflects great credit on all concerned. The large percentage (44·9) of unoccupied places is explained by the social conditions. For a district with a widely scattered population a large number of small schools is required. Every school, and one might almost say every class-room, must have a certain number of unoccupied places, or the internal organisation of the school would be hopelessly rigid, and most schools when planned provide a margin in excess of current requirements in order to meet possible future needs. The average number of unoccupied places per school is actually less in the crofting counties than in the rest of Scotland, but, the Highland schools being numerous and small, the proportion of unoccupied places is comparatively large. Moreover, the continuous decrease in the population of the crofting counties since 1841 has brought with it a decline in the number of school-children, though this general decrease spread over a wide area has not permitted, except in a very few cases, the closing of schools in any particular locality. Emigration is by individual or by family and only very rarely by township. Again, the partial shifting of the population, due in these latter years chiefly to the crofting settlements of the Congested Districts Board, has necessitated new schools without in every case justifying the abandonment of the old. The parish of Duirinish had 616 enrolled scholars in 1893, but in 1901 it had only 450, for whom eight public schools still remained. The task which the School

Boards have now to face is not that of extending their elementary school system by building schools in new localities, but that of repairing or reconstructing the existing buildings, many dating from 1872, which become rapidly dilapidated through exposure to weather more severe along the north-west coast—the favourite track of the Atlantic cyclonic disturbances—than elsewhere.

ELEMENTARY
EDUCATION.

As far as the duty of providing elementary education is concerned, it may be said that this, the main function of School Boards, is being very efficiently performed. It is true that in several outlying districts "side" schools still linger, but the tendency is towards their suppression. If the "side" school is one that is kept open for the greater part of the year, the Department press for its elevation to the list of schools earning full grants; if not, the School Boards are urged to utilise the power conferred on them by the Act of 1908, which permits them to convey the children at the Board's expense daily to and from the nearest school on the full grant list. Generally speaking, therefore, a sufficient number of suitable schools has been established and staffed with an adequate number of efficient teachers. In the Highlands and Islands the results are educationally quite satisfactory, but the financial aspect can hardly be called so. Educational finance is dealt with in a later section; here it need only be pointed out that, though the State contributes 55·59 per cent. of the School Board's expenditure of the crofting counties as against 40·6 per cent. of that of the rest of Scotland, 44·82 per cent. of the School Boards in the former area have a rate of 1s. 6d. or more, and only 21·26 per cent. levy a rate under 1s., whereas in the latter area the corresponding figures are 20·14 and 49·72 respectively.

INTER-
MEDIATE AND
SECONDARY
EDUCATION.

The provision of merely elementary education is not, however, and never has been in Scotland, the sole function of School Boards; they have also to provide, under the guidance and with the financial help of the Department and the Secondary Education Committee, for advanced education. Their object is to see that every child capable of proceeding to higher work should have that opportunity, no matter what his class or local position. It may be said at once that that object is not completely attained throughout the Highlands and Islands, and it will probably be a very considerable time before it is.¹ All the old difficulties, conquered as far as elementary education is concerned, come up in

¹ "Secondary education is practically non-existent."—*Report on the Social Condition of the People of Uist in 1903*, p. cxxiv.

an aggravated form. It is, and always will be, financially impossible to establish an intermediate or secondary school within reach of every Highland home. At present there are thirty-four Higher Grade (*i. e.* Intermediate) Schools within the crofting counties; fifteen of these, together with the only Secondary Schools (Inverness and Tain Royal Academies), being recognised as centres for the training of junior students. If the distribution of these schools is marked on a map of the Highlands, a glance thereat shows wide areas entirely remote from such schools. The only methods by which the advantages of higher instruction can be afforded to every deserving child are either to provide it entirely or in part in the elementary school, or to bring the children away from home to the most accessible higher school.

Discussing the latter alternative first, it is obvious that to many parents the expense of sending their children many miles away to the Intermediate Centre and of maintaining them there for the greater part of the year would be prohibitive, and, consequently, the method is only possible by the granting of numerous and substantial bursaries. The sufficiency of the number of bursaries depends on their distribution as well as on their actual number. The method of allocation adopted when, eighteen years ago, the system was instituted was to award the scholarships on the result of a competitive examination, which resulted in the selection of the best children from the best schools, and handicapped those of equal, or it may have been greater, ability who had been educated under less advantageous conditions. The present method is nomination by the Secondary Education Committee on the report of the school managers and teachers, and this method might be quite suitable and satisfactory if the bursaries were sufficient in number to meet the demand. Unfortunately they are not; the money available will not give even one bursary per annum to each school, and schools and scholars have to swallow their disappointment and wait their turn. Every year a number of suitable candidates of good ability has to be rejected for want of money. The desire to make the bursaries reach as many as possible leads to the cutting down of the amount of each. For a crofter's boy, the amount should be not less than £15; with that amount and some help in kind from home he can keep himself, with less he cannot. Even if the bursaries were sufficiently large and sufficiently numerous, the system has some objectionable features. Against the benefit to the children of their higher

THE
BURSARY
SYSTEM.

education must be set the loss occasioned by the long separation from their parents. In Stornoway there are about 140 young boys and girls living in lodgings whilst attending school, and able to go home only at long intervals; at Portree the number of bursars is about 100. It is difficult to suppose that these small towns are able to provide suitable accommodation for such numbers, or that the supervision of the scholars under such conditions can be so organised as to minimise the loss of parental care. The solution is easy to find, but difficult to put into practice. Hostels are needed where these young children can be gathered, supervised, and cared for; the difficulty is financial.

HIGHER
WORK IN THE
ELEMENTARY
SCHOOL.

The method previously mentioned as alternative to the bursary system is that of providing higher instruction in elementary schools. This is the policy advocated by the Rural Schools Association, who hold that it is impossible to meet the wants of remote districts by any extension of the higher-grade schools, and point with reasonable pride to the work done in the past by the country school. The Departmental opinion, as enunciated by the Secretary for Scotland, is that if there is going to be a high standard of secondary education in Scotland, it has to be attained largely through the Secondary Schools, for, he asked a deputation from the Association, can rural School Boards afford in their own districts to give university-trained men a salary which would induce them to go there? If this question was intended in a narrow sense, the answer is that, under present conditions, they cannot; but the contention of the Association was that, if the Department refrained from putting difficulties in the way of School Boards and from imposing conditions which could not be applied without expense, but instead reverted to the policy of giving grants for higher subjects in places where it was reasonable that such provision should be made, then the School Boards might be able to give the necessary salaries. Now, the average salary (1912) of a certificated teacher in the State-aided schools of the crofting counties is £129 7s. 7d. for men, and £74 2s. 5d. for women, as against £161 9s. 9d. and £83 16s. 11d., respectively, for the rest of Scotland. The Boards must, of necessity, strain after economy, but there are certainly some reasons why the salaries in the crofting counties should be not lower, but even greater, than elsewhere. As the headmasters of the Lewis schools pointed out in a joint appeal to the Secretary for Scotland, the teachers in remote and isolated districts suffer disabilities which reduce their real wages considerably

below the nominal recompense. They lack such opportunities of intellectual intercourse as come abundantly to their urban colleagues; they live monotonous and narrow lives, and their low salaries, far from permitting them that salutary mental refreshment of a holiday change of scene and surroundings, often involve them in distressing financial worries. The real hardship of their position is occasioned by the fact that in these districts there is little mobility among the teaching profession; applications from a remote glen or island are disregarded, owing to the expense of interviewing the candidate. Thus while the Boards can obtain teachers at the initial salaries they offer—and, therefore, refuse to offer more—the teachers are not in a position to obtain the full remuneration which a free market would give them.¹ It follows from these remarks that, if secondary work is to be done in the elementary schools, it is not a small but a very considerable rise in the scale of salaries that is needed, and the fundamental objection to this is the size of the school. The table on page 166 shows 66·2 and 2·3 as the average figure for the number of scholars and teachers respectively per school in the crofting counties. To place a teacher fully qualified to undertake secondary work in such small schools would necessarily mean that most of his time would have to be devoted to ordinary elementary work, and the Board would not be able to utilise at all fully the special abilities for which they were paying. They would be in an economically unsound position analogous to that of a man who procures an expensive machine which he is unable to keep fully employed on high-grade work. It may be argued that 66·2 and 2·3 are only average figures, and that it is proposed that not every elementary school should do secondary work, but only the larger ones. The larger schools, however, are situated in the more populous districts, and are, for that reason and barring special cases, less remote from an Intermediate Centre. It is the most scantily populated areas where the lack of provision for secondary education is most intensely—not, of course, extensively—felt, and it is precisely in the small schools of such areas that the cost of supplying it would be most

¹ “Initial salaries are, as a rule, fairly good, because of the necessity to attract teachers to the (Shetland) Islands. But once settled, they find it almost, if not quite, impossible to get any increment. Consequently there is little, if any, difference between maxima and minima.”—*Report on Education in Shetland*, vol. 66; *Annual Report of the Educational Institute of Scotland*, Year 1912.

wasteful. The Departmental policy seems to be to hold firmly to the predominant importance of the Intermediate centre, but at the same time to alleviate the evils of separating young children from their parents and to recognise the laudable aspirations of the elementary school by giving their warm approval to schools in outlying districts giving preliminary instruction in secondary subjects to promising pupils, and passing such on to a fully equipped Intermediate Centre at whatever stage the circumstances of the schools and the students permit or render desirable. It must be admitted, however, that at present the inducements to teachers to undertake such work are moral rather than financial.

CONTINUA-
TION CLASSES.

School Boards have also the duty of providing Continuation Classes for the further instruction of young persons from fourteen to seventeen years of age. If it is represented to the Department by not less than ten ratepayers of a school district that such provision is not being made, the Department has the power by the Act of 1908 to call upon the Board to institute such classes and, failing compliance, to withhold or reduce any grants which may have been earned by the Board. School Boards are empowered to frame bye-laws compelling young persons, residing within two miles by road of the place where a class is held and not otherwise receiving a suitable education, to attend such classes. This power is optional, and has not been very generally utilised. There are, at present, about 150 centres in the crofting counties where Continuation Classes are held.

TERTIARY
EDUCATION.

The Continuation Classes lead up to the Technical College, as the Secondary School leads on to the University or the Training College for Teachers. There is neither University nor Training College within the crofting counties, though the project of establishing a University for the northern counties at Inverness has been mooted. Nor is there any Technical College there whose name figures in the Department's list of Central Institutions. The Sutherland Technical School at Golspie ranks as a Higher Grade School, though it does no work below the supplementary standard. Its foundation was mainly due to the efforts of the Duchess of Sutherland. The site and one half the building cost were given by the Duke, the other half was contributed by Mr. Andrew Carnegie, while various donors provided bursaries of £30. Accommodation is provided for 134 scholars and boarding accommodation for 48. The school is not under the management of the School Board, and, though receiving

certain grants from the State, is largely supported by private funds. It is an interesting example of how State activity and public taxation have not removed all scope for private initiative nor choked all private munificence.

The action of the Congested Districts Board with regard to technical instruction is of considerable interest. This Board was set up in 1897 to administer funds for the improvement of the congested districts. Now, it would seem that the best way to improve a congested district is to take steps to lessen the congestion, but only one of the eight authorised forms of activity aimed directly at this. The Board had the power to aid migration, not emigration. This, however, was of little effect owing to the strong disinclination of the people to move. In consequence, the Board soon realised that the subtraction of the surplus population would have to be voluntary and gradual and accomplished by indirect means, and, furthermore, that the best means of destroying the immobility of the population was by the extension of suitable education. "It is the misfortune," they reported, "of the children in the more isolated parishes of the Highlands that, on leaving school, there is no trade which they can learn and no definite and engrossing occupation in which they can acquire the habit of systematic industry. It is thus too often the case that, on reaching man's estate, they have nothing to look to but a life of ordinary unskilled labour, both uncertain and poorly remunerated. The excellent material generally to be found in the Highland population deserves a better chance and a brighter future." This policy of extending technical education was also urged on the Board "by those who knew the necessities of the Highlands very thoroughly." It was ascertained, however, that the Board's statutory powers did not permit them to aid the provision of such education, but, being convinced that the policy was sound and more likely to lead to success than any attempt at making the congested districts support the people in their existing numbers, they drafted a short Bill in 1899 to enable them to utilise one-fifth of their funds at their own discretion though mainly for aiding simple technical education and education in domestic economy. This Bill, after passing through the House of Lords, was abandoned in the House of Commons owing to the opposition of some of the members for the crofting counties. The Education Department's inspector who was associated with the local School Boards in the Hebrides (see p. 161) continued to press the advantages of the policy and wrote to his Department: "There is a

THE CON-
GESTED DIS-
TRICTS BOARD
AND TECHNICAL
EDUCATION.
60 & 61 Vic.
c. 53.

*Eighth Report
of the Con-
gested Dis-
tricts Board,
1906, p. xvii.*

*Second Report
of the Con-
gested Dis-
tricts Board,
1900, p. vii.*

Brand Report,
1902,
p. xxxvii.

clamant need of a central Technical School in Lewis, and the local resources are quite inadequate for the establishment of such a school or its maintenance on an effective basis. Such popular technical instruction as Household Economy, Wood and Iron Work, and Practical Navigation and Seamanship would be leading features. For years we have all here studied this question, but we are helpless without external aid. It is most unfortunate in my opinion that the Congested District Board's Act did not in its list of permissible lines of effort and expenditure include the subject of practical technical education. Lewis offers an admirable field for such an extension of the Board's functions." In 1903 the Lewis Local Committee (see p. 387) considered "a large and well-equipped provision of Technical Education to be absolutely indispensable for the Island of Lewis, if the reasonable measure of social and industrial improvement so much desired by all well-wishers of the Island is to be definitely assured," and advocated an annual expenditure of £3000 for the purpose. In 1904 and again in 1905 the Bill was reintroduced, but failed to pass. The Board, therefore, finding themselves forbidden to help the children to get technical training in their own districts, fell back on their powers of aiding migration and settlement. Girls were taken to Aberdeen for training in domestic economy; boys to Liscard near Liverpool for training in seamanship. Arrangements were also made to apprentice boys on the Clyde and at other places to various skilled trades. In 1905 the Comptroller and Auditor-General stated that, while not questioning the advantage of the Board's expenditure on technical training, the payments were not covered by the Act. Though the Public Accounts Committee of the House of Commons took no notice of this remark, the Board were left in some doubt and uncertainty as to their position, and one discouragement after another met their endeavours.

*Sixth Report
of the Con-
gested Dis-
tricts Board,
1904, App. 4,
p. 9.*

*Ninth Report
of the Con-
gested Dis-
tricts Board,
1907, p. xiii.*

Only three suitable lads applied for training in seamanship; there was trouble with the Trades Unions over the apprentice scheme, and from 1907 a Bill was continually before Parliament which would, if passed, have had the effect of immediately terminating the existence of the Board. Under these circumstances all the schemes were gradually dropped except the training of girls. In 1911 a larger house was taken at Aberdeen and a new one opened at Glasgow. In 1912 the Board's powers, still in this respect doubtful, passed to the new Board of Agriculture for Scotland. Altogether 180 lads were trained under the apprentice scheme, and 129 girls for domestic service.

Thus collapsed¹ one of the soundest and most sensible schemes for the amelioration of the crofting counties generally and the Outer Hebrides in particular. No blame can attach to the Congested Districts Board, who were persistent to the point of illegality. The scheme was strongly supported locally by all those best qualified to judge, and it was the best, perhaps the only, method possible for draining the congested districts of the surplus population, an essential preliminary, in Lewis at least, to any improvement at all. Yet the House of Commons, with little knowledge of the needs of the district and misguided by some of the local members, failed to pass this necessary piece of legislation three times introduced by the Government. Presumably the House was content to expect that the congestion of the population would be relieved by getting the people to keep bees and grow vegetables. The history of the case is a clear example of the failure of the Legislature to provide efficiently for the needs of remote and peculiar areas, and some may find in it an argument for the deconcentration of legislative authority for purely local matters.

Various Acts from 1890 to 1908 have empowered the School Boards to make special provision for the conveyance, maintenance, and education of defective children. Such provision to be adequate would be exceedingly difficult and costly in the crofting counties, and only £564 was expended in 1911-12 for this purpose in these counties. Except for a school for the blind (the Northern Counties Institute) at Inverness, supported about equally by Government grant and voluntary contributions, there appears to be no special institution for defective children anywhere within the crofting counties, though the number of such children per 1000 is higher in these counties than in the rest of Scotland.

The Education (Scotland) Act of 1908 considerably extended the powers of School Boards. Many of the additional powers conferred are optional, as for example those relating to the provision of meals, the conveyance of children from outlying districts, or the bearing of the cost of their travelling expenses or maintenance, the provision of books, and the maintenance of employment agencies. On the other hand, the provision of medical inspection of school children is not optional, as the School Board are obliged to provide it on the demand of the Department. The scheme for such provision is prepared by the Secondary Education Committees and is subject to Departmental approval, while the School

¹ Except in so far as similar work is carried on by the Educational Authorities.

DEFECTIVE
CHILDREN.

THE ACT OF
1908.
8 Ed. VII,
c. 63.

Boards are relieved of one-half of the cost incurred. In 1911-12 the Boards of the crofting counties spent £948 on this service. In many cases the Medical Officer of Health under the Public Health Authority has been appointed Medical Officer for the Schools, an arrangement which secures harmony between the two services and is especially suitable for scantily populated districts. Another power given by the Act to School Boards is that of providing, should no voluntary agency do so, sufficient and proper food or clothing or any necessary personal attention in the cases of children whose parents are unable by reason of poverty or ill-health to supply the same. A later Act enabled School Boards to provide medical (including surgical or dental) treatment for children similarly situated. The latest addition to the work of School Boards is that of ascertaining the number of defective children in their districts and notifying to the Parish Council and the General Board of Control the names and addresses of all such children incapacitated from receiving instruction. For defective children not so notified, the School Board has to make suitable provision and is liable for half the cost (see p. 138).

3 & 4 Geo. V,
c. 12.

3 & 4 Geo. V,
c. 38.

INCREASING
EXPENDI-
TURE.

All these developments of School Board activity involve expense, and this increased expenditure falls largely upon the ratepayers. The continuous rise in the school rate is making both the ratepayers and the School Boards restive, and the Scottish School Boards' Association is pressing for an increase in the contributions from Imperial funds. The question of educational finance is dealt with in a later section, where also will be found some account of the important financial clauses of the 1908 Act.

EDUCATION
BILL, 1917.
7 & 8 Geo. V,
Bill 115.

In 1917 the Government brought in a new Education Bill for Scotland, to raise the school-leaving age from fourteen to fifteen years, and to provide for day continuation classes. The chief feature of the Bill, however, was the proposed abolition of the School Boards and their replacement by new local educational authorities. As first proposed, these were to be Education Committees of the County Council and of the District Committee, but the Government changed their proposal to *ad hoc* county and district bodies. The financial clauses include a new Equivalent Grant and the payment of all grants through the Education (Scotland) Fund. The fate of the Bill will be decided in the autumn session of 1918.

THE ENCOURAGEMENT AND CONTROL OF INDUSTRY

A.—THE LAND

Introduction—Description of the Clan System—Estimation of its Effect—Its Break-up—Position of the Proprietors—Economic Changes—Subdivision of Crofts—Eviction of Tenantry—The Land Agitation—Lewis—Sir James Matheson—Skye—The Napier Commission—Restriction of Holdings—Commissioners' Proposals: the Township: its Conservation; its Improvement; its Extension; Compensation for Improvements; Security of tenure; Fate of Proposals—Crofters Holdings Act, 1886—The Crofter's Tenure—The Crofter's Rent—Work of the First Land Court—Compensation for Improvements—Enlargements of Holdings—Township not recognised—Common Grazings—Overstocking—Crofters Common Grazings Regulation Act, 1891—Faulty Legislation—Another Act—Staffin—Scalpay—Constable or Committee—Existing Arrangements for Common Grazings Regulation—Committee's Power to Assess—Club Farms—Congested Areas—Rise of Shooting Rents—Deer replace Sheep—Napier Commissioners on Deer Forests—Deer Forest Commission, 1892—Lewis—A Question of Administration—The Congested Districts Board, 1897; its Powers with regard to Land; its Difficulties: (1) Lack of Borrowing Power; (2) Crofters' Lack of Capital; (3) People unwilling to Migrate; (4) People indisposed to Purchase Holdings; its Work: (1) Fishermen's Holdings; (2) Co-operation with Proprietors; (3) Land Purchases—Trouble in Barra—Trouble in South Uist—The Vatersay Raid—Financial Results of the Land Purchase Schemes—Were they a Success?—State Encouragement of Agriculture—Agricultural Holdings Act—Small Landholders (Scotland) Act, 1911: Alterations in Tenure; Fair and Equitable Rents; Work of the Second Land Court; Compulsory Powers for New Holdings—Slow Progress—A Cumbersome Process causes Delay—Reef—A Brief Summary—Existing Functions of the Board of Agriculture for Scotland.

THIS section, were it concerned with the use of the land generally, would require a much more extended treatment than is given below. It is the actions of the State, not those of private individuals, in regard to land which are here attempted to be reviewed, and, in this connection, the nature of the land tenure is of chief importance, though it is proposed also to touch lightly on State encouragement and State taxation.

The fundamental basis of the land-tenure system under the clans was the value of the tenant as a fighting man;

INTRODUCTION.

DESCRIPTION OF THE CLAN SYSTEM.

to-day, when the tenant's value as a fighter is of only very indirect value to the proprietor, it is rather the ability of the tenant to use the land to the best advantage. In the days when the Clan system flourished, the Chief leased his lands to certain principal men, usually his close blood relations. These tenants-in-chief, called tacksmen, parcelled out their land amongst their retainers who normally held without lease at the will of the tacksmen. Below these tenants at will came the residue of the people, either landless or sub-tenants. The grazing land was held in common by the community, though the number of cattle allowed to be put on, or "souming," was restricted for each individual according to his standing. The arable land was held in runrig, that is, it was divided into strips and the tenants periodically drew their ridge by lot, the outer ridges generally being reserved to the herdsmen. Rents were paid by services, or in grain, and by casualties, this last term including wool, yarn, blankets, sacking, as well as animals, eggs, butter and cheese.

ESTIMATION
OF ITS
EFFECT.

Graham :
*Social Life in
the Eighteenth
Century,*
p. 205.

Such, in general outline, were the conditions of life in the Highlands and Islands before the commencement of the eighteenth century, while the Chief still held his hereditary jurisdiction. There is considerable diversity of opinion as to the actual result of these conditions. A tradition lingers that it was a sort of Golden Age : on the other hand, Mr. Grey Graham sees only "ill-governed, impoverished petty kingdoms, whose chief reigned over hordes of lazy, half-starved subjects." It would seem, however, that the social structure under the Clan system had a greater stability than has obtained since. The tacksmen were friends or relations of the Chief ; the tenants, sub-tenants, and cottars were all members of the clan united by blood-relationship, sentiment, and comradeship-in-arms ; the services required from the landholders were rendered less irksome by habitude. When power rather than money conferred social standing, the position of the Chief or the tacksmen was sufficiently attractive to keep them amongst their people, and, living in these districts so remote from markets, they could neither amass money with ease nor spend it to advantage. Neither had they any reason to force from their people any large portion of the produce of the land ; if they took more than their own families and servants required, the surplus could only be disbursed in hospitality to the rare visitor or to their own people ; moreover, since the Chief's position was valued according to the number of those who followed him, he had

every reason to foster and protect his dependants. Probably, the north-west never raised sufficient grain to support the inhabitants, and the exchange of cattle for grain seems to have existed from remote times : that the tacksmen largely controlled this traffic may have been to their advantage, but it was inevitable at the time. So long as the interests of the people coincided, as they did in the main, with the interests of the Chief, it does not seem improbable that the people may have lived contentedly with their lot. Doubtless the life was hard and periods of semi-famine must have recurred but hardship and discomfort can be borne with cheerfulness if they are shared in common and are ascribed to natural causes and not to the injustice of others.

The Clan system was broken up by the Jacobite rebellions. Heritable jurisdictions were abolished after 1748; the appointed Sheriff displaced the hereditary chief; the Clans were disarmed and the wearing of the kilt forbidden. Under the Clan Acts (1714–52) many proprietors lost their estates, which passed to the Crown and were administered by the Forfeited Estates Commissioners till their restoration in 1784.¹ Thus for over thirty years several estates were directly administered by the State. I have not been able to trace the existence of the reports of these Commissioners; what records do exist of their activity throw little light on the general policy of the administration or its results. This is the more regrettable since the revenue from the estates was devoted to the improvement of the Highlands.

ITS BREAK-
UP.
20 Geo. II,
c. 43.

*Publications
of the Scottish
History
Society, Vol.
LVII.*

It is important here to appreciate the position of the landlords. Those who had not forfeited their estates found themselves divested of power : they were no longer the military leaders, or hereditary judges of the people. Only their position as landlords was left, and their social position now came to depend on the size of their rent-rolls. Moreover, the compensation, over £152,000, for the abolition of hereditary jurisdiction put them, perhaps for the first time, in command of considerable sums of actual cash. They became aware of the value of money just at the time when the value of men was displaced. Those who had forfeited their estates found on their return that they had to pay back the debts discharged by the Government. In several cases, this strained their resources, while their tenants had been benefiting from the expenditure by the

POSITION OF
THE PROPRIETORS.

¹ In some cases, like the Seaforth estates, the tenants avoided payment of their rents to the Commissioners, but continued voluntarily their payments to the exiled Chief.

Commissioners of the estate revenue. Again, the exiles' experiences had unsettled many for the quiet monotony of life on their estates. To be the resident owner of a wild, barren and remote estate, however extensive, is a different thing from being the chief of a Clan. Absenteeism increased steadily, and with it the personal expenditure of the landlord and the dependence of the people on the tacksmen.

So it came about that the feudal polity was replaced by the commercial. The State regarded clans as lawless, arbitrary, turbulent, and dangerous associations, and acted accordingly: the proprietors had the option of regarding the State action as absolving them from any responsibility for the welfare of the people. Circumstances combined to teach the landlords the value of money, to create the desire or need for it, and at the same time came the opportunity for amassing it.

**ECONOMIC
CHANGES.**

Partly owing to the numerous wars of the period, the price of cattle doubled in the thirty years between 1736 and 1766, and about the latter date a great demand for black cattle had arisen in England. With the increase in the value of Highland cattle came an increased demand for grazing land, and many tenants endeavoured to obtain an extension of their holdings, sometimes trying to supplant the smaller tenants by offering higher rents. About this time, too, the discovery was made that sheep could stand the rigour of a Highland winter without being housed at night. As the cattle boom subsided, large tracts of land were converted into sheep-walks, and fetched from the Lowland farmers a rent three times as high as they had when under cattle.

Telford : *Survey and Report on the Coasts, etc., of Scotland*, 1802.

**SUBDIVISION
OF CROFTS.**

These economic changes made it decidedly to the immediate interests of the proprietor to turn his land into sheep-walks, but to do this it was necessary to remove the people out of the way, thus raising the question of security of tenure. Before considering this, however, it should be noted that the contemplated evictions might be, and as a matter of fact by many were, regarded as in the interests of the people themselves. To understand this point of view, a slight digression is needed. The old runrig system of agriculture had been passing away. Whether influenced by the great enclosures in South Britain about the same time or not, the landlords in the Highlands had been introducing the crofting system, whereby, though the grazing land was still held in common, each family had a separate croft allotted to it at a definite valued rent. On the Argyll estates this change

Sir John McNeill : *Report to the Board of Supervision*, 1851, p. viii.

seems to have started as early as 1776. Originally these crofts were of a reasonable size to provide a comfortable living for a tenant. The boom in the cattle trade, and the rise of the kelp industry led to a period of prosperity and a rapid rise in population (see p. 85). In Tiree Island, for example, the population had risen from 1676 in 1769 to 2776 in 1802. With the high profits from kelp and cattle, successful fishing, and good potato harvests, the crofter found his croft more than sufficient for his family's needs. As his sons grew to manhood and married, the father subdivided his croft for them, and, though his own name alone stood in the rent-roll, the croft was actually occupied by two, three, or four families. Efforts were made to check this dangerous subdivision. The erection of additional houses on a croft was prohibited and the prohibition enforced, but this only led to the families being received into the house of the original occupant. "Attempts were made in some cases," says Sir John McNeill, "to put an end to this practice, but it was found to involve so much apparent cruelty and injustice, and it was so revolting to the feelings of all concerned that children should be expelled from the houses of their parents, that the evil was submitted to, and still (1851) continues to exist. The population was progressively increasing, and a large part of the increase was accumulated upon the crofts in addition to the original inhabitants."

H.C. Paper
106 of 1885,
p. iv.

*Report of the
Board of
Supervision,
1851, p. ix.*

Thus it appeared to many that the removal of the surplus families to small crofts near the coast where fishing and kelp manufacture might be advantageously pursued would be to the advantage of the people themselves. This idea and the temptation of the high rents from the sheep-farmers turned the attention of the landlords to the eviction of the tenantry.¹ Wholesale evictions were carried out, attended often with great lack of consideration for the people and not seldom by gross cruelty. As to the justice of these proceedings, it is sufficient to say at once that the crofters had no legal right or title to security of tenure. There is no doubt that by custom son had succeeded father in his croft and house, that the people never contemplated the possibility of eviction except for gross infringement of the estate customs or regulations, and that, in many cases, their men had fought side by side with the men of the proprietor's house

EVICITION OF
TENANTRY.

¹ "The gentlemen in general have rejected very advantageous offers rather than drive the people away, yet it is not to be supposed that men can continue long to pursue a conduct so directly opposite to their interest."—App. to *Third Report on the State of the British Fisheries*, 1785.

in the Highland regiments, thereby acquiring, not perhaps as they may have thought a title to their crofts, but certainly a strong claim to considerate treatment. Evicted they were and settled in the lower glens and round the coasts, but there was nothing in this action to check or affect the previously noted tendency to the subdivision of crofts (see p. 181). With the collapse of the kelp industry came lack of employment; with the continuous subdivision of crofts and the failure of the potato harvest came lack of food. From that time through various vicissitudes the crofting population has struggled on, dependent on their few cattle, the precarious harvest of their too minute crofts, and the fluctuating result of the fishing. The increase of the population has changed since 1841 to a decrease. Outside help has tided them over famine periods, a steady benefit has accrued from the extension of communications and the spread of education, but till 1883 little or nothing had been done to establish the people on a satisfactory self-supporting basis, and arrears of rent have accumulated.

THE LAND
AGITATION.

The long period from the introduction of the crofting system to 1883 has been passed over very briefly above, because the policy of the State towards the land remained one of *laissez-faire*. The people of the Highlands and Islands, dependent by tradition, training, and sentiment upon the land magnates, were extraordinarily patient under their sufferings, sinking gradually towards a state of hopeless apathy. About 1880, however, the discontent with the system of unrestrained individual property in land, which had been gathering throughout Western Europe and finding expression in the writings of Laveleye, Walras, Henry George and others, became in this country a strong agitation for the reform of the land laws. The Land Restoration League was formed, and in 1880 Wallace the naturalist founded in Scotland a League for the Nationalisation of the Land. The land reformers eagerly took up the championship of the crofting population, whose holdings had by then become extremely restricted. Other circumstances, notably the failure of the crops and the surrender of many large sheep farms—the latter owing to the growing competition of imported wool—combined to render acute the difficulties in the north-west at this period. The trouble was most serious in Lewis and Skye, and, in one respect, this is rather curious, since there had been practically no evictions in Lewis, whereas some of the most notorious evictions took place in Skye, one estimate, possibly exaggerated, stating that not less

Napier Report, App. A,
p. 161.

Mackenzie :
*Highland
Clearances*,
2nd ed.,
p. 147.

Mackenzie :
Isle of Skye,
1883, p. xlii.

than 2000 people had been evicted from the McLeod property alone, and about 3500 from the whole island.

Lewis was in the possession of the Kintail family from the time of the Fife Adventurers down to its sale in 1844 to the Matheson family, who still are the owners.¹ Probably no estate in the north-west has changed hands less frequently, and probably on no estate has there been closer sympathy between the people and the proprietor. Yet certainly on no estate to-day are the difficulties so great, the condition of the people so deplorable, or the landlord more harassed. The relations between the Kintail family and their people are well known; how the tenants voluntarily remitted their rent to the exiled Earl of Seaforth and prevented the Forfeited Estates Commissioners from obtaining possession; how, at a later time, the then Lord Seaforth when he was offered double the existing rent by the Lowland sheep-farmers replied that he would not turn his people out under any consideration or for any rent that could be offered. Buchanan, writing in 1793, mentions how the proprietor had prevented the exploitation of the people by tacksmen, and contrasts the condition of the Lewis people with those elsewhere who were "not under the eye of some great and liberal lord, whose mind and fortune conspire to nourish liberal ideas in his breast, and to diffuse comfort all around him." In spite of a certain amount of emigration and the raising of considerable numbers of recruits for the Army and Navy, the population rapidly increased. Dr. Webster reported it as 6386 in 1755; by 1831 it had reached 14,541, and the poor people of Lochs were glad to have a spot of ground at whatever price to ensure some food for the ensuing year. In 1825 the parishes of Barvas, Lochs, and Uig were sold for payment of the entailor's debts under an act of Parliament, but were bought in for £160,000 by a member of the family.

In 1844 the whole four parishes were sold, owing to the failing fortunes of the Kintail family, to Sir James Matheson for £190,000. At that time the population of Lewis was about 18,000, or just double what has been estimated as the maximum population which the land can support from its own resources. There were 2110 recognised tenants, of whom 1937 paid less than £5 annual rent. Now, the new proprietor was a very rich man with a keen desire to improve his estate. He spent, in fact, over half a million pounds on it. He endeavoured unsuccessfully and at a very considerable cost to render fit for cultivation, by what was

¹ The property has been sold in 1918 to Lord Leverhulme.

LEWIS.

Travels in the Western Highlands, pp. 33, 34, 193.

57 Geo. III, c. 23.

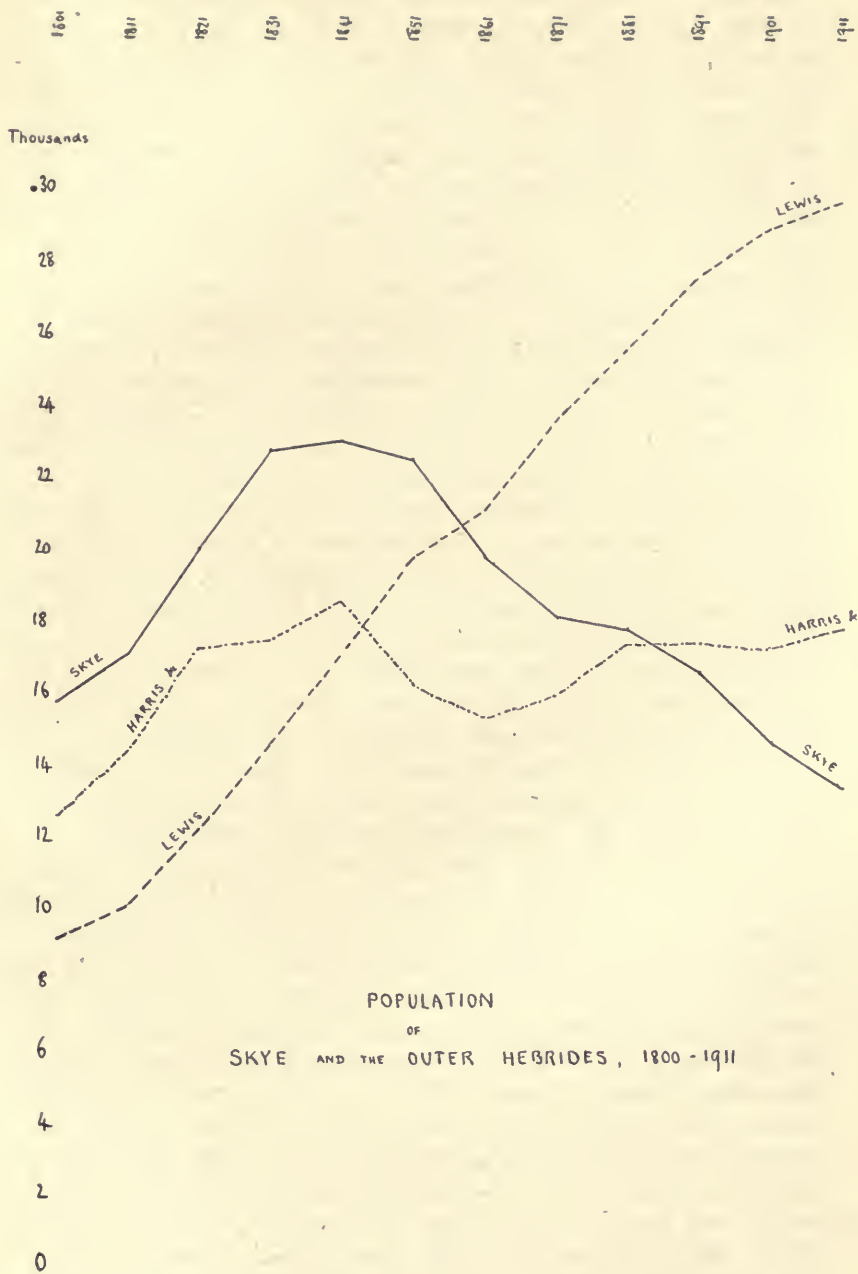
SIR JAMES MATHESON. *Brand Report*, p. lxx.

called "arterial drainage," the Lews bogs and peat hags, and he lost the greater part of £33,000 in a scheme to extract paraffin oil from peat. Many of his other efforts, however, anticipated the work of the Congested Districts Board, as, for example, the provision of new roads and bridges, the subsidising of steamers, the construction of quays, boatslips, and fish-curing houses, and the provision of bulls for the improvement of crofters' stock. The main result of all this expenditure was that the population continued steadily to increase at a time when in the rest of the crofting areas it was decreasing. In 1881 it was 25,887. It is said that Sir James, when he reluctantly became convinced that his great expenditure would yield little or no permanent benefit, desired to make liberal provision for shipping the surplus population to the colonies, but that his proposals were defeated by an agitation fostered by the Free Church ministers, who were mainly supported by the free-will offerings of the people. However that may be, when Sir James died in 1878, leaving only a very small part of his former wealth intact,¹ the great outlay ceased and the people found themselves again with little or no market for their labour. Even before that date retrenchment had been necessary and trouble had occurred. In 1874 the Chamberlain of the Lews took out summons for removal against fifty-six crofters in Bernera without consulting the proprietor. Some crofters were afterwards tried for assaulting the man serving the summons, but were acquitted. This was the so-called Bernera Riot, and attracted a good deal of attention at the time. The winter of 1882-83 is said to have been the blackest after 1846 in the history of the Lews (see p. 119). The land agitation took a strong hold of the people, lands were seized and the authorities were obliged to call in the aid of the military to vindicate the law.

In November 1887 there was a raid on Park, and some of the raiders were tried at the High Court of Justice on a criminal charge, but were acquitted by the jury. The next year opened with disturbances in both Sutherland and Lewis. On January 4, 300 men marched from Barvas to present a petition to Lady Matheson that the sheep farm of Galson should be allotted them at a fair valuation, as it was impossible for them to maintain their families on the mere scraps of

¹ "I am in a position to state that in no single year, from 1844 when he bought the Lews till 1878 when he died at Mentone, did he (Sir James) ever draw any revenue from the island."—Hugh Matheson in *The Times*, Jan. 27, 1888.

John Sinclair:
Letter to the
Scotsman,
July 30, 1909.



rocky soil on which they were then settled. Lady Matheson refused to consider the petition until the arrears of rent due by the Barvas tenants were paid. On January 9, sheep were driven off the farm of Aignish, and the police, reinforced by marines and soldiers, arrested eleven men. Two days later more sheep runs were invaded, fences demolished, and sheep driven off. On January 20, 500 marines were ordered to the Lewis,¹ and next day the heavy artillery of *The Times* opened in London. This paper's leading article started with the enunciation of a dogma of characteristically specious profundity: "Every human being that a nation allows to come into existence in conditions economically insufficient for his maintenance is in the long run a plunderer of society." This was followed by the *argumentum ad crumenam*: "We may imagine that it is only a few Highland landlords with whom we now have to deal, but when the landlords are eaten up, the dragon will remain bigger and hungrier than ever, and in one way or another he will levy toll upon the purse of each one of us, either for his sustenance or his extermination." On the other hand, there was more sanity in their remarks that "an indulgent landlord merely doubles the difficulty of the problem he bequeaths to his son. Every postponement of the question now facing us in Lewis means the representation of the bill with interest and compound interest added to the uttermost farthing." On February 1, the Aignish raiders were found guilty and sentenced to imprisonment for terms varying from nine to fifteen months, after which the disturbed conditions gradually passed away.

SKYE.
Tour in Scot-
land, Vol. II,
pp. 351-3.

Let us now turn to Skye. It was in Skye that Pennant in his famous tour found the "poor prowling like other animals along the shore to pick up limpets and other shell-fish, the casual repast of hundreds during parts of the year in these unhappy islands." No island suffered more during the potato famine (see p. 95). In 1851 the population was 22,532, and of these 1900 were crofters at rents not exceeding £10, the average annual rent for a Skye croft being then £4 4s. 1d. Unlike Lewis, Skye was in the hands of several proprietors, and the properties have very frequently changed hands. There were four successive proprietors in Raasay in sixteen years. One village, Bernisdale, was sold in 1771, 1823, 1836, 1843, 1849, 1861, and 1864. Some at least of the landowners bought their properties as commercial speculations with a desire to make what money they could out of them. Evictions and removals of the crofters, curtailment

Napier Com-
mission:
Minutes of
Evidence,
I, p. 553.

¹ Three hundred did not sail.

of their pasture, raising of rents, petty exactions, all combined to exasperate the people. From 1840–83 there were 1740 decrees of removing pronounced, affecting on an estimate 34,800 people. Though a comparatively small proportion were actually evicted, yet the person summoned had to pay the costs, about 10s., and was made to realise the insecurity of his tenure. In 1882 the crofters of the Braes of Portree demanded, under threats of withholding their rent, the grazing of Benlee, which had been let to a sheep farmer in 1865, but was running out of lease in 1882. The proprietor sent a sheriff officer to serve summonses of removing and small debt summonses for rent upon about twenty of the people. The officer was deforced and the summons burnt. Thereupon the sheriff with a force of some fifty police proceeded to Skye, apprehended and brought away five persons after a considerable scuffle with the crofters. The prisoners were tried summarily at Inverness for assault and fined by the Sheriff. Sympathisers paid the fines; the crofters' stock remained on Benlee and the rents remained unpaid. Another attempt to serve summonses was made unsuccessfully later in the year. The county authorities applied for military aid, which was refused by the Government, and the landlord then agreed to let the crofters have Benlee at a rent of £74, the previous tenant having been paying £128. Similar troubles occurred in Glendale, where the crofters had left their stock on the farm of Waterstein in defiance of an interdict. After much trouble three crofters were induced to go to Edinburgh for trial, and were each sentenced to two months imprisonment. Subsequent attempts were made to serve notices of eviction at Glendale without success.

The Crofters Commissioners sum up the general situation in these words: "From 1882 down to 1887 the Highlands and Islands were in a state of unrest—in many places there was open lawlessness. Rents were withheld, lands were seized, and a reign of terror prevailed. To cope with the situation the Police Force was largely augmented—in some cases doubled. Troopships with Marines cruised about the Hebrides in order to support the Civil Authorities in their endeavour to maintain law and order." It was under such circumstances that the Government decided in 1883 to appoint a Commission to inquire into the condition of the crofters and cottars of the Highlands and Islands of Scotland. This was the famous Commission, of which Lord Napier was chairman, on whose investigations are based the series of legislative efforts which together make for the first time a

THE NAPIER
COMMISSION.
*Final Report
of the Crofters
Commission,*
1913, p. xxvi.

determined and comprehensive endeavour by the State to establish the crofting population on a satisfactory basis.

RESTRICTION
OF HOLDINGS.

The series is reviewed elsewhere (see p. 392); with regard to land tenure the Napier Commissioners furnish statistics for four parishes—Farr, Uig, Duirinish, South Uist—which they considered representative of the Western Highlands and Islands. In these parishes they found thirty occupiers—less than 1 per cent. of the whole population—in occupancy of nearly two-thirds of the land. On the other hand, out of a total population in 1881 of 3226 families, there were 3091 small agricultural tenants of whom “only six are occupiers of that class of small farms (rented at £30–£100) which are the prizes to which an industrious or fortunate crofter might naturally aspire; while only 312, or little more than one-tenth of the whole number, are provided with holdings (rented at £6–£30) which can in some measure afford substantial occupation and sustenance to a labouring family. Below these, 1778 are in possession of tenancies (rented below £6) which imply a divided and desultory form of occupation unfavourable to the development of settled and progressive exertion; and at the bottom of the social scale 825 families, comprising more than one-fourth of the population, are without land and without regular access to local wages, most of them, it may be assumed, scattered amongst the poorest sort of occupiers, to whom they are a heavy burden.”

*Napier Re-
port*, p. 14.

COMMISSION-
ERS' PRO-
POSALS: THE
TOWNSHIP.

To remedy this state of things the Commissioners proposed firstly the recognition, improvement, and enlargement of the Highland “township,” such being defined as a farm, or part of a farm, occupied in common or in division by several tenants. The executive officer of the township was to be an officer—the Constable—elected annually by the community. Arrangements were suggested for the registration, conservation, improvement, and extension of the township.

ITS CONSER-
VATION.

All inhabited places containing three or more agricultural holdings possessing the use of common pasture land, or which had within forty years enjoyed such use, and generally all places containing three or more agricultural holdings known as townships by custom of the country and estate management, were to be registered in the Sheriff-Court books of the county as crofters' townships, and any such township was not to be liable to reduction in area or dissolution without the consent of two-thirds of the occupiers.

ITS IMPROVE-
MENT.

The Commissioners advocated the conferring of certain rights on the township with a view to a general improvement in the welfare of the people. Should a sufficient number of the occupants desire the erection of fences or the construction

of roads, paths, or foot-bridges, the township was to have the right to demand the co-operation of the proprietor on the general principle of either party undertaking that portion of the work which he or they could the more conveniently perform, which in practice would come to mean that the township provided the unskilled labour and the proprietor everything else. Conversely, the proprietor was to have a similar right to the initiative. Furthermore, the township was to have the free right, under proper regulation, to cut and gather grass and heather for thatching, and peat and seaware on the proprietor's land outwith the township.

The great evil of too-restricted holdings was to be corrected by compulsory enlargement, the formation of new townships, and the consolidation of the smaller holdings. Within certain rather numerous prescribed limitations, two-thirds of the occupiers of any township were to have the right, subject to the Sheriff-Substitute's approval, to claim an increase of arable or pasture ground from the proprietor, the rent for such additional land to be settled by arbitration. Where, as in the Long Island, Skye, and the coast of Sutherland, suitable additional land was impossible to obtain, new townships might be constituted with State aid, but the Commissioners would not recommend that this "greater innovation" should be compulsory. The aid suggested was the advance from Government under certain conditions "of a ITS ENLARGEMENT. *Napier Report*, p. 27. resumption not exceeding £100 for £10 of annual value in each new holding, and of £5 for each additional pound of value in the same holding, at 3 per cent. per annum, with provisions for the repayment of capital." No township holding of less than £20 annual rent was henceforward to be allowed to be subdivided, and holdings above £20 annual rent were not to be subdivided so as to constitute any holding of less than £10 annual rent. Holdings of less than £3 annual rent were to be absorbed as they fell vacant, unless the previous occupier left a representative who might under the custom of the estate naturally expect to succeed.

Passing on from the community to the individual, the Commissioners discriminate between occupiers rented at less than £6 per annum and those rented at a higher amount. The former class the Commissioners wished to obliterate and declined to recommend any bestowal of rights or immunities which would "tend to fix them in a condition from which they ought to be resolutely though gently withdrawn." The latter class were to have the right to a valuation rent and an improving lease giving them compensation, under conditions, for expenditure on the holding during their period of COMPENSATION FOR IMPROVEMENTS.

occupancy. As a matter of fact, the right to compensation had been granted under the Agricultural Holdings Act, 1883, but this Act was not adapted to the peculiar conditions of the north-west of Scotland, since by it compensation was dependent on the increase of letting value. It was thought by the Commissioners to be more beneficial to the crofters to base the claim to compensation on the amount of work done and money expended. State aid, to the extent of a loan of two-thirds of the price, was also advocated to enable the crofters to purchase their holdings.

SECURITY OF
TENURE.

*Napier Re-
port, p. 51.*

With regard to rent, the Commissioners did not find in the conduct of the proprietors ground for proposing a general revision by official authority; nor would such a revision, they thought, even if attended by diminution, be of any substantial benefit to tenants unless it were accompanied by the concession, in some form, of permanent tenure—a measure which they only recommended in the case of occupiers with improving leases. Other occupiers, not in arrears of rent, were to be allowed a year's notice before removal, and compensation for buildings and improvements on the holdings executed by the occupier or his predecessors of the same family within thirty years. If the tenant so removed, decided to emigrate, the proprietor was to be obliged to purchase the stock by valuation. Occupiers, in arrears of not less than one year's rent, were to be removable after six months' notice unless the rent was paid up. Arrears in excess of two years were to be written off.

Such in brief were the main recommendations of the Napier Commissioners with respect to land occupancy; the State recognition of the township being the basis of their proposed reconstruction. It is somewhat curious to notice that, while in other respects attempts were made to give effect to practically all the recommendations of this able and indefatigable Commission, their recommendations with regard to land occupancy were not adopted. The township was not made the unit of area for local government; on the other hand, there has been a general revision of rents by official authority.

CROFTERS
HOLDINGS
ACT, 1886.
49 & 50 Vic.
c. 29.

Many of the benefits which the Commissioners desired to see conferred on the crofters were, however, granted by the Crofters Holdings (Scotland) Act of 1886: an Act which has been popularly styled the Magna Carta of the Highlands. This Act grants security of tenure, a fixed fair rent, compensation for improvements, and facilities for enlargements of holdings. It also appointed a body of three Commissioners, known as the Crofters Commission, of whom one must be able to speak Gaelic, and one must be an advocate of the

Scottish Bar of not less than ten years' standing. This body had executive functions as the Crofters Commission, but, as will be mentioned, it had also quasi-judicial functions as a Land Court, a dualism unusual to the British Constitution where the judicial and executive functions are separately and independently exercised. The Act applied only to "crofting parishes," defined as parishes in which there were at the commencement of the Act, or had been within eighty years prior thereto, holdings consisting of arable land held with a right of pasturage in common with others, and in which there still were resident tenants of holdings the annual rent of which did not exceed £30 in money. It was left to the Crofters Commission to decide which of the 163 civil parishes of the crofting counties answered this definition. Twelve parishes were left out, viz. Cromarty, Rosemarkie, Cawdor, Croy, and eight in South Argyllshire.

A perpetual tenure was given to the crofter—renounceable by him upon one year's notice—subject to the fulfilment of the following statutory conditions. He must not

THE
CROFTER'S
TENURE.

- (1) get more than one year's rent in arrear;
- (2) attempt to assign his tenancy, except with the landlord's permission;
- (3) persistently injure the holding by dilapidation of buildings or deterioration of soil;
- (4) without the landlord's consent, subdivide or sublet his holding or erect additional dwelling-houses;
- (5) persistently violate any reasonable written agreement applicable to the holding;
- (6) become notour bankrupt or execute a trust deed for behoof of creditors;
- (7) obstruct the landlord in the exercise of any of the proprietary rights reserved by the Act;
- (8) without the landlord's consent, open any house for sale of intoxicating liquors on his holding.

Provision, however, was made for the resumption of the holding by the landlord should he be able to convince the Land Court that he required it for some reasonable purpose relating to the good of the estate; the Court determining the amount and nature of the compensation to be paid to the tenant.

The rent in force at the passing of the Act could be altered either by voluntary agreement between the landlord and crofter or by the Land Court on application from either party. The rent fixed by the Court after considering all the circumstances of the case, holding, and district, and, particularly, any permanent or unexhausted improvements

THE
CROFTER'S
RENT.

on the holding and suitable thereto which had been executed or paid for by the crofter or his predecessors in the same family, could not be altered for seven years except by mutual agreement. The Court was also given power to cancel arrears of rent, and, pending the determination of a crofter's application for a fixed rent, to sist all proceedings for his removal in respect of non-payment of rent, and, by an amending Act, to prohibit the sale of his effects. These powers were very freely used during the first few years of the Court's existence.

The duty of fixing fair rents and dealing with arrears proved to be the one which occupied the greater part of the time of the Crofters Commission. There is no complete statement of the principles upon which the fair rent was to be computed, but the Commissioners found that, in many cases, the rents of 1886 were, to a material extent, placed on improvements made by the crofter or his predecessors in the same family, and, in fixing the new rent, they excluded the value of such improvements, unless the landlord had purchased them or given the tenant a fair equivalent. Nor did the Commissioners take the highest rent which the holding would fetch in open market as their basis, for, firstly, the Act expressly ruled out the value of the land for sporting purposes, and, secondly, the whole purport of the legislation was to relieve the congested and immobile crofting population from the misfortune of having to compete against each other for land. It would appear that the basis sought by the Commissioners was the agricultural value of the holding to a crofter of normal ability. The Commission during the twenty-six years (1886-1912) of their existence as a Land Court received 22,111 applications to fix fair rents, of which 17,626 were received during the first five years (1886-91). The following table shows the result, according to counties, of these applications:—

50 & 51 Vic.
c. 24.
*Final Report
of the Crofters
Commission,
1912, App.
AA.*

WORK OF THE
FIRST LAND
COURT.

*Final Report
of the Crofters
Commission,
1912, App.
BB.*

County.	No. of Applications to Fix Fair Rents.	Amount to nearest £ of			
		Old Rent.	Fair Rent.	Reduction.	Arrears Cancelled.
Argyll	1,231	7,532	5,345	2,187	7,755
Caithness	1,570	10,351	7,368	2,983	7,321
Inverness	6,667	25,334	19,370	5,964	49,483
Orkney	1,300	9,215	7,016	2,199	6,560
Ross and Cromarty	6,039	17,295	12,549	4,746	42,515
Shetland	2,617	11,500	8,291	3,209	9,544
Sutherland	2,687	8,274	7,556	718	1,647
Total	22,111	89,503	67,496	22,006	124,826

This shows a reduction of 24·5 per cent., while the arrears cancelled represent 67·0 per cent. of the total dealt with.

The Act of 1886 gave a crofter on renunciation of, or removal from, his holding compensation for any improvements executed and paid for by him or his predecessors in the same family—but not in virtue of any specific agreement with the landlord—which, in the judgment of the Land Court added to the value of the holding to an incoming tenant. A cottar was given similar compensation, except in the case where he voluntarily quitted a holding for which he was paying no rent. It has been held that the Land Court has the duty of investigating claims and awarding compensations, and that the jurisdiction of the ordinary Courts of Law is excluded. The compensation granted to the outgoing tenant of a holding for which a fair rent has been fixed must represent the creation of an additional value to the holding. The question then arose whether the incoming tenant should continue at the former fixed rent or pay a higher one. Where the incoming tenant was able to pay the amount of compensation to which the outgoing crofter was found entitled, he was usually allowed by the landlord to take up the tenancy at the fair rent. But where the landlord failed to get a tenant with sufficient capital to pay for the permanent improvements, he found it necessary to increase the new tenant's rent in order to give himself some return for the sum paid to the outgoing tenant. This increase, though usually right and proper in itself, put the new tenant's rent out of line with the rents paid by his neighbours, who had executed their own improvements. This circumstance is not infrequently regarded as a grievance by the new tenants. The Commissioners, reviewing in 1912 their work, considered that the most important improvements resulted from the security of tenure and the legal right to compensation rather than from the reduction of rent. "Any one," they not very lucidly write, "acquainted with the housing conditions in the rural districts of the West Coast and Islands twenty-five to thirty years ago, and who revisited these districts to-day, could scarcely realise the improvement that has taken place. But let it not be supposed that these improvements are effected from the produce of the crofts"—or what would the landlords say?—"The crofter sends his sons and daughters to the large cities of the south and to the Colonies, and if they prosper there they are mindful of, and dutiful to, their parents at home. They are the source from which the money now invested in stone and lime comes, for they desire to see their parents enjoy greater comforts, and they know that so long as the statutory conditions are observed their parents cannot be removed."

COMPENSA-
TION FOR IM-
PROVEMENTS.

M'Dougall v. M'Allister,
1890, 17 R.
555.

Final Report of the Crofters Commission,
1912, p. xxv.

Ibid., p. xxvi.
Report of the Deer Forest Commission,
1892, p. xii.

ENLARGEMENT OF HOLDINGS.

The Act of 1886 also provided for the compulsory enlargement of holdings. Any five or more neighbouring crofters could, on being refused land by the landlord which they were prepared to take on reasonable terms,¹ apply to the Land Court. The Court, after satisfying themselves that the land was available, that the landlord had refused reasonable terms, and that the applicants were willing and able to pay a fair rent and stock adequately and cultivate properly the land, could order the compulsory lease of the land at a fair rent. But land was not to be considered available unless it belonged to the same proprietor and lay contiguous or near to the applicant's holdings. Farms held under lease for a term of years could not be compulsorily taken either in part or in whole. If the land formed part of any farm it could not be taken unless the rent of the farm exceeded £100, and even then only a defined proportion according to letting value; nor could a portion of any kind of land be taken if its assignation would cause material damage to, or seriously injure, the letting value of the remainder. Crofters could get no extension which would bring their rent above £15 annual. From 1886 to 1912 the Crofters Commission received 4364 applications for enlargement of holdings, as shown herewith.

County.	No. of Applicants for Enlargement of Holdings.	Total Extent of Land assigned in Enlargement of Holdings.
		Acres.
Argyll	222	4,864
Caithness	232	1,466
Inverness	1,614	18,910
Orkney	253	784
Ross and Cromarty	726	13,608
Shetland	248	936
Sutherland	1,069	31,773
Total	4,364	72,341

Final Report of the Crofters Commission, 1912, p. xxv.

"In many cases," the Commissioners remarked in 1912, "these enlargements have proved highly beneficial, but in others, we regret, they did not realise expectations. This was partly owing to mismanagement, and partly to the inability of persons who were eager to get land, to stock adequately the same on getting it. Land which is not properly cultivated, or adequately stocked, is a burden rather

¹ That is, on such terms as were usually obtained in the letting of land of the like quality and similarly situated in the same district for other than sporting purposes.

than a gain." It was the opinion of the Commissioners that power should have been given to them to create new holdings and to migrate the surplus population of the congested areas, as also to take land on compensation in cases where the assignation would have caused material damage to the letting value of the remainder of the farm.

It will be seen that the Crofters Holdings Acts granted to the individual crofter most of the rights and privileges which the Napier Commission advocated. On the other hand, they did not impose on the crofter any positive new duties. The landlord was compelled to act in the interests of the crofter; the crofter was not compelled to act in his own interest. At the most, there was only the general injunction to refrain from persistently deteriorating the soil, or injuring the holding by dilapidation of buildings. The whole scheme of the Napier Commission of a recognised local community, the township, with an executive officer, the Constable, working for the improvement of the township by fencing, by draining, and other works, with the assistance of the proprietor, and of legal compulsion to enforce the co-operation of either side, was discarded.

Now the most conspicuous and important feature in the constitution of the Highland township is the possession and administration of common pasture rights. The Crofters Acts made no arrangement at all for the administration of these rights; on the contrary, they seem to have caused a slackening of the supervision formerly exercised by the estate authorities and the township constable. Though the arable land of a township is individually held in crofts, yet the hill stock in many parts of the Highlands winters over it indiscriminately. Even if the arable land is sufficiently fenced off from the hill pasture, the public opinion in the township prohibits an occupier from enclosing his individual croft and monopolising the wintering. "So the early sowing of the crop becomes impossible, there is no inducement to introduce sown grasses, and little encouragement to grow turnips. In short, improved agriculture becomes to some extent forbidden, and hence the increasing sterility complained of in the soil, the miserable crops, and the poverty of the cultivators so far as they are dependent on them. It was indeed frequently contended by the crofters that continuous cropping was a necessity arising from the smallness of their holdings."

The chief evil resulting from the lack of any efficient supervision or control of the agricultural interests of the

TOWNSHIP
NOT RECOG-
NISED.

COMMON
GRAZINGS.
*Napier Re-
port*, p. 18.

*Thirteenth
Report of the
Congested
Districts
Board*, p. ix.
Cd. 5509 of
1911, p. 65.

*Napier Re-
port*, p. 113.

OVERSTOCK-
ING.

township was the overstocking of the pasture :¹ minor evils were neglect of drainage and the "scalping" of the land, *i. e.* the careless stripping of the land for fuel, roofing, or bedding. Estate regulations laid down an authorised "souming," or quantity of stock for each crofter. In several cases this souming was excessive, but in far more it was not adhered to. With the discontinuance or decline of the supervision by the estate authorities or township constables which followed the Act of 1886, overstocking became almost general. Yet one of the Napier Commissioners had remarked that it was a matter of notoriety among those in the Highlands who understood the value of improved agriculture, that the common grazing rights formed the real obstacle to improvement. Five years later the Government recognised their mistake in neglecting to provide the necessary control of the grazing areas, and the first Crofters Common Grazings Regulation Act was passed.

Napier Report, p. 113.

54 & 55 Vic.
c. 41.

CROFTERS
COMMON
GRAZINGS
REGULATION
ACT, 1891.

This Act permitted the crofters sharing in any common grazing to elect triennially from themselves a committee of from three to five members. Outgoing members were eligible for re-election and casual vacancies were filled by nomination. This committee was charged with the duty of making regulations, subject to the Land Court's approval, as to the number of stock which each crofter should be entitled to put on the common grazing, and as to any other matters affecting the fair exercise of their joint rights therein by the several crofters. If the crofters did not appoint a committee, the Land Court, on a written request from two crofters or the landlord, could do so, and if this committee failed to make regulations within three months, the Land Court on a similar written request could frame the regulations themselves. If the regulations so made were broken, the committee, any two crofters, or the landlord, could apply to the sheriff by petition, who thereupon would make an order for the enforcement of such regulations by granting warrant for the sale of surplus stock and disposal of the proceeds by causing the same to be paid to the owner of such stock under deduction of expenses, or by imposition of penalties, or otherwise as he should think fit.

FAULTY
LEGISLATION.
*Thirteenth
Report of the
Congested
Districts
Board*, p. ix.

This Act was an ill-considered piece of legislation and proved an almost complete failure. In the first place, the

¹ In 1812 Dr. Walker stated that "in general over all the farms in the north there is kept above one-third more of cattle than what by the present management can be properly supported."—*Economical History of the Hebrides*, 1812, Vol. II, p. 50.

Crofters Commission had no power to compel the appointment of a committee unless two crofters or the landlord sent in a written application, nor could they compel an elected committee to frame any regulations whatsoever. Secondly, the regulations when made were by the Act binding only on the statutory crofter. As time went on, some crofters lost their tenure through a breach of the statutory conditions; others renounced their tenure; many obtained holdings otherwise than as heirs or legatees of statutory crofters. All these non-crofters, in addition to those who were outwith the scope of the Act in 1886, could disregard the regulations with impunity: the result being that they could put unlimited numbers of stock on the grazing. The crofters, accordingly, did not see why they should alone be restricted, and in many cases, especially on the Shetland scattalds, the committees ceased to act and general confusion prevailed. Thirdly, the legal remedies against the cottars and others who, with no right to share in the common grazings, yet kept stock on them without payment, proved too costly. Fourthly, the efficient management of the larger common grazings was practically impossible. In North Uist, for example, a grazing of 10,043 acres was common to nine townships, so that four of these must go without any representation on the committee. Again, the parties having grazing rights over the Long Island shielings were so numerous, their habitations so remote and scattered, and their interests so indefinite, that the regulations could not be enforced. Fifthly, confusion and friction resulted from the overlapping of committees in cases where a township shared in a general common grazing, had also a special grazing of its own, and included a common grazing assigned in enlargement of holdings to certain crofters.

Report of the Crofters Commission, 1910, pp. xxx et seq.

Cd. 5509 of 1911, p. 106.

An attempt was made to correct some of these faults by the second Crofters Common Grazings Regulation Act, passed in 1908. This short Act allowed the Land Court to take the initiative in appointing Grazing Committees and making regulations without having to wait for any request from the landlord or crofter. It also specified the punishment for breach of the regulations, viz. a fine not exceeding 40s. for an original offence and, in the case of a continued offence, a further penalty not exceeding five shillings for every day subsequent to the written warning from the committee or Land Court; the penalty to be recoverable by imprisonment in terms of the Summary Jurisdiction Acts. The Act also authorised the appointment of a Grazing Officer to assist

A SECOND ACT, 8 Ed. VII, c. 50.

generally in the administration under the direction of the Land Court, and with power to summon, attend, and advise any Grazing Committee.

STAFFIN.

Report of the Crofters Commission, 1910, p. xxxi.

Improvement was, however, but slow. As an example of the difficulties, the following cases may be cited. When the Congested Districts Board settled crofters on the Staffin district of their recently purchased Kilmuir estate, regulations under the Grazing Acts were issued in 1898. The Grazing Committees, as was so often the case, lapsed. In 1909 revised rules were issued and a new committee appointed, but offenders put every obstacle in the way of this committee, and the Grazing Officer on his first visit found 25 horses and 1374 sheep in excess of the full authorised souming. A crofter having the right to graze one horse and fourteen sheep had actually two horses and 145 sheep. Written warning was sent by the Land Court to forty-six of the worst offenders, but seven had eventually to be reported to the Procurator-Fiscal.

SCALPAY.

Again, in Scalpay, an island of under 2000 acres, there were in 1909 forty crofter and eighty cottar families. The island, comprising 88 acres arable, 400 acres outrun, and the remainder common grazing, was divided into forty crofter holdings. The cottars had 41 cows and 130 sheep, the former grazing for the most part on the individual holdings of crofter friends and relations, while the latter roamed over the island.

Report of the Crofters Commission, 1910, p. xxxiii.

“The cottars,” report the Commissioners, “have no right to keep any stock, but as blood-relations of the crofters, they are, and have all along been, allowed to keep stock. They require milk for themselves and their families, and they could not purchase a milk supply on the island even if they had money. We are informed that the cottar families at present include about 140 children under the age of fourteen. The wool is required for the clothing of young and old, and what the cottars and their crofter neighbours do not use for that purpose is manufactured into Harris tweed for sale in the public market. No crofter in Scalpay will take part in depriving a cottar of any grazing liberties he now exercises; and having regard to the congested state of the island we can scarcely be surprised. Enlargement of holdings is here impossible, for the whole island is under crofter and cottar occupation already. Migration would appear to be the only solution, but as far as the North Harris estate is concerned, it seems that all the land that could be profitably occupied by crofters is already in crofter occupation. The Deer

Forests Commission scheduled certain parts of the estate as suitable for the extension of existing holdings, but no part as suitable for the formation of new holdings. It does not, therefore, appear that there is any land on the estate to which the surplus population of Scalpay could be migrated. Except a little fishing there is no industry on the island, and the large population must eke out a precarious existence as well as it can. 'Necessity has no law,' and it seems to us that under existing conditions it is scarcely possible to carry out the provisions of the Grazing Acts in this island." Scalpay no doubt exhibits the difficulties of the situation in a somewhat extreme form, but less acutely the same difficulties were felt throughout the north-west of Scotland.

In their Final Report in 1912, the Crofters Commissioners admitted that the greatest source of trouble had been, and was, the mismanagement of the common grazings. Committees had by then been appointed in most districts, but they did not enforce the regulations. They often allowed the masterful among the crofters to overstock the grazings without exacting payment for the excess stock, and thus inflicted a serious injury not only on the poorer persons who were understocked, but on the township as a whole. Indeed, the members of the committees were often themselves among the greatest offenders. There were many people who thought that the replacement of the unofficial township constable by the Grazing Committee was a mistake,¹ and the Crofters Commissioners themselves were satisfied that in many cases it would be simpler to revert to the old practice of appointing or electing one constable for each township or township group, suggesting an assessment for his pay of not more than sixpence in the pound rent on all persons interested.

CONSTABLE
OR COM-
MITTEE.
*Report of the
Crofters Com-
mission, 1912,*
p. xxv.

Ibid., 1910,
p. xxxix.

The most recent changes in common grazings regulations were the result of recommendations by the Crofters Commissioners in 1910, and were brought about by a section slipped into the Small Landholders (Scotland) Act 1911. The new Land Court, created by that Act, was given unlimited power to prescribe regulations, binding on crofters and non-crofters alike, as to the exercise of grazing rights held in common under the Act. It was also given complete control of the

EXISTING AR-
RANGEMENTS
FOR COMMON
GRAZINGS
REGULATION.
Ibid.,
p. xxxviii.

¹ "There is much to be desired in the management of the sheep stock by the township committees. It is bad. The replacing of the farm constable, who was a man of authority, by township committees (under the Common Grazings Regulation Act), has in this, as in every other matter of township management, brought about a deplorable state of affairs."—Cd. 5509 of 1911, App. III (l).

local administrative authority, being able to suspend or remove unsatisfactory members of grazing committees, to appoint any other persons, not necessarily crofters, in their place, and even, in lieu of a committee, to have elected or appointed a grazing constable to be paid according to the Commissioners' suggestion. The limitation on the number of a committee was repealed, and power granted to the Court, on application, to apportion a common grazing, either as arable or pasture, into separate parts for the exclusive use of the several townships or even persons interested. Incidentally, the Court was empowered in a similar way to apportion lands still held in runrig.

COMMITTEE'S
POWER TO
ASSESS.
*First Report
of the Scottish
Land Court,
1913, App. R.*

The regulations made by this Land Court are very detailed. As no power of annulling regulations is given to the Court in the Act, it would seem that regulations once made or approved stand for ever unless the committee care to submit, under section 2 of the Act of 1891, alterations for the approval of the Court. Among the regulations there is one rather remarkable, viz. that when a committee think it necessary or desirable to expend money or labour in order to give effect to the regulations, they shall have the power to require each landholder (*i. e.* crofter) and tenant interested to contribute in proportion to his souming a sum of money or amount of labour or both. Failure to contribute is treated as a breach of the regulations. Now, the power to levy a rate is one usually very jealously guarded by the State. Yet here the committee are given a quite unlimited power to assess, the only condition being that they think the expense desirable. It would appear that they could assess to any amount and that their action is not subject to any control, though they themselves could be removed. The legality of this regulation does not seem to have been questioned; yet the Land Court are only empowered to prescribe such regulations as to the exercise of common grazing rights as they think expedient, and it appears to be stretching their powers somewhat to make this cover the granting by them to a subordinate body of the power to assess.

CLUB FARMS.

Besides these Common Grazing Committees and their regulations, another method of management was by the formation of a Club Farm. In such cases the sheep were valued, and each tenant paid in money or kind an equal share of the price of the stock. Those who had sheep in excess of their proper share received payment for these, and those who had not enough sheep for their souming paid in money or were allowed credit on paying interest. The Club stock was

*Napier Re-
port, App. A,
xci.*

managed by one or two tenants elected annually with responsibility for purchases and sales, and usually a regular shepherd was appointed, who was assisted when necessary and possible by the other members of the community. This system of Club management had varying success, but found considerable favour with the Congested Districts Board after their experience of the failure of the earlier Common Grazings Regulations Acts. "We do not assume," they wrote in 1906, "that the Club system is perfect. It puts the management of sheep no higher than the general ability of the committee who control it, but in our opinion it is the system with fewest faults and most advantages. Among the advantages are—

*Eighth Report
of the Con-
gested Dis-
tricts Board,
p. xi.*

1. There would be no overstocking.
2. An experienced shepherd could be employed, and the sheep would only be gathered at regular periods for clipping, dipping, etc.
3. Good tups could be secured.
4. From the profits of the stock the committee could retain all township dues and shares of upkeep of fences, etc., which otherwise it would be almost impossible to collect."

Another advantage is, that the sheep are less worried. When every crofter is his own shepherd, the sheep are constantly being disturbed and continually hunted by the dogs. There were far too many dogs in many parts of the crofting counties, and the usual check of the licence duty does not exist since every crofter regards his dog as a sheep-dog. An act of 1878 permitted the Commissioners for Inland Revenue to exempt sheep-dogs from licence duty, and since 1906 this power has been delegated to the sheriff. In 1912 the Congested Districts Board and some private owners opposed 1596 of these applications for exemption in the Hebrides, but the sheriff only withheld exemption in 142 cases, and the agent for the applicants was allowed costs in the other cases. He claimed these at £5 10s. in each case, the sheriff-clerk also claiming his fee of 2s. 6d., altogether a bill of some £7600. The regulations under the Common Grazing Acts now prohibit persons unauthorised by the committee from taking dogs on the common grazings except on the days fixed by them for gatherings. The Board in 1906 also noted the strong disinclination of the crofters to co-operation, and state that "permissive legislation in such a community is of little use, but if statutory steps could be taken to compel all crofters with rights of common pasture to adopt the Club

*House of
Lords: De-
bate, June 27,
1912.*

Report of the
Crofters Com-
mission for
1910, p.
xxxiii.

system, we believe much good would result, including this, that the pasture would yield a better return to those with grazing rights over it." Such legislation, however, was not passed, and the system of club farms has not made much progress. There are considerable difficulties involved when a member desires to pledge his stock on credit or when he is leaving the area.

CONGESTED
AREAS.

To return to 1886; it soon became clear that the Crofters Commissioners would never be able to cope with the difficulties encountered in the Long Island and other congested areas. The words written by Sir John McNeill, in 1851, that "the inhabitants of these distressed districts have neither capital enough to cultivate the extent of the land necessary to maintain them if it could be provided, nor have they land enough were the capital supplied to them," were still true. The Commissioners had no power to supply any capital, nor could they here find any sufficient land "available" under the Act for extension of holdings (see p. 194). For a while the results of the new emigration schemes were awaited, but when these were seen to be proving a failure, the Walpole Commission was appointed to discover means to resuscitate the fishing industry (see p. 326). There was still, however, the need for the provision of more land, and attention was again directed towards the deer forests.

RISE OF
SHOOTING
RENTS.

BARRON: *The
Northern
Highlands in
the Nine-
teenth Cen-
tury*, Vol. II,
p. 315.

Deer forests appear to have existed in northern Scotland from very early days, and documents of the early seventeenth century show that some at least were then strictly preserved, but the practice of Highland proprietors letting the rights of shooting over their estates began in the early years of the nineteenth century.¹ "This new branch of trade or commerce," states a writer in the *Inverness Courier* of 1841, "has added greatly to the rental of many Highland estates. Instances are not rare of the shooting letting as high as the grazing of a mountain district. The yearly marketable value of the sport over a Highland property may at present be reckoned at something like the following rate, grouse being the unit or standard of value, viz.—

- One red deer equal to 100 brace of grouse.
- One roe deer equal to 20 brace of grouse.
- One salmon angled equal to 20 brace of grouse.
- One mountain hare equal to one brace of grouse.
- One brace of grouse equal to five shillings.

¹ Lord Malmesbury's *Memoirs* give 1833 as the first year deer forests were "made and rented."

Thus a shooting supposed capable of producing on an average of seasons, with fair sportsmen, 500 brace of grouse, would let at £125. If the house accommodation is good, or the moor of high reputation, a larger sum may be obtained, and we have known 10s. a brace offered for a month's shooting." It was added that fifteen years' purchase was considered the value of the game on an estate.

The sport rapidly became fashionable; in 1844 there is a list of about ninety shooting tenants, and the number steadily rose year by year. Sporting rents increased very considerably in value, and since the price of wool and sheep began to fall with increased importation from the colonies, it became advantageous to the proprietors in many cases to substitute deer for sheep.¹ In 1872 a Select Committee of the House of Commons was appointed to inquire into the laws for the protection of deer in Scotland, and, generally, to ascertain whether this substitution was against the interests of the community. They reported in 1873 that the deer forests had not tended to the depopulation of the country, nor had the food supply of the nation been diminished by the displacement of sheep for deer, while they estimated the number of sheep actually displaced by deer as below 400,000.

Nevertheless the idea that the homes of hundreds of crofters had been pulled down and burned and the people turned adrift in order to establish deer forests became a somewhat popular delusion. It was urged before the Napier Commission, and was indeed quite definitely stated by Mr. Lloyd George, the Chancellor of the Exchequer, at Swindon and Bedford, so recently as 1913. The Napier Commissioners found on investigation only one clearly established case of the removal of crofters for the purpose of increasing the area under deer, though other cases might be cited of the diminution of crofting area for the same purpose. "The existing deer forests, which have been created for the most part within the last thirty years, have been, as far as made known to us, formed out of large farms by simply removing the sheep and allowing deer, of which there was probably a greater or less number already there, to fill up

DEER RE-
PLACE SHEEP.
BARRON: *The
Northern
Highlands in
the Nine-
teenth Cen-
tury*, Vol. III,
p. 52 et al.
*Napier Re-
port*, p. 86.

NAPIER COM-
MISSIONERS
ON DEER
FORESTS.

*Napier Re-
port*, p. 84.

¹ Another factor was a change in the public taste for prime mutton, which, about forty years ago, was two-year-old widders. When the taste for old mutton disappeared, the growing of widders became comparatively unprofitable, and the higher lands of north-west Scotland, which formerly carried a widdler, but are unsuitable for a ewe, stock, became unlettable for sheep.

the ground so vacated. Depopulation, therefore, cannot be directly attributed to deer forests," for they do not employ fewer people than the sheep farms. The Commissioners, summarising the evidence brought before them, claim to have shown "that crofters have rarely, at least in recent times, been removed to make or add to deer forests; that comparatively little of the land so occupied could now be profitably cultivated or pastured by small tenants; that no appreciable loss is occasioned to the nation, either in mutton or wool; and that the charge of inducing idle and intemperate habits among the population is not consistent with experience. There remains the class of sheep farmers, of whom it may be said that if they are affected at all it is only in connection with the cost of wintering their hill sheep, and that in this respect deer forests have undoubtedly benefited those who remain by diminishing competition." They add, however, that these views did not imply an approval of the then present appropriation of land in all cases to unproductive uses, far less an indiscriminating application of additional tracts to a similar purpose in future; but they considered that the interests of the crofters would be effectually secured if the crofters were protected against any diminution, for the purpose of afforestation, of arable or pasture area then in their possession, and if the areas which might thereafter form the most appropriate scene for expanding cultivation and small holdings should be preserved from curtailment. The Valuation Act 1854 had specially exempted deer forests and shootings from assessment when they were unlet; this exemption was withdrawn in 1886.

Napier Report, p. 90.

Ibid., p. 93.

17 & 18 Vic.
c. 91.
49 Vic. c. 15.

DEER FOREST
COMMISSION,
1892.

The movement for land reform found, and still finds, its chief supporters among the Radical party, and many of these were not satisfied with the above opinions. Conditions in the congested areas meantime, as has been said, were not improving, and the colonisation scheme was proving a failure, so that, when the Radicals came into power in 1892—the fourth Gladstone Ministry—a Royal Commission was appointed especially to find out how much land in the crofting counties was being used for sporting purposes, or grazing by non-crofters, which might be advantageously occupied by crofters. As a result of their investigations, this Commission scheduled certain areas. (See table on p. 205.)

The Commissioners found that the land under deer was to a great extent rocky and sterile, at a considerable altitude above sea-level, and too often remote and inaccessible. Taking the area exclusively devoted to sport as about

3,000,000 acres, it will be seen that the Commissioners only scheduled 326,038 acres or about 11 per cent. Moreover, this included 61,746 acres in Lewis, which were only scheduled in view of the exceptional conditions in the Long Island.

In Lewis the arable land of the crofters' holdings is of poor LEWIS quality¹ and has been exhausted by constant cropping, while the grazing, with certain exceptions, is also inferior. Had there been no subdivision of holdings, matters would have been bad, but subdivision, subletting, and the erection of additional houses on the crofts had long been rife. The Crofters Commission, during its first five years (1888-92)

County.	Present use of Land, 1892.	Suitable for Fishermen's Holdings, consisting of a house site, a yard or garden, a potato patch and space where possible for a cow's grazing.		Suitable for Extension of Crofters' Holdings, more particularly of Crofters' grazings.		Suitable for New Holdings, grazing farms with a due proportion of land under crop, of varying size rented somewhat above £30 annual.	
		Old Arable.	Pasture.	Old Arable.	Pasture.	Old Arable.	Pasture.
		Acres.	Acres.	Acres.	Acres.	Acres.	Acres.
Argyll . . .	{ Deer Forest	170	10,779	3	11,522	37	9,637
	{ Grazings	21,077	200,489	454	22,629	1,375	95,641
Caithness . . .	{ Grazings	2,234	31,421	270	12,595	499	39,391
	{ Deer Forest	837	36,418	52	30,417	219	49,444
Inverness . . .	{ Grazings	16,722	219,532	1,622	96,729	1,327	96,279
	{ Grazings	1,314	2,958	356	8,357	—	—
Ross and Cromarty	{ Deer Forest	76	57	413	75,788	196	58,539
	{ Grazings	3,000	67,980	620	40,277	1,240	75,047
Shetland . . .	{ Grazings	2,246	20,780	368	17,454	—	—
	{ Deer Forest	180	12,888	—	982	137	27,247
Sutherland . . .	{ Grazings	2,246	141,346	370	117,910	1,363	91,229
	{ Deer Forest	1,263	60,142	468	118,709	589	144,867
Total of Crofting Counties	{ Grazing	48,839	684,506	4,060	315,951	5,804	397,587
	Both	50,102	744,648	4,528	434,660	6,393	542,454

dealt with £40,979 18s. 1d. arrears of rent on the Lewis Estate. They cancelled £30,092 7s. 4d. (an average of £11 14s. per holding) and ordered the rest to be paid. At the same time rents were reduced from a total of £7247 15s. 1d. to £4944 1s. 8d., an average reduction of 31·784 per cent. “It was Report, 1892, earnestly hoped,” said the Deer Forest Commissioners, “that P. xxii. with this relief a better state of things would gradually arise; but we cannot say from the information we have obtained that such has been the case. We found that the arrears

¹ The average yield per acre in Lewis in 1912 was 18·22 bushels of oats and 1·83 tons of potatoes, as against corresponding figures of 38·34 and 6·27 for Scotland.

which the Crofters Commission ordered to be paid have not only been left to a large extent unpaid, but additional arrears have been allowed to accumulate on the Fair Rents." The process of subdivision of holdings was still going on in spite of the prohibition contained in the Act of 1886. There were no fewer than 483 holdings in Lewis rented at £1 and under yearly. The number of holdings recognised by the estate in 1892, and including both farms and crofts, exceeded by 995 the number in 1844, when there were 2100 with a rental of £9437 19s. 2d. or about £1200 above the 1892 total. The number of holdings not recognised by the estate was very large, but the exact number was not known. On these facts and considering the amount of land available, the Deer Forest Commissioners were of opinion that "were the whole forest and farm lands in the island of Lewis made available for crofters in some form or another, this step, while it might allay or mitigate the more serious evils arising from the existing condition of matters, would not effect a permanent remedy, and would only relieve the urgency for a limited number of years." The only solution, since the emigration schemes had failed, seemed to be to establish new holdings and transfer the surplus inhabitants.

Report, 1892,
p. xxiv.

A QUESTION
OF ADMINIS-
TRATION.

55 & 56 Vic.
cc. 31, 54.

It had then to be decided to what authority the work of creating new holdings and migrating the people should be entrusted. Now the Crofters Commission had no powers with regard to the establishment of new holdings. The new County Councils, however, had been given power by the Small Holdings and Allotments Acts of 1892 to acquire land for small holdings or allotments in order to sell or lease to persons desirous of cultivating the same. Small holdings were defined as less than fifty acres, or if greater, not exceeding £50 annual rent. Only those less than fifteen acres or, if greater, not exceeding £15 annual rent could be leased. The choice of authority, therefore, lay between extending the powers of the Crofters Commissioners, trusting to the County Councils, or creating a new authority altogether. The Deer Forest Commissioners were only asked to schedule the land available; nevertheless certain members thought it advisable to add that the profitable cultivation or advantageous occupation of the scheduled lands could only be obtained under a well-considered scheme of land purchase by a representative body possessed of full powers for carrying out properly defined regulations, both as to the selection of tenants for new holdings, and also as to the occupation of all grazings scheduled. Another member pointed out that the reforms could not be

Addenda to
Report,
p. xxvi.

equitably and effectively carried out by local and elective bodies. "No local body," he states, "would be able to take a conjunct view of the Highlands and the requirements of the people as a whole; and no elective body could afford to give the close, unbiassed, and lengthened consideration that would be required for the adjustment of all the questions that would arise." As evidencing the attitude of the Highland County Councils towards the Small Holdings and Allotments Acts, he quotes a minute dated December 20, 1893, of the Argyll County Council, where an amendment was carried "that the Report of the Allotments and Small Holdings Committee be not adopted, seeing that Argyllshire is a poor and scattered county, the ratepayers of which are already burdened with heavy taxation: it is, therefore, unfair to impose upon them the extra cost of carrying out the Small Holdings and Allotments Acts, an experiment which ought to be borne by the State."

In the event, the Government decided to establish a new special authority, and in 1897 the Congested Districts Board was created. This Board consisted of five ex-officio members—the Secretary and Under-Secretary for Scotland, the Chairmen of the Local Government and Fishery Boards for Scotland and of the Crofters Commission—and not more than three other members nominated by the Secretary for Scotland. It had a normal income of £35,000 per annum, £15,000 under the Agricultural Rates, etc., Act of 1891, and the remaining £20,000 voted by Parliament. It was left to the Board to decide which were congested areas, and they took as their test that the industrial resources of the locality should be insufficient to provide for the needs of its population, and that the valuation (exclusive of the rental obtained from shootings and from holdings rated at over £30 per annum, and exclusive also of the population on these holdings) should not exceed £1 per head of the population. This resulted in fifty-six parishes¹ becoming official congested districts. Within these districts the Board had power to assist the crofting population in various specified respects, such assistance being given either by way of gift or loan or sale at cost price and under whatever conditions the Board might find it necessary to impose.

CONGESTED DISTRICTS BOARD. 60 & 61 Vic. c. 53.

59 & 60 Vic. c. 39.

First Report of the Congested Districts Board, 1898, p. vi.

Taking land first, the Board had power to acquire land

ITS POWERS WITH REGARD TO LAND.

¹ Six in Argyll, 13 in Inverness, 7 in Ross and Cromarty, 10 in Sutherland, 3 in Caithness, 8 in Orkney, and 9 in Shetland. Nine other parishes were added subsequently, and in 1911 the Board declared all crofting parishes to be congested districts.

by purchase or gift, to adapt the same by dividing and fencing it, making occupation roads, and executing any other works, such as works for the provision of drainage or water supply, which could, in the opinion of the Board, be more economically and efficiently executed for the land as a whole. Such land the Board could dispose of by subdividing it among the crofters and cottars in congested districts for the purpose of cultivation or grazing. They had also the power to aid the migration of crofters and cottars from congested to other districts in Scotland and the settlement of any migrants under favourable circumstances in the places to which they first migrated; as also to erect and form fishermen's dwellings and holdings.

ITS DIFFICULTIES:
1. LACK OF BORROWING POWER.

The whole purport and title of the Act indicate that the main idea was to purchase land to relieve congestion and to assist the new settlers in their venture. Now, there were several difficulties which jeopardised the success of the plan from the outset. In the first place, the Board had no powers of borrowing; the purchase money had to be accumulated from their not very large income, and this saving was somewhat difficult in view of the many demands on them and the many different purposes for which they had to provide funds. "We deem it our duty," they report in 1905, "to state, with all the emphasis at our command, that we cannot regard the existing arrangement, which limits our power of purchase and development of land for migration and settlement to savings out of income, as satisfactory. The income provided by Parliament should be available for the many obligations we are called upon to meet for the benefit of the districts concerned, and should not be absorbed by expenditure which, in the strictest sense, is a capital outlay." The Secretary for Scotland, therefore, asked the Treasury that arrangements might be made to enable the Board to obtain from public funds an advance of three-quarters of the sum expended by them in the purchase and equipment of estates. No such arrangement, however, could be made, nor could the Board borrow from private lenders on the security of their lands and annuities, without fresh legislation, and as by this date (1906) the Board had reason to doubt whether they would ever be able to sell the land they had bought, there seemed less reason to approach Parliament for new powers.

Seventh Report, p. viii.

2. CROFTERS' LACK OF CAPITAL.

Secondly, comparatively few of the people whom it was intended to benefit had sufficient capital to enable them to stock holdings of the size which it was the policy of the

Board to create.¹ Now the Board could help in erecting buildings, dividing, fencing, and draining land, but they had no power to make a grant or a loan to enable a crofter to stock a holding. This difficulty was accentuated by the system of sheep-stock valuation. The Court of Session has decided that a sheep stock, bound under lease to a farm, has to be valued as a going concern in relation to the particular farm it is on, and not simply at outside market value. Now, sheep grazing on the pastures of the Highlands and Islands are subject to certain specific diseases, of which braxy and the louping ill are chief. At a meeting of the Argyll County Council in December 1912 it was stated that the annual loss from these diseases in Argyll alone was moderately estimated at 78,450 sheep, amounting to between £60,000 and £90,000 per annum. These diseases are particularly deadly to young sheep, and to escape them the lambs are usually sent away from the hill grazings to arable lands. Once the sheep bred on the farms have passed their first year, they are not nearly so subject to these diseases, or, perhaps, take them in a milder form, and they remain for the rest of their lives on the hills comparatively healthy and immune. Unfortunately, this is not the case with imported or strange sheep, the death-rate with them being very much higher. It follows, therefore, that the home-bred sheep on a Highland farm have an additional value, known as the "acclimatisation value." There is also what is called the "hefting" value, which belongs to a flock when the sheep are accustomed to the grazing, as contrasted with strange or imported sheep which are for a time restless and do not thrive. The Board, although holding themselves debarred from making a grant to enable a crofter to stock his holding, adopted the practice of paying the acclimatisation and hefting value, and, as this value ran about 20s. on milk ewes, 15s. on gimmers, 10s. on ewe hoggs or eild ewes, in the aggregate a considerable sum of money was expended in this way.

Thirdly, the Board considered that they could not help crofters to purchase their holdings unless there was migration; unfortunately, there has always been a very marked

J. T. Cameron : Scotsman, March 8, 1912.

3. PEOPLE UNWILLING TO MIGRATE.

¹ "In our opinion an agricultural holding should be of such extent that its occupier could depend entirely on it, or mainly, for a fairly comfortable living. It is, we think, obvious that the causes which have produced congestion in the existing crofting area would operate similarly in the case of new holdings too small for the purpose of support, and that in the next generation these inadequate holdings would be found not to have diminished but increased the evil of congestion."—*First Report of the Congested Districts Board*, p. ix.

Tenth Report,
p. ix.
Second Re-
port, p. xi.

unwillingness of the people to migrate. "Those who ought with assistance to become migrants," they reported in 1900, "are often very reluctant to leave their homes, such as these are; and those among whom it might be proposed to introduce such migrants are not always willing that the experiment should be tried. Again, many of those prepared to migrate will not, or cannot, quit their present abodes unless the whole expense of migration and re-settlement were borne for them. There are large numbers of cottars in certain townships who pay little or no rent, and who form a serious incumbrance to the crofters, but who could not be migrated on any other terms. Moreover, they would not undertake the burden of any loan, but would look to obtaining pecuniary aid in the form of a gift. Even if a loan were arranged, the task of obtaining repayment might easily become insuperable. Nor can it be left out of view that migrants who, from whatever causes, did not succeed in their new holdings, would look to the Board to save them from destitution. The difficulty in such cases of altogether rejecting a plea for eleemosynary or philanthropic aid and making everything turn on self-reliant and independent effort would be very great. It ought, further, to be stated that in certain quarters where schemes of migration might properly be entered upon, there is no available land, or at least none to which the migrants would be willing to go." Again, in 1906, the Board report: "The Cottar problem is the most acute and one of the most difficult questions awaiting solution in the crofting area. The cottars who pay no rent greatly exceed in number those who do. Very often they have erected dwelling-houses without permission either from the proprietor or the neighbouring crofters. Very often they have no title whatever to the lands they occupy, and frequently they have stock which graze on the crofters' common pasture, and for which they pay no rent. They are, therefore, a heavy burden on the crofter. Moreover, many of them will not remove even though tempting terms are offered, and yet where they are located there is no land to give them. In other words, the crofters need all the land they have and could take more. If any considerable number of cottars would agree to migrate voluntarily, with reasonable aid, some of the difficulties at least would disappear, but so long as the present attitude is maintained, it is hard to say what successful endeavours can be made." The Landward Committee of the Parish Council of Stornoway could not find a single cottar, crofter, or squatter who was willing to migrate.

Eighth Re-
port, p. xvi.

Ibid., p. xvii.

The first and only serious effort made by the Board to migrate the people was at Sconser in Skye in 1901, where, in view of the particularly unhealthy condition of the township, more than usually liberal terms were offered. The Sconser crofters declined to migrate. On the other hand, in one of the very few cases when the crofters were desirous of migrating, the Board seem to have been very slow to assist. Twenty-eight crofters and twenty-one squatters at Breanish in Lewis applied to be removed in 1906. Their crops were frequently destroyed owing to the exposed situation: their grazing was insufficient and spoilt by over-grazing and peat-cutting. The proprietor offered to subdivide a farm, Dalbeg, which had been scheduled by the Deer Forest Commission as suitable for new holdings. The Board inspected the farm, considered it unsuitable, and resolved that they could not entertain the proposal. Four years elapsed. The proprietor then offered another farm, Mangersta, and thirteen of the Breanish applicants were assisted to occupy new holdings there at Martinmas 1910.

Eighth Report, p. xiii, and App. III.

Fourthly, the Board discovered that the crofters, especially in the Western Highlands, were not really desirous of becoming the owners of the holdings they occupied, and this discovery rather paralysed their activities in so far that they feared to purchase land when there was no assurance that they would be able to resell it. What influenced the crofters was the fear of the ownership rates. A croft valued at £100 might be in the occupation of a crofter paying £5 annual rent with all the advantages of the statutory crofting tenure. Should he purchase this croft, he would be called upon to pay the Board's purchase annuity of £3 14s. 1d. annually for fifty years. This, as a first result, saves him about 25 per cent. per annum for fifty years, and then gives him free possession, but, on the other hand, if owners rates were 5s. in the £ this saving would be wiped out, and, if the rates were higher—as they frequently are—he would be left at a positive disadvantage. As a crofter and occupier of an agricultural holding, he could only be assessed at three-eighths of the occupier's half of the assessment on his fair rent, although he might have put up on the croft superior buildings of considerable annual value. As an owner he would be liable to be assessed, both as owner and occupier, on the full annual value of buildings and land, with a deduction of five-eighths of the agricultural value *qua* occupier only. The crofters, accordingly, were afraid of an increased valuation, and were unwilling to purchase unless the margin between the Board's

4. PEOPLE
INDISPOSED
TO PURCHASE
HOLDINGS.

Ibid., p. x.

Tenth Report,
p. x.

purchase annuity and the fair rent were large enough to provide for owner's rates and for any increased rates both on owner and occupier which might result from an increase in their valuation. As the Board point out, this condition could not be fulfilled in most cases unless the State resold at a greatly reduced price, a policy involving regular and perhaps considerable loss on each transaction. Matters were rather at a standstill as the Board were under the impression that they could only sell their lands and not lease them.¹ In 1908, however, they were advised by the Law Officers of the Crown that it was competent for them to lease land. Meantime the Small Landholders Bill had been introduced in Parliament in 1906, and as this provided for the dissolution of the Board, and, though defeated, was continually being introduced till it finally passed in 1912, the Board naturally restricted their efforts.

ITS WORK :
I. FISHER-
MEN'S HOLD-
INGS.

Having thus described briefly the difficulties encountered by the Board, it is now proposed to review their achievements. At the close of their fifteen years' existence they claim to have created, or helped to create, 640 new holdings and enlargements to 1138 crofters. The endeavours of the Board can be classified as follows :—

- (a) Purchase of land and resale in small holdings.
- (b) Co-operation with proprietors willing to subdivide farms.
- (c) Aiding migration.
- (d) Aiding formation of fishermen's holdings and the erection of fishermen's dwellings.

Report, 1892,
p. xi.

Congested
Districts
Board,
Twelfth Re-
port, p. xvii.
Second Re-
port, p. xii.

It is possible to say at once that all except (b) were complete failures. The scheme to aid migration has already been shown to have collapsed. Much was expected from the establishment of fishermen's holdings. The Deer Forest Commissioners anticipated from their formation an immense advantage, especially on the north-west coast, to cottars, and believed that such holdings would be readily taken up. The Congested Districts Board state that the formation of fishermen's holdings was pressed upon them with much persistency from the outside. They themselves were from the first doubtful of success. "The West Coast crofters," they explain in 1900, "are not historically a seafaring people. While in many cases both good boatmen and daring sailors, they cannot be persuaded to trust entirely to the sea for a

¹ "We have no power to act permanently as landlords."—*Eighth Report*, p. x.

living, but cling to the idea that they ought to have land—arable and pasture—and the means of resorting to the sea for fish when necessary. Their environment almost inevitably fosters a life made up of spurts of work and spells of idleness, and the effect of this habitude is to produce a disinclination to change to a life where there can be no idleness.” The Board, nevertheless, attempted the experiment at Stornoway, where the existence of all the conveniences and advantages of a large and long-established fishery centre seemed most favourable to a cottar-fishermen settlement. In 1899 they secured an option of feu of about seven acres at the Battery Park, near Stornoway harbour, and proposed to divide the land into twenty-nine building lots. Only one applicant came forward, and the scheme was dropped. In 1902 the proprietor offered to renew the option, and the Board again stated their readiness to bear all costs for necessary enclosures, roads, drainage and water supply, for the Feu Charter, and to erect a dwelling-house for each feuar, the cost of building, £104–110, to be repaid by him in annual instalments for thirty years. Twenty-four applicants now came forward, and by 1906 all twenty-nine lots had been taken up. The experiment proved both costly—a sea wall was found necessary—and unsuccessful. It cost the Board £5088 8s., of which £3173 7s. 9d. represent the loans for buildings. In 1912 the feuars had repaid £317 19s. 3d., but were £307 5s. 11d. in arrear. They were also in considerable arrears of rent to the proprietor. Moreover, “the village has not been a conspicuous success as a community of industrious and successful fishermen,” and the Board never attempted any similar experiment.

Fourteenth Report, p. 10.

Twelfth Report, p. xvii.

The results of the Board’s co-operation with proprietors willing to break up farms were varying. The first experiment was in North Uist. Two farms, Sollas and Grenitote, were divided up by the proprietor, the former into twelve holdings at £10 and the latter into twenty-two at £5 annual rent. Twenty-five cottars and nine crofters were established in the new holdings, and the removal of the latter gave opportunity for the enlargement of seven old crofts. The Board’s help was £845 5s. 2d. spent on roads, fencing, etc., £140 18s. 3d. went in administrative expenses, and £1310 was lent to the settlers for house building. In 1912 the settlers had paid up all annuities due, and there were no arrears. This may be taken as a typically successful effort; for a typical failure the case of Aignish in Lewis may be noted. This farm was divided in 1904 into thirty-two crofts,

2. CO-OPERATION WITH PROPRIETORS.

somewhat smaller than usual, averaging about £3 annual rent. The Board spent £1605 0s. 8*d.* on roads, fencing, etc., £440 9s. 6*d.* in administrative expenses, and lent £3625 1s. for building. In 1912 the settlers had paid back £86 5s., leaving £554 4s. 6*d.* in arrear on the annuities. Moreover, on an annual rent of £96 8s. they were already £70 1s. 4*d.* in debt by 1908. On all these schemes of settlement in co-operation with the proprietors, the Board spent in the aggregate :—

	£	s.	d.
On Fencing, Draining, Roads, etc.	11,120	17	7
On Sheep Stock	6,268	7	5
On Loans for Buildings	9,570	3	9
Administrative Expenses	4,153	13	2
In Payment of Rent	105	0	0
	<u>31,218</u>	<u>1</u>	<u>11</u>

They received back, however, £1644 1s. 11*d.* for sheep stock, so that the total paid, presumably as acclimatisation value, was £4624 5s. 6*d.* Of the loans, £1957 8s. 5*d.* had been repaid by 1912, but £762 13s. 9*d.* were arrears outstanding. It is probable that there were also considerable arrears of rent accumulating.

3. LAND PURCHASES.

Finally, there are the Board's purchases of land to be reviewed. It is rather tedious, but nevertheless of importance, to narrate the history of these purchases. The idea behind the experiments seems to have been that, as the people were not able to get sufficient land from the proprietors, the State should assist by purchasing the land and bearing the risk of loss. It is certain that the people wanted more land, though as statutory crofters rather than owners; there seems little doubt that the proprietors were generally quite willing to lease land at a fair rent to any crofter who was likely to prove a satisfactory tenant. Generally speaking, however, the proprietors appear to have considered that the policy of breaking up farms into a number of small crafts was uneconomic, and their experience was that the tenant of the farm usually paid the rent, while the crofters usually fell into arrears. It was in these circumstances that the State endeavoured to prove that the policy was a sound one, and that the crofters with help at the outset might be established on a self-supporting basis in the new holdings. The Board's first purchase was 12,116 acres at North Syre in Strathnaver, Sutherland. They lotted this area in 1900 into sixteen considerable holdings designed to be self-sufficing, but found

an insufficient number of applicants able to provide capital to take over the valuation stock. The land was, therefore, relotted and sold to twenty-three settlers, who in 1907 were over 20 per cent. in arrears on the purchase and building loan annuities. The second purchase was in 1901 of 3000 acres of Eoligarry in Barra, which was sold in twenty-five agricultural and thirty-three smaller fishermen's holdings. A condition of sale was that the purchaser should erect by his own labour, but with provided materials, a comfortable and sanitary approved dwelling, and should be indebted to the Board for £30. Many of the houses erected were, however, not up to the Board's standard, and some of the population did not begin work until notices of forfeiture were sent to them. These settlers, also, soon fell into arrears. In 1912 the Board received a unanimous request from all the Syre and Barra settlers that they might revert to tenants, and this request was granted. The next purchases were at Glendale and Kilmuir in Skye. There were about 160 crofters already on parts of the 20,000 acres bought at Glendale in 1904, and it was proposed to sell to each his holding, together with a share in the grazing not previously under crofting tenure, such grazing to be managed as a club farm. In 1906, however, six new holdings were formed. Arrangements were not completed till 1907, when 131 crofters purchased their holdings and shares in the club farm; the six new holdings were purchased, and twenty-three families obtained vacant lots or enlargements. Kilmuir, the Board's largest purchase, was bought after protracted negotiation in 1904. It had an area of 45,300 acres, rather less than half being farm land, and the remainder crofts and hill grazing in the occupation of some 450 crofters. These crofters were £4463 19s. 7*d.* in arrears of rent to the estate, and the Board thought it advisable to purchase these for £1773, later reducing the amount due by the crofters to £1026 3s. 3*d.*, thus losing the difference. The negotiations for the settlement dragged on very slowly, the crofters declined to purchase, and the Board eventually agreed in 1909 to allow them to continue as statutory crofting tenants. Seventy-five new holdings were established, and 7522 acres granted in extension of grazings to 397 crofters.

The purchase of Vatersay was peculiar. Conditions on the Cathcart estates of Barra and South Uist were almost as difficult as on the Matheson estate in Lewis. In spite of efforts by the estate management to prevent the erection of additional houses, the number of squatters increased. The

TROUBLE IN
BARRA.

people, crowded together on a small area, put up their small wooden huts, and appear to have trusted that the proprietrix would not cause them to be evicted or punished. Possibly also they relied on Government intervention or outside agitation. The estate warnings were disregarded, and further proceedings to enforce them were not taken, presumably because such would have entailed considerable suffering to the people. Lady Cathcart's colonisation schemes failed, and the congestion became steadily worse (see p. 122). As a result of what the Government themselves called "excessive pressure," the 3000 acres at Barra were bought by the Congested Districts Board, as mentioned above, in 1901, and fifty-eight crofters given new holdings. This still left nearly half the landless cottars unprovided for, and congestion was especially severe round Castlebay, where no site had been available for several years. Several of these cottars applied to the Board for ground on the island of Watersay for planting potatoes in 1902. Watersay and its adjacent islands constituted the only farm then left on the Barra estate of Lady Cathcart, and the tenant's terms proved too high for the Board. The season of 1902 was missed, but next year the Board were able to buy sixty acres on the island for £600 and an annual feu duty of 10s. per annum. Fifty-one cottars obtained potato plots in 1903, and attempted to grow potatoes. They failed to obtain satisfactory crops, wherefore in 1905 the Board wished to test the soil by a practical experiment, but the cottars for some reason opposed this, and the Board could not get any local person to go over to Watersay to conduct the experiments. Meantime, the people were becoming irritated by not knowing whether they were to be allowed to sow oats and barley on the potato land, whether it was worth their while starting to collect seaweed for any further land that might be provided, and by the prospect of another potatoless winter. Early in 1906 the negotiations for fresh land appeared to be again breaking down; the tenant asked 10s. an acre for the lease of a new patch of twenty acres, and the Board were unwilling to accept either that offer or the theory that their own sixty acres were useless. Thereupon the cottars, in spite of the fact that the Board's agricultural expert had, in the previous year, impressed upon them that making a disturbance or threats to do so would not move the Board but would only bring trouble upon themselves, threatened to take the land forcibly. Almost immediately (March 1906) the Board wrote to the cottars saying that they had rented the twenty acres, and

H.C. Paper 91
of 1908, p. 36.

Ibid., p. 39.

that crops of potatoes could be taken from it in 1906 and of corn in 1907.

Unfortunately, this was not the only case of the Board's stating that threats would not move them, delaying action till the threats came, and then at once giving way to the cottars' demands. Admitting that the cottars' situation was urgent almost to the point of desperation, and that the Board's difficulties were manifold, nevertheless such action should have been avoidable, and it was harmful in its influence. Another example of this was in South Uist, where the cottars and crofters had repeatedly applied for land to the Crofters Commission, and many of their applications had been refused because the land applied for was under lease, or, if granted, would have caused material damage to the remainder of the estate. In 1902 certain applicants for Bornish and Milton wrote to the Board that failing a satisfactory answer they would be reluctantly compelled to take forcible possession of the land. In 1906 they so took possession of Gerinish and certain other lands. The proprietrix requested the Government to institute criminal proceedings against the raiders under the Trespass (Scotland) Act of 1865. The Secretary for Scotland declined to take any such action, and suggested that an interdict should be obtained by the proprietrix followed, if necessary, by an application to the Court for punishment in the event of the interdict being disobeyed. Now, 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. As the estate agents pointed out: "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." In 1907 the Congested Districts Board arranged for the surrender of four farms—Gerinish being one—in South Uist, which were divided and allotted to the cottars. One of the farms surrendered, Glendale, could not be disposed of, and, as the surrendering tenant did not wish to resume, it was left on the hands of the proprietrix, who had to take over the sheep stock.

To return to Vatersay in 1906; after the Board had notified the cottars that they might take a potato crop on the twenty

TROUBLE IN
SOUTH UIST.

*Congested
Districts
Board, Fourth
Report,
APP. II.*

H.C. Paper 91
of 1908, p. 29.

THE VATER-
SAY RAID.

acres, the cottars prepared additional potato beds on two acres of the tenant's land, put up some fifteen huts, and brought across their cattle. Interdicts were obtained by the estate against thirteen men, served on eleven, and broken by nine. The estate was preparing complaints for breach of interdict when in July 1907 the Secretary for Scotland sent the Sheriff to try to induce the people to withdraw their cattle and abandon their illegal conduct. The Sheriff was unsuccessful, but suggested the purchase of the island by the Congested Districts Board. Meantime the cottars remained and another application for Government protection for the tenant was refused. In September, however, the Secretary for Scotland wrote suggesting that the proprietrix should co-operate with the Congested Districts Board in forming new holdings in Vatersay. It was pointed out in reply that the proprietrix did not think the island suitable for new holdings because of an insufficient water supply, nor the raiders suitable as tenants, nor was she willing to face the contingent liabilities in the way of rates for a new school, or the provision of adequate water. The rest of the year passed in a spirited wrangling between the two sides. Lady Cathcart's position was, that it was unfair and unreasonable to impose upon her the expense and loss—including the burden of compensating a tenant she had no wish to remove—incident to carrying out a policy which she thought unsuitable, inexpedient, and most likely to result in failure. The Government's position was that they were not responsible for the Vatersay difficulties, but only intervened as offering the assistance of the Congested Districts Board if the proprietrix chose to accept their policy of settling a limited number of tenants upon the island. Eventually the Government abandoned their position, and in February 1909 the Secretary for Scotland informed the Congested Districts Board that he had arranged to purchase Vatersay for £6250, to be paid out of the Board's funds, the Board also having to pay the tenant compensation for renunciation. Fifty-eight holdings were formed and eighty-three applications received. The Board selected fifty-eight tenants, and had to take legal proceedings to remove certain obdurate squatters. The Board's last purchase was in 1911 of Seafield farm, 404 acres, on the east coast of Ross. They divided this farm into twenty-five holdings of varying size, and let them to people resident in the district.

*Congested
Districts
Board,
Eleventh Re-
port, p. vi.*

The financial results of the Board's purchases are given in

their fourteenth and final Report. They are summarised thus—

FINANCIAL RESULTS OF THE LAND PURCHASE SCHEMES.

PAYMENTS BY THE CONGESTED DISTRICTS BOARD ON LAND-PURCHASE SCHEMES, 1897-1912

(Fractions of a pound are omitted)

Ground.	Date of Purchase.	Purchase Price.	Advances for Buildings.	Loss on Sheep Stock.	Works, i.e. Fencing, Roads, and Draining, etc.	Administrative Expenses, Law Charges, Surveying, Local Management.	Total.
		£	£	£	£	£	£
Barra	1901	7,920	1,636	440	2,273	1,443	13,714
Glendale	1904	18,013	1,294	1,207	2,840	3,710	27,065
Kilmuir	1904	79,649 ¹	532	934	14,323	33,729	129,169
Seafield	1911	9,325	205	—	765	772	11,068
Syre	1900	10,546	4,593	1,825	1,166	1,285	19,417
Vatersay	1908	6,318	11	1,684	1,329	1,463	10,808
„, Potato Grounds	1903	610	—	—	65	101	777
Total	—	132,382	8,275	6,093	22,764	42,505	212,021

A noticeable feature of the above is the very heavy charge for administrative expenses: these include rates, and in the case of Vatersay they must include the compensation paid to the tenant on renunciation.

In return for this outlay the Board received certain sums of money in repayment of loans for building and also as rent or purchase annuity. In the cases of Syre and Barra the occupiers were first purchasing owners and later tenants; presumably their payments were adjusted on reversion. The Glendale occupiers alone now remain as purchasing owners. The Board's figures do not enable one to differentiate between these items; there occur miscellaneous receipts sometimes separately and sometimes included with rents. The total receipts are here given, fractions of a pound being omitted.

	Total Outlay.	Total Receipts.	Approximate Return per cent. per annum.	Annuities Payable for the Year 1911-12.	Arrears Outstanding 31st March, 1912.
	£	£	£	£	£
Barra	13,714	2,208	1.4	264	650
Glendale	27,065	5,902	2.6	698	844
Kilmuir	129,169	29,202	2.8	3,906	3,142
Syre	19,417	4,133	1.7	539	871
Vatersay	10,808	320	0.7	180	38
Vatersay Potato Grounds . . .	777	42	0.6	—	—

¹ Purchase price, £80,000 + arrears purchased, £1773 — land sold, £2123 1s. 2d.

The figures showing the return per cent. are only very rough approximations; they assume that the total outlay was incurred immediately the land was purchased, which was not quite the case, because some small additional loans for building and some expenditure on works were made subsequently. It must also be borne in mind that a sum of about £15,000 was spent on the Board's general, *i. e.* central, administrative services. The most unsatisfactory feature is the amount of the arrears and the fact that this is steadily increasing. Moreover, it would appear that a considerable portion of the receipts were not drawn from crofting occupiers but are shooting rents. The following table shows the crofters' rents in 1913 after adjustment of the status of the Syre and Barra occupiers—

	No. of Holdings.	Rental.	
		Crofters' Holdings.	Shooting and Miscellaneous Lets.
		£	£
Barra	58	93	90
Glendale	147	654 ¹	—
Kilmuir	500	2682	1328
Seafield	25	358	69
Syre	29	110	263
Vatersay	58	157	—

First Report of the Board of Agriculture for Scotland, p. xviii.

WERE THEY A SUCCESS?

Neil Ferguson v. County of Inverness, reported in *Scotsman*, Dec. 11, 1911. *First Report of the Board of Agriculture for Scotland,* p. xviii.

The statement on p. 212, that the purchase of land and its resale by the Board was a complete failure, is proved by the fact that only in the case of the Glendale crofters was the Board able to sell the land, and even there arrears are accumulating and the transaction cannot be regarded as completed. Moreover, the Glendale crofters themselves applied to the Board of Agriculture in 1912 to revert to tenants to escape owners' rates, but this Board seem to have persuaded them that it was not to their advantage to do so, owing to the favourable terms on which they were buying their holdings. It is a different question whether the purchase of land by the State for leasing to crofters and cottars was a successful policy or not. If the purpose of the State was to prove that the proprietors could without loss break up their farms, and establish small holdings for the surplus crofting population, it is abundantly clear that this purpose was not achieved. It is a matter of considerable doubt whether the Board's experiments succeeded even in showing that, given a generous amount of assistance at the start, crofters could be established

¹ Purchase price annuities.

in new small holdings in a self-supporting and economically independent position. If, on the other hand, the purpose was merely to relieve the congestion by providing land, this, of course, was done to the extent shown, but this would bring us back to the general and simple question how much is the State prepared to pay to retain the crofting population.

The Congested Districts Board were empowered to assist the crofting population in other ways than by the provision of land (see p. 327). Assistance was given in the provision of piers, boat-slips, and harbours, in aiding and developing the fishing industry, in facilitating communication, in providing technical training, and in assisting home industries. Also, with the establishment of the Board was initiated an attempt to encourage, improve, and develop agriculture and stock-farming in the congested districts. The State encouragement of agriculture has long been advocated, but was late in coming. The old Board of Trustees for fisheries, manufactories, and improvements never gave much either of their attention or money to agriculture. Walker states in 1812 that a Board of Agriculture for Scotland had been projected long ago; and the matter was at various times revived, but no such board was established till 1912.¹ State encouragement was limited to fiscal regulations—in their early form of protective import duties and in their later form of abatement of rating—to the provision of loans for improvements under the Drainage Acts, and to the patronage of private societies like the Highland and Agricultural Society. The Congested Districts Board, however, gave direct and practical assistance to the crofters. During their fourteen years' existence, they purchased 679 bulls, 2378 rams, and about a dozen pony stallions, and these were lent to the crofters through their grazing committees, the bulls on the understanding that the committee provided for their wintering after the service season. The rams were also lent on this system at first, but the mortality was too heavy, and after 1900 the rams were lent at 10s. and, after the season, collected by the Board for wintering. Premiums were also paid, on conditions by the Board, to certain farmers who kept bulls and stallions. These endeavours were partly neutralised by the difficulty experienced in getting the township to exercise foresight and to select carefully the dams or retain the best young animals. The poverty of the people tempts them to accept

STATE ENCOURAGEMENT OF AGRICULTURE.

Economical History of the Hebrides, Vol. I, p. 70.

Congested Districts Board, Fourteenth Report, p. xiii.

¹ The Board of Agriculture and Fisheries, established in 1889, had till 1912 certain powers and duties with regard to Scottish agriculture. It still retains the powers under the Diseases of Animals Act 1894.

an immediate good price for the best animals they have; thus they are left with the worst stock from which to breed. Poultry-farming also was encouraged by the distribution of sittings of pure-bred eggs, and grants were made to support the local shows. Efforts, too, were made to encourage the growing of vegetables. Less success attended the Board's attempts to improve the potato crop. They began by supplying good seed, but found that the crofters and cottars came to expect a fresh grant each spring and were taking no steps to keep good seed or provide themselves with an ordinary supply. The Board also undertook spraying experiments, and the supply of spraying machines and chemicals at half-price, but the people were not induced to carry on the practice on their own initiative and very few applications came in.

In 1912 the Congested Districts Board and the Crofters Commission were extinguished; the powers of the former were transferred to the new Board of Agriculture for Scotland, of the latter to the new Land Court created by the Small Landholders (Scotland) Act. Before dealing with this complicated, but important, Act, passing mention must be made of the Agricultural Holdings (Scotland) Act, 1908, which repealed an earlier Act of 1883 and granted to tenants of all agricultural holdings compensation, under arbitration, for improvements, for damage by game, and for unreasonable disturbance. In default of mutual agreement between the parties, the arbiter is nominated by the Board of Agriculture. The arbiter's award is final, except that the sheriff can set it aside if the arbiter has misconducted himself or the arbitration or award has been improperly procured.

We now come to the Act of 1911, which was five years before Parliament before passing in its final form. The Congested Districts Board had in 1911 obliterated the distinction between congested districts and crofting parishes by declaring all crofting parishes to be congested districts: the Act of 1911 removes the expression "crofter's tenure" from the statutory code by extending this tenure throughout Scotland to all holdings not exceeding £50 annual rent, or, if so, not exceeding fifty acres.¹ It follows, therefore, that the Act made comparatively little difference to the crofting tenure, but those tenants, who paying more than £30 annual rent had previously been above the statutory limit, now, if their rent was less than £50 or their holding less than fifty acres,¹ came under the crofters' or, as it is henceforward

¹ With the exception of "statutory small tenants" (see *infra*, p. 224) and occupiers of holdings let to employees, certain officials, innkeepers, and tradesmen, and to old pensioners at a nominal or no rent.

AGRICUL-
TURAL HOLD-
INGS ACTS.

1 & 2 Geo. V,
c. 49.

8 Ed. VII,
c. 64.
46 & 47 Vic.
c. 62.

SMALL LAND-
HOLDERS
(SCOTLAND)
ACT, 1911.

ALTERATIONS
IN TENURE

called, the landholders' tenure. In Lewis, however, owing to the exceptional congestion, the old limit of £30 or thirty acres has been retained, so as to prevent those in possession of holdings between the thirty and fifty limits being placed in an unassailable position whereby their land could not be taken to relieve congestion (see p. 205). A ninth statutory condition, obliging the landlord by himself or his family, with or without hired labour, to cultivate his holding, was added by the Act, and the subletting of the dwelling-house to holiday visitors was permitted. A single landholder, instead of the five previously necessary, could apply for an enlargement of holding. Alterations were made in the "availability" of land (see p. 194). Deer forests still cannot be touched for this purpose, if the result would be seriously to impair the use of the remainder or to injure generally the prosperity of the neighbourhood. Otherwise the only non-available lands are farms not exceeding 150 acres, or in the case of the pastoral farms £80 of rent, lands in burghs, glebe, home farms, amenity and recreation lands, lands under leases current at Whitsun 1906; but the farms below the specified limit can be taken where no other land is available in the neighbourhood of any existing village or township. A landholder is allowed to bequeath his tenancy, but only to a member of his own family. If the landlord can convince the Land Court that he has a reasonable objection to the legatee, the bequest is nullified. A bequest to a relative more remote than a brother or grandson may also, with the Land Court's consent, be set aside provided the land is allocated to the enlargement of neighbouring holdings. A landholder can only assign his holding if he is unable to work it through illness, old age, or infirmity, and then only to a member of his own family and with the Land Court's consent. Such in brief are the existing conditions of the crofter's, now termed landholder's, tenure. Sheriff Johnston has well summarised them as follows: "The landholder and his heirs are to have a permanent right to the agricultural use of the holding, defeasible at any time at the landholder's pleasure, and subject to certain statutory irritancies, but without power of alienation *inter vivos*, or *mortis causa*, save to members of the landholder's own family, or of division or subletting, and the rent is to be fixed, in default of agreement, every seven years by a statutory public tribunal." It must also be noted that a landlord and tenant may create a holding by voluntary agreement which is to be outside the Act.

Tenants of holdings within the statutory limits, who had not executed or paid for the greater part of the buildings

C. N. Johnston: *The Small Landholders Act*, p. 9.

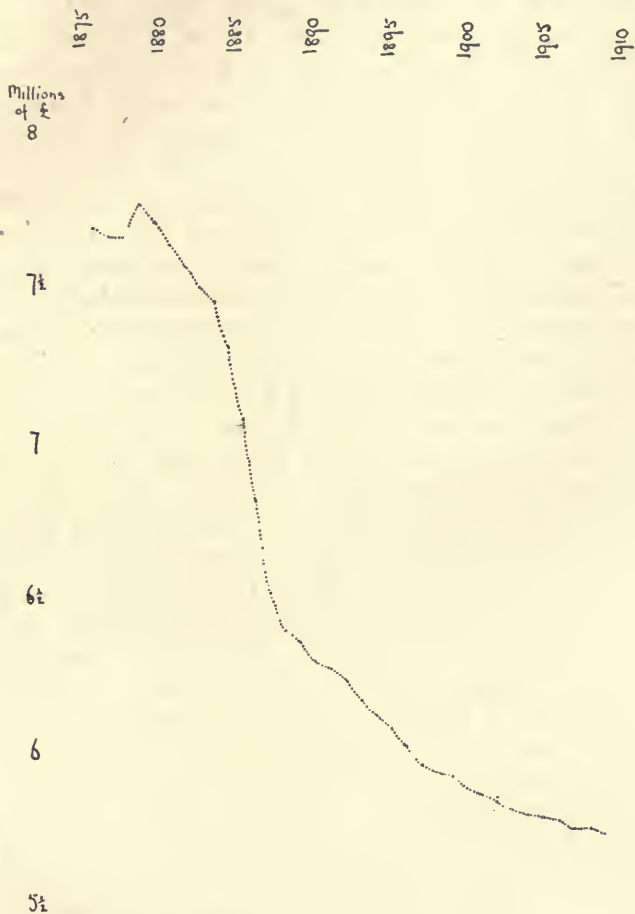
FAIR AND
EQUITABLE
RENTS.

or other permanent improvements by themselves or their predecessors in the same family, become "statutory small tenants" instead of "landholders." They have security of tenure and a judicially fixed rent, but in their case the rent fixed by the Land Court is termed an "equitable" rent instead of a "fair" one. The only difference, and one which follows from the definition of a statutory small tenant, is that the rent of buildings and permanent improvements provided and paid for by the landlord will, if it occurs at all, be a smaller item in the total rent paid by the landholder than in that paid by the statutory small tenant. There is not, therefore, any real difference in what these terms are intended to connote. In both cases it is left for the Court to determine what is the proper economic rent of the holding and the landlord's improvements, in view of the legal limitations on the use of the land and the actual situation of the land itself, but disregarding, to a certain extent, the amenity value of the site as a home. This last proviso is necessary because the amenity value is part of the economic rent. Amenity value is most familiar in comparison of neighbouring sites with regard to shelter or view, but it also exists with regard to districts. Certain districts, like Mayfair in London, have a high amenity value because certain people desire, for some reason or other, to live there rather than in equal comfort and convenience elsewhere. Similarly, however quaint the comparison may appear, the glens of the Highlands and Islands have an amenity value because the crofting population desire to live there rather than migrate to somewhat better material conditions elsewhere; and this has been found to be the case when, in every other respect, migration would be very considerably to their benefit. It is, presumably, this area amenity value which the Land Court have to disregard, though the Acts nowhere state so; the local amenity value as between site and site, if such exists, would still be taken into account. Since an overwhelming proportion of the tenants in the crofting counties are Landholders, while in the rest of Scotland most of the tenants who applied to the Land Court are Statutory Small Tenants, the area amenity value has to be disregarded in the case of the "fair" rent of the former, but does not exist to any abnormal degree in the case of the "equitable" rent of the latter: hence, possibly, the selection of an alternative word.

WORK OF THE
SECOND LAND
COURT.

Now, supposing this opinion of the State's intention is correct, it still remains a difficult problem for the Court to ascertain under the circumstances the proper economic rent. The conception is clear enough, but the actual estimation of

the rent must be empirical. The State seems to recognise this because the Act of 1911, alluding to equitable rents, distinctly states that the Land Court shall fix them on their own knowledge and experience after taking into consideration the rent at which the holding has been let, while the addi-



GRAPH SHOWING THE
GROSS INCOME
DERIVED FROM THE
OWNERSHIP OF LANDS IN SCOTLAND
UNDER SCHEDULE A OF THE INCOME TAX

tional directions given and the original directions for fixing a fair rent in the 1886 Act give really no more guidance than is inherent in the general conception mentioned above. It is, therefore, futile to endeavour to discover any theoretical basis for the rents fixed by the Land Court. The new rents are simply what the Land Court think fair; and to discover what this is, we can only turn to the figures themselves.

Broadly speaking, the first Land Court (*i. e.* the Crofters Commissioners) reduced rents by one quarter and cancelled two-thirds of the arrears. The second Land Court¹ during its first three years' work in the crofting counties reduced rents to a slightly greater extent both in the case of fair and equitable rents, and cancelled rather more than half the arrears. Thus it appears that the Court's idea of a fair rent is roughly about three-quarters of what the old rent was. Whether this is a correct idea or not would be a difficult question to decide, but, in another respect, the correctness of their opinion is more easily tested. Fair rents may be re-valued at the end of a septennial period, and the Court have reduced the first fair rents at the end of such period by 16 per cent. Now this would seem to indicate that, in the Court's opinion, the value of land was decreasing 16 per cent. in seven years. It is difficult to ascertain what has been the true decline in the value of land in Scotland. The Board of Agriculture publish statistics under the title "Value of Land," which are really the figures of the gross income derived from the ownership of land, cultivated or uncultivated, farm houses, and farm buildings. If we accept this as a standard of value, and it is probably the best available, it shows that for the seven years 1890-97 there was a decline of 4.9 per cent.; for 1897-1904, 4 per cent.; and for 1904-11, 1.6 per cent. Now these figures are for the whole of Scotland, not the crofting counties alone; they represent the decline in the gross income derived from ownership, and, if it be true that, before the Land Court got to work, the incomes derived by owners were unjustifiably large, it follows that the true decline in the value of land must be even slightly less than the figures show. Whatever allowances are made, it appears impossible to reconcile the decline of somewhat less than 1.6 per cent. with the ten times higher figure of the Land Court. Either the Court are quite incorrect now or they were quite incorrect when they fixed the first fair rent.

Agricultural Statistics, 1912, Vol. I, Pt. I, p. 89.

HOLDINGS DEALT WITH ON FIRST APPLICATIONS

	Year.	No. of Holdings.	Decrease in Rent.	Percentage of Reduction.	Arrears.	
					Amount Cancelled.	Percentage Cancelled.
Crofting Counties	1911-2	256	£658 13 10	29.579	£771 19 4	44.458
	1912-3	338	566 12 1	29.617	554 12 2	68.935
	1913-4	332	557 14 8	21.995	424 17 1	36.231
Rest of Scotland	1912-3	185	1316 7 4	37.765	474 17 2	78.741
	1913-4	56	338 17 5	46.056	55 6 0	100.000

¹ The Chairman of the first Land Court became Chairman of the second.

HIGHLANDS AND ISLANDS OF SCOTLAND 227

HOLDINGS REVALUED AT THE END OF A SEPTENNIAL PERIOD.

	Year.	No. of Holdings.	Decrease of First Fair Rent on Old Rent.	Percentage of Reduction.	Decrease of New Fair Rent on First Fair Rent.	Percentage of Reduction.
Crofting Counties	1911-2	99	£215 3 6	23·535	£136 12 6	19·543
	1912-3	527	643 3 1½	20·163	447 16 6½	17·599
	1913-4	218	433 0 6	25·022	143 9 10	11·058

HOLDINGS FOR WHICH AN EQUITABLE RENT HAS BEEN FIXED

	Year.	No. of Holdings.	Decrease in Rent.	Percentage of Reduction.
Crofting Counties	1911-2	88	£397 16 6	25·413
	1912-3	79	312 13 6½	26·482
	1913-4	81	370 11 1	19·956
Rest of Scotland	1911-2	1	4 10 0	27·272
	1912-3	91	547 2 11	25·727
	1913-4	190	932 4 3	21·807

One of the most important changes brought about by the 1911 Act was the introduction of compulsory powers in the creation of new holdings. It will be remembered that the Crofters Commissioners had no powers to create new holdings; the County Councils have power to purchase land for this purpose, but, generally speaking, do not use it, and the Congested Districts Board had also power to purchase and to co-operate with willing landlords. None of these bodies had power to take land for new holdings without the landlord's consent. The 1911 Act transfers the powers of the Congested Districts Board to the Board of Agriculture for Scotland, but in addition, if the Commissioner for Small Holdings fails to come to terms with the landlord, he can apply to the Board who, after due notice and full inquiry, may intimate to the landlord that it is in the public interest that one or more new holdings should be constituted and thereupon apply to the Land Court to sanction the constitution of the new holdings in accordance with their scheme (see p. 40). The Land Court then themselves conduct another inquiry, and, if satisfied, make an order for the compulsory creation of new holdings and fix the rent. The Land Court can award compensation to the landlord or tenant of the land for any injury caused, and, if more than £300 is claimed, the claimant is entitled to have his claim adjudicated upon by an arbiter appointed by a judge of the Court of Session. The Board, who will have to pay the claim, need not proceed with the scheme if they consider the compensation too onerous.

COMPULSORY
POWERS FOR
NEW HOLD-
INGS.

There are the same exceptions to the availability of land for new holdings as exist in the case of enlargement of holdings, and a preference is to be given to lands about to fall out of lease. If the new holdings are not a success, and the land is thrown back on the landlord's hands, he has a right to claim further compensation. The Board have the power to alienate, if necessary, the amount of compensation for improvements due to the tenant of a new holding or his statutory successors up to the amount of any outstanding loan annuities due by him to the Board, and the landholder may be removed and caused to lose all his rights in the tenancy if he fails to fulfil the conditions of repayment of any loan to him by the Board.

SLOW PRO-
GRESS.

*First Report
of the Board
of Agriculture
for Scotland,
1913, App. 2.*

Now, the most striking part of this scheme is the provision made for long and repeated inquiries. The applicant for a new holding has first of all to obtain and fill up a form of some thirty-five questions. The Commissioner for Small Holdings received 3370 such applications in addition to 1982 for enlargements by the end of 1912. These came from all over Scotland, the distribution being—

	Applications received for	
	New Holdings.	Enlargements.
Argyll	532	232
Caithness	151	156
Inverness	980	662
Orkney	60	84
Ross and Cromarty	758	211
Shetland	173	301
Sutherland	166	226
	<hr/>	<hr/>
Total for Crofting Counties	2820	1872
Total for Rest of Scotland	550	110
	<hr/>	<hr/>
	3370	1982
	<hr/>	<hr/>

The Commissioner had to determine whether these applicants were suitable, whether suitable land existed, and, if so, where, and then begin his negotiations with the landlord. It is not difficult to realise that with the utmost expedition, and even with the practical delegation of his duties to sub-commissioners not on the Board, progress must be very slow. By the end of 1912 the Board had decided to make application to the Land Court for compulsory powers in the case of 477 applicants. After the Court have finished their inquiries and granted the order, it will be necessary for the applicants to wait till Whitsun or Martinmas, since progress in the actual settlement of new holders on the land is, on account

both of the circumstances of the applicants, who usually have definite engagements terminable only at these terms, and of the usual conditions of land tenure prevailing in Scotland, practicable only at these two terms.

There is no doubt that these new powers do very seriously encroach upon what formerly were regarded as the proprietary rights of the landowner. Under such circumstances as have been described, a tenant can be placed on the land without the landlord's consent, he can erect a building without the landlord's consent and contrary to the latter's opinion as to its utility, he can leave the holding without the landlord's consent, and the landlord is obliged to pay compensation for the building. It was certainly advisable to devise a series of checks to ensure, as far as possible, that these wide powers would be carefully and judiciously exercised, but it is undoubted that the whole process has appeared to the applicant to be vexatious and unreasonably dilatory, to the landowner to be arbitrary and unjust. The applicant, having filled up the form of application with the ages of his daughters and various other information, probably thinks that now they know all about it the matter ought to be settled. He waits and waits until at last a sub-commissioner comes along and presumably checks all this information and looks at the land, unless it happens to be under snow, when he goes away and has to return again later. The applicant now has his expectations raised again, but again a long period of waiting ensues without his having any knowledge of what is happening, and it is small wonder if he grows impatient. The delays are partly due to the complexity and multiplicity of the necessary arrangements and partly to the cumbrous machinery. The first cause cannot well be avoided, but when the rush of earlier applications has been worked off, it may be hoped that the annual number of applications will not be greater than the Board can manage to deal with currently. As to the second cause, the Land Court attempted in their Second Annual Report to throw the blame for the delays on to the Board, but it would really seem that if the process is to be simplified, the application to the Land Court could best be spared. The chief reason for providing for this application must have been a desire to safeguard as far as possible the landowner's interests, but owing to the peculiar structure of the Court, it never, generally speaking, commanded the confidence of the proprietors, who probably would be just as willing to receive a compulsory order from the Board (see p. 68). The Crofters Commissioners had both

A CUMBROUS
PROCESS THE
CAUSE OF
DELAY.

the executive and judicial powers; this was, however, an exceptional arrangement at the time, and the Government preferred to separate them. That being so, the choice lay between a new judicial court or the existing sheriffs, but to entrust all the varied duties of the Land Court to the sheriffs would not only have overburdened them with work, but could hardly have failed to result in a lack of uniformity in judgments.

REEF.

Of the 3370 applications for new holdings, over 1300 came from the Outer Hebrides, and nearly half of these from Lewis, and it was there that dissatisfaction and irritation at the delays were most felt and led to a recrudescence of raiding. It might be mentioned here that since the raids in Uist and Watersay already mentioned, the Idrigil crofters on the Kilmuir estate had raided Scuddaburgh farm in 1909. The Congested Districts Board originally intended to assign 275 acres of this farm for enlargement of grazings, and to keep the remaining 186 acres with the house as a small farm. The crofters refused to accept this, and the Crofters Commission, to whom the matter was referred, assigned 397 acres to the crofters, but refused the house and sixty-two acres of arable. Thereupon the crofters declared their intention of taking forcible possession, the Board obtained an interdict which was broken, and certain crofters were subsequently convicted of breach and fined, after which the Board gave up the sixty-two acres to the Grazing Committee. Thus another example was provided of the success of the raiding policy. Now the Lews crofters and cottars after the passing of the 1911 Act had an additional grievance caused by an error in the drafting of the Act. Section 27 denies the status of a landholder to the occupier of a holding in Lewis between the thirty and fifty limits, and the intention was that such holdings should be available for the relief of congestion, but section 7 says that a farm not exceeding 150 acres (or, if so and mainly pastoral, £80 annual rent), cannot be taken compulsorily for new holdings unless it is a farm not mainly pastoral, and this section does not make the special provision for Lewis which is required. Reef in Uig is a mainly pastoral farm, the greater part of which was scheduled by the 1892 Commission as suitable for new holdings. Application was made to the Congested Districts Board to acquire this farm for the purpose; but, for reasons stated, they did not consider it suitable and refused the application. The farm is about 600 acres, but its rent is £70, and the crofters believed that by the Act of 1911 this,

*Congested
Districts
Board,
Twelfth Re-
port, p. ix.*

among other farms over £30, could be compulsorily taken. Their impression seems to have been widely shared, but it was discovered after some nine months that section 7 of the Act effectually barred proceedings, and the landlord was disinclined to forgo the advantage thus given him. To this disappointment was added the irritation caused by the long delays in other schemes. In November 1913 raids occurred on three farms in South Uist, and later in the month Reef farm was raided and the stock driven off. The position at this time was, that the Board had schemes for the compulsory constitution of new holdings on four farms in Lewis, but the Land Court had not yet investigated them. The raid was repeated twice, and in February an interim interdict was obtained by the proprietor, but broken. Eleven cottars were convicted on March 19, 1914, of breach of interdict and sentenced to six weeks' imprisonment. On the first of April they gave an undertaking not to trespass upon, or interfere with, the farm of Reef and were set at liberty.

Summarising briefly the action of the State with regard to land in the Highlands and Islands, it has been shown that previous to 1886 there was no State interference except for the normal taxation of land and by the indirect influence of fiscal regulations. The temporary annexation and administration of the forfeited estates after the Jacobite rebellion, it is true, was State interference in its most violent form, but this was of the nature of an emergency war measure and no part of any settled policy with regard to the land. Since 1886 the State has intervened with the definite purpose of providing more land for the people under conditions which, it was hoped, would secure to the occupiers a reasonable standard of comfort and security. The first effort was to provide for the welfare of existing holders, and the measures adopted were the cancelling of arrears of rent, the reduction of rent, the granting of security of tenure and compensation for improvements, assistance in improving holdings and buildings, and the provision of facilities for compulsory enlargement of holdings. The second effort concerned itself with the landless cottars and squatters: organised emigration was tried, and failed; the State purchase of land for new holdings was tried, and failed; now the experiment of the State compelling the landlords to create new holdings is being tried, while organised emigration and State purchase, more or less at a standstill, can at any time be continued. Concurrently with these efforts, the State encouragement of agriculture is carried on by assistance in improving holdings,

A BRIEF
SUMMARY.

seed, and stock, by facilities for education and by demonstration crofts, and by the provision for the proper regulation of common grazings.

EXISTING
FUNCTIONS
OF THE
BOARD OF
AGRICULTURE
FOR SCOT-
LAND.

The existing functions of the Board of Agriculture for Scotland are defined as: (1) promoting the interests of agriculture, forestry, and other rural industries in Scotland; (2) the collection and preparation of statistics relating to these subjects; the making, or aiding in making, inquiries, experiments and research; and the collection of information relating thereto; (3) promoting, aiding, and developing instruction in agriculture, forestry, and other rural industries. The Board have also to take such steps as they think proper for the promotion and development of agricultural organisation and co-operation. In addition to the powers transferred from the Congested Districts Board and the new powers and duties relating to small holdings which have already been described, the Board have to exercise in Scotland all the powers previously exercised by the British Board of Agriculture and Fisheries except those under the Survey Act 1870, and the Diseases of Animals Act 1894. These are the Improvement of Land Acts, the Sale of Food and Drug Acts 1875-1907, the Destructive Insects and Pests Acts 1877-1907, the Markets and Fairs (Weighing of Cattle) Acts 1887-1891, the Merchandise Marks (Prosecutions) Act 1894, the Light Railways Act 1896, the Fertilisers and Feeding Stuffs Act 1906, the Agricultural Holdings (Scotland) Acts 1908-1910, the Housing and Town Planning Act 1909, and the Development and Road Improvement Funds Acts 1909 and 1910. The income of the Board is £200,000, together with any moneys accruing from the Congested Districts Board's operations. These latter were estimated at £1500 per annum in repayment of loans, and £5000 in respect of rent. The unappropriated surplus, about £26,000, of the Congested Districts Board's funds also passed over to the Board of Agriculture. The Board also have the opportunity of endeavouring to obtain a portion of the £500,000 annually placed at the disposal of the Development Commissioners.

*Third Report
of the Develop-
ment Commis-
sioners, 1913,
p. 41.*

B.—THE FISHING INDUSTRY

The Claims of the Industry on the State—Royal Support: the Five Adventurers; the Privileged Company,—General Development of State Control—Statutory Provisions before the Union—The Act of Union—The Salt Supply—Dutch Competition—The Society of the Free British Fishery—The Society in Difficulties—Further Help given—The Society collapses—The Administration of the Salt Laws—The Position of the Fisherman Crofter—Adam Smith on the Fishery Bounties—The Act of 1786—Fishery Police—The British Fisheries Society—Financial Position of the Society in 1798—Extension of the Society's Functions—The Commissioners of the White Herring Fishery—Abandonment of the Bounty System—Progress of the Liberated Industry—Stagnation on the West Coast—The Herring Brand—State Regulation: the Fishery Convention—Developments of the Industry—Circle-net Fishing prohibited—Close Time in the West—Trawling—The North Sea Convention—The West Coast—Piers and Harbours—Ness Harbour—Financial Resources of the Fishery Board—Harbour Maintenance—Western Highlands and Islands Works Act, 1891—Lyell's Act, 1896—The Congested Districts Board—Existing Methods of distributing State Aid—Loans to Fishermen—Telegraph Extension—Motor Auxiliary Power—A Brief Review—Existing Functions—Whaling.

THE Fishing Industry of the British Isles has for many centuries been recognised as one which has special claims to State encouragement and support, in so far as it is not only productive of considerable wealth in itself but also provides a nursery of seamen from which are recruited large numbers for the mercantile marine and for the navy. As to its productivity, as early as 1614 the export of fish from Scotland was estimated to bring in £753,354 Scots in the year. The following table shows the dimensions of the industry in 1911.

THE CLAIMS
OF THE IN-
DUSTRY ON
THE STATE.

*Historical
MSS. Com-
mission, Mar-
and Kellie
Papers,
pp. 70-4.*

	Population.	Persons Employed in Sea Fishing Industries.	Percentage of Total Population.	Value of Fish Landed.	Value of Boats and Gear.
Scotland	4,759,445	89,152	1·8	£ 3,045,355	£ 5,628,087
Fishery Districts whose centres are in the Seven Crofting Counties	341,519	35,557	10·4	1,066,897	1,203,451

The peculiar value of the industry in providing a training in seamanship has been pointed out by many writers,

Op. cit.,
p. 109.

perhaps nowhere so concisely as in the Napier Commissioners' Report. These fishermen constitute, they say, "a national basis for the naval defence of the country, a sort of defence which cannot be extemporised, and the value of which, in possible emergencies cannot be overrated. The seafaring people of the Highlands and Islands contribute at this moment 4431 men to the Royal Naval Reserve, a number equivalent to the crews of seven armoured war steamers of the first class, and which with commensurate inducements could be greatly increased." Although it is true that the character of the specific training which is to fit men for naval service will vary with the development of the fighting machine, yet the qualities demanded—courage, resourcefulness, and prompt obedience—are still the same, and no occupation produces men so endowed in greater numbers than the fishing industry. Accordingly this industry is a source of national power and wealth, and the State, recognising this, early came to its assistance.

ROYAL SUP-
PORT. THE
FIFE ADVEN-
TURERS.

The Stuart Kings regarded the industry with especial favour. After the establishment of the Protestant religion, rules about fasting were maintained for the purpose of providing a market for the fish. In the reign of James VI an Act was passed making provision for the erection of three burghs, in Kintyre (Campbeltown), Lochaber (Fort William), and the Lews (Stornoway), for the accommodation of the fishermen and for promoting trade. To encourage the inhabitants to settle in these towns, the privilege of Royal Burghs was promised to them, but the promise had little effect. There existed at this time some sort of an advisory council especially charged with the affairs of the Western Highlands, and the council seems to have pursued a double policy, aiming, firstly, at strengthening the royal control of these remote districts; and, secondly, at improving the conditions of life there, especially by developing the fisheries. An Act of 1597 ordered the proprietors of the "Hielandes and Iles" to "compeir before the Lordes of his Hienesse Checker at Edinburgh and to produce their infeftments, richts and titles," and also to find sufficient caution for "yeirly and thankful payment to His Majestie of his yeirly rentes, dewties and service," which they had long ceased to pay. Some failed to appear, and many were unable to produce titles, whereupon large territories in the west were held to be at the King's disposal. Thus large tracts of land were nominally at the disposal of the Crown at a time when the attempts to establish fishing settlements had failed. This combination

of circumstances determined the Government to grant Lewis, Rona-Lewis, and Tronterness in Skye to a company of "Gentlemen Adventuraris" from Fife, by whose knowledge and skill, it was hoped, the fisheries would be developed and through whom the islands might be brought under the peaceful superintendence of the Crown. The grant was made by an Act of 1598 and the grantees were empowered to erect burghs of barony, to appoint bailies and other officers for ruling these burghs, to establish "Tolbuithis, mercat croces, and oulkie mercattis at their plesour with frie fairis and priviledge thairof," and to build seaports and havens. After 1600 the adventurers were to pay an annual rent, "140 chalders of bere for Lewis, Rona-Lewis and the Shant Islands and 400 merkes for Tronternesse." It was in 1599 that the Adventurers set forth, supported by a force of between 500 and 600 hired soldiers under the Duke of Lennox and the Earl of Huntly, and for twelve years persistent attempts at colonisation were made. Want of food and accommodation, sickness, and the violent hostility of the Macleod chiefs proved too much for the Adventurers, who in 1610, after their fort at Stornoway had been captured and burned, finally abandoned their attempts, and disposed of their title to Mackenzie of Kintail.

Report on the Social Condition of the Lewis, 1902,
p. xi.
Mackay: Fife and Kinross,
1896,
pp. 105-9.

Mackenzie, with his followers and friends, took possession of the island, which remained in the ownership of the Kintail family till 1844. Mackenzie himself was created Lord Kintail in 1608 and received a charter of Lewis in 1610. His son Colin, who succeeded on the death of Kintail in 1611, and was created Earl of Seaforth in 1623, brought a number of Dutch fishermen to Stornoway to prosecute the fishing industry there; an action which contravened the laws and privileges of royal burghs and caused the Commissioners to complain to the Privy Council. As a result of State interference most of the Dutch were sent home, but several of the families remained till the outbreak of the war with Holland in 1653 led to their expulsion. These Dutch settlers seem to have shown the natives the way to conduct the industry with profit, and their residence at Stornoway proved so beneficial to the island that, a few years after their departure, Caithness fishermen were brought over to take their place as an example to the less experienced Hebrideans.

THE INFLUENCE OF IMMIGRANT SETTLERS.

Report on the Social Conditions of the Lewis, 1902,
p. lv.

The usual form of State encouragement during the later Stuart period was to promote the establishment of a company with special privileges. Such a company was established in 1633, but, in spite of the active support of the King, its

ROYAL SUPPORT. THE PRIVILEGED COMPANY.

collapse was soon brought about by inefficient and dishonest management. After abortive legislation in 1661, a Royal Fishery Company was formed in 1670, the King subscribing £5000 towards a capital of £25,000. It is very doubtful if much of this capital was actually paid up, and the company soon found its funds inadequate. An attempt at reconstruction was made in 1677, when, in addition to all the privileges enjoyed by any former companies, the King promised, on every "buss" (*i. e.* decked vessel) it should build and fit out, a bounty of £20 to be paid out of the customs of the port of London. The capital of the reconstructed company was only £12,580, and, after losing some of its seven vessels to the French, the company collapsed in 1680.

Anderson :
*Annals of
Commerce,*
III, p. 584.

GENERAL DE-
VELOPMENT
OF STATE
CONTROL.

The subsequent development of State supervision over this industry was forced on the Government by the conflict between their desire to encourage the fisheries and their refusal to give up the salt duties. Throughout the seventeenth and eighteenth centuries there were heavy duties, both customs and excise, on salt, and as large quantities of this commodity were needed by the fish-curers, it seemed to the Government that the only method by which both the salt manufacturers and the fishermen could be supported was to retain the duties on salt but allow a drawback on the salt used by the fishermen. Adopting this policy, the State had to make arrangements to ascertain the quantity of salt obtained, to supervise the purpose to which such salt was put, and to guard against any unauthorised use of surplus salt. Such regulations were imperative, as the salt duty was so high that smuggling would have been very remunerative, and did actually assume large proportions. For example, in 1785, a ton of that English salt which the Scotch curers used was worth, in the hands of the maker, about £1, while the duty upon it amounted to £12. The duty on foreign salt used for the same purpose bore a still higher proportion to the prime cost. The history during the eighteenth century of the relations of the State to the fishing industry is, accordingly, a record of constant effort to neutralise the handicap of the heavy salt duty, but, at the same time, to prevent any abuse of the drawbacks or rebates granted. The result was the growth of an immense tangle of rules and regulations, which, although originally designed for the benefit of the fishermen, eventually became so complicated and onerous as to threaten to smother and choke the industry altogether.

*First Report
on the State
of British
Fisheries,*
1785, p. 15.

There were in fact three conflicting interests to be met : those of the State, whose financial requirements demanded

the retention of the excise duty; those of the English salt manufacturers, clamant for protection; and those of the instable and struggling fishing industry, urgently needing cheap salt. Probably the salt manufacturers had better access to the ear of the Government and more influence, but the fisheries had always been an object of solicitude to a nation dependent for its existence on a good supply of seamen for the Fleet. Bearing these points in mind, it becomes rather easier to follow the somewhat intricate details of the State's action relative to the fishing industry which we are about to recount.

Before the Union of the Parliaments, the most important statutory provisions relating to the fishing industry in Scotland were that only foreign salt should be used for curing herrings for export—in 1705 the import of English and Irish salt was forbidden—and that a drawback of £10 4s. Scots should be granted on every last of herrings exported, which, in 1705, was increased, if the herrings were taken in busses, to £18 Scots. To assist in the administration of these fiscal rules, statutory provisions regulated the size of the barrels and ordered them to be sealed by the maker or merchant exporter.¹

STATUTORY
PROVISIONS
BEFORE THE
UNION.
1 Anne,
Sess. 3, c. 2.
2 Wm. III,
Sess. 6, c. 34.
1 Wm. &
Mary, Sess. 4,
c. 5.

The herring-curer had to brand his private mark on all casks used by him, and the duty was laid on the Magistrates of the Royal Burghs of appointing an honest man of judgment and skill in curing and packing herrings, who was to inspect the fish and to brand a public mark on all casks sufficiently cured and packed. Should disputes arise, the Magistrates of the Royal Burghs or the Bailies of Burghs of Regality or Barony were to call five expert men to decide the issue, and power to impose suitable penalties was given. In the case of the Highlands and Islands, which remote districts the inspector could not visit, the responsibility for the proper curing and packing was laid upon the merchant who purchased their herrings for export. By a later Act in Anne's reign the penalty for improper packing was fixed at 100 merks Scots, half of which sum went to the discoverer and half to the poor of the parish.

By the Act of Union, foreign salt imported into Scotland paid the same duties as were being paid by such salt imported into England, but Scotch salt was exempted for seven years from the duty then payable for salt made in England, and, after the seven years, was to remain exempted from the 2s. 4d. per bushel excise on home salt. The Act continued all the

ACT OF
UNION.
5 Anne, c. 8.
THE SALT
SUPPLY.

¹ For earlier Acts see Mitchell: *The Herring*, pp. 141 *et seq.*

laws and Acts of the Scotch Parliament for curing and packing herrings, white fish, and salmon, and granted a drawback of 10s. 5*d.* for every bushel (about 29 gallons) of white herrings cured with foreign salt and exported from Scotland. This Act opened the way to many malpractices; men bought the salt ostensibly for curing fish for export and then, using an amount of salt really insufficient for the purpose though sufficient to escape certain detection, they sold the surplus salt within the kingdom. Thus the Revenue suffered, the works suffered, and the quality of the exported herrings deteriorated, to the detriment of their reputation in the foreign market. Therefore when, in 1718, it was found that the drawback was exceeding the duties, an Act was passed to permit to fish-curers the importation of British or foreign salt without paying any duty except the Customs Duty payable on importation. A bounty on exported fish was arranged on a somewhat elaborate schedule, 2s. 8*d.* per barrel (of 32 gallons) being the rate for white herrings, a rate which continued unchanged throughout the century.

5 Geo. I,
c. 18.

This Act applied to the whole of the kingdom, but, as it did not repeal the law continued by the Act of Union, Scotch curers were still restricted to the use of foreign salt. Another Act of the same Parliament allotted £2000 out of the Revenues of Customs and Excise in Scotland as an annual grant towards the encouragement of the fisheries and manufactures of Scotland, provided that Parliament might determine the annuity on payment of £40,000; and, in 1727, to manage the application of these funds, a body of commissioners or trustees was appointed who had annually to lay their recommendations before the King.

5 Geo. I,
c. 20.

To check the practice of selling salt, imported ostensibly for fish-curing, in the protected market, an Act of 1735 decreed that the importer should give security to the Customs Officer for the proper account of the use to which the salt had been put, under a penalty of 10s. for every bushel not accounted for. In 1756 an Act was passed extending to the fish-curers of Scotland the liberty of mixing British or Irish salt with the foreign salt, but the words of the new Act expressly limited British salt to salt taken from the saltworks of Scotland. Without this and other checks, it was stated the English saltworks would have been ruined. Under these circumstances the practice grew up of Scottish boats going to Ireland where the shipmaster, by falsely swearing that the salt was for the Irish fishing, obtained the English salt—more freely imported into Ireland—which,

29 Geo. II,
c. 23.

being of stronger quality than the Scots salt, was needed by the Scottish curers.

Unfortunately the assistance and the bounties granted did not result in the establishment of the industry on a stable and satisfactory basis, and the reasons seem to have been, partly that the bounties were, to a large extent, neutralised by the vexatious expenses occasioned by the Salt Laws, and partly that the competition of the Dutch could not be overcome. The Dutch had been long in possession of the trade, and down till, at least, the middle of the eighteenth century, when they were annually dispatching from 800 to 1000 ships, they had a firm hold on the industry. "Foreigners," wrote an Englishman in the *Scots Magazine* of 1739, "at more than double the expense you need to be at on the same occasion, visit your seas, nay your very coasts, to carry from you those treasures which Nature had made your own." The success of the Dutch was due to three facts: (1) they had the start of the British and all the benefit that accrues from a long experience; (2) it was a Dutchman, Peter Böckels, who invented the best mode of salting herrings, and this remained for a long time a secret known only to the Dutch, whose herrings had a peculiar excellence and enjoyed a preference in all markets; (3) the Dutch industry was very thoroughly organised. No man was allowed to set out from Holland for the fishing grounds until he got an Act of Consent from the magistrates of the port he sailed from, signed by their secretary and with the seal of the Dutch Company (the Deputies of the Great Fishery and Herring Navigation of Holland and West Frizeland) affixed, so that the conduct of every master was under the control of the magistrates as well as of the company. The latter, moreover, was one for the government and benefit of the trade as a whole rather than a dividend-earning concern; and practically every fisherman shared in the profits of his boat's catch. Furthermore, with the fishing boats there went a number of swift sailing vessels, called *yaggers*, which attended the fleet from the 24th June to 15th July and dashed away with the early catch to the continental markets, selling their lightly cured herrings at as much as a shilling each, this early market proving a great source of profit. Now, the British fisherman could not compete in these markets because till 1753 he could not sail direct from the grounds to the foreign port without forfeiting the bounty. His fish had first to be brought to a British port where he might obtain a certificate from the proper officers certifying the quality and quantity of the

DUTCH COM-
PETITION.

Op. cit., Vol. I,
P. 221.

List: *Dus
Nationale
System der
Politische
Oekonomie*,
Bk. I, c. 3.

herrings, this certificate being afterwards delivered at the Salt Office to entitle him to exemption from the duties. If he sailed direct and forfeited the bounty and rebate, he arrived to find himself undersold by the Dutch, a result due to their not having a salt duty to pay, to the traditional preference for their fish, to their frugal management, and to their contentment with a small margin of profit. It must be remembered, however, that during the eighteenth century the great foreign market for Scotch herrings was not the Continent, to which, indeed, the export was negligible, but the West Indies, where the fish were in great demand for feeding the negro slaves on the plantations.

THE SOCIETY
OF THE FREE
BRITISH
FISHERY.
23 Geo. II,
c. 24.

Under these circumstances the Government became convinced by experience that the trade would never be set on foot by private adventures, and in 1750 an Act for the Encouragement of the White Herring Fishery was passed incorporating for twenty-one years the Society of the Free British Fishery, who were empowered to make by-laws for the regulation and management of the trade, especially with a view to the securing and maintenance of the good repute of their produce in the foreign markets. To attain this, they were entitled to affix special seals or marks on every barrel or cask of fish, and any person counterfeiting such was liable to a penalty of £500, half going to the Society and half to the informer. The capital authorised was £500,000—subscribers not being allowed to transfer their stock—and the Society was bound to employ at least £100,000 permanently in the fisheries. On the sum actually employed, the Receiver-General of Customs was authorised to pay for fourteen years three per cent. per annum. Besides this grant and the bounty of 2s. 8d. per barrel on exported herrings, a 30s. per ton bounty was given on all decked vessels (busses) from 20 to 80 tons burthen. The Society, it is to be noted, was not given any monopoly, and the owner of any vessel built after the commencement of the Act, fitted out and employed in the fisheries, was entitled to the bounty provided he observed the common conditions as to the fitting out of the vessel, the number of the crew, and the provision of information. Moreover, the Act enabled any number of persons who should subscribe £10,000 or upwards to the Stock of the Society to form what was called a "Fishery Chamber of such and such a port," to operate independently and at their own risk. If the Chamber submitted its accounts to the Society, it could also become entitled to the three per cent. grant on the capital employed, the money being paid through

the Society. Three years later it was made a condition for the receipt of the bounty that the duty of sixpence per mensem per seaman should first have been paid for the support of the Royal Hospital at Greenwich. The chief aim of the Society was to supply the home market, especially London; it was managed from the Metropolis and its fleet sailed from Southwold. In 1751 nine busses were sent, and in the three following years, eighteen, forty-five, and forty.

An account of the Society's position at the close of 1754 states that in that year £14,376 had been expended, and the receipts from herrings sold and from bounties left a balance in their favour of £600, "against which, if wear and tear of shipping, casks, netting and all other accidental charges be placed, the real loss will not be so considerable as in former years." The amount of money actually subscribed and paid-up to the Society was stated in 1755 to be £104,509, and the continuous drain on this was becoming serious. The Society had also to face internal and external difficulties. It was managed by a council of thirty-two members, who, till September 1752, when a grant of £500 was voted them, gave their services gratis. A directorate so large and so preponderatingly amateur was not likely to prove very efficient, and divisions and animosities served to paralyse its efforts. On the other hand, there were constant disputes between the Society and the Commissioners of the Customs over the bounties earned, and much opposition was encountered from the local fishermen, especially those of the north-west, where "divers wicked and malicious persons wilfully damnified, spoiled and destroyed sundry Nets, Sails, Cordage, Stores and other Materials." A further disadvantage was the provision in the Act of 1750 that the fishing fleet must not shoot their nets before a certain date and that the vessels were obliged to rendezvous for the Summer Fishery at Bressay Sound in Shetland, and for the Winter Fishery at Campbeltown.¹ It is obvious that such rigid regulations as to time and place must have borne severely upon an industry so essentially opportunist as fishing. Moreover, many of the hands engaged came from the Western Isles and coasts, and before they could board a buss they were obliged to journey to Campbeltown to be engaged, reviewed, and mustered. At this place they might be detained a week or ten days before they could beat round the Mull of Kintyre, whence a voyage, of a fortnight at least, brought them to the fishing lochs. Thus,

THE SOCIETY
IN DIFFICULTIES.

Scots Magazine, Vol.
XVI, p. 546.

28 Geo. II,
c. 14.

*Third Report
of the Commission on the
State of the
British Fisheries*, 1785,
App. 11.

¹ The number of places for rendezvous was increased in 1771 to eight, in 1779 to eleven, and the restriction abolished in 1785 (25 Geo. III, c. 65).

after a month or six weeks idly spent, they came perhaps to the very spot from which they had set out; and the same waste of time was sustained on their return, for which wages had to be given, not to mention provisions during the voyage.

FURTHER
HELP GIVEN.

29 Geo. II,
c. 23.

All these disadvantages militated against the prosperity of the Society, and if it were to continue further help was imperative. This was given by the Act of 1756, which forbade any charge for the use of any natural harbour or for the use of the shore below high-water mark or, in the case of waste and uncultivated land, above high-water mark for the space of a hundred yards. At the same time liberty was again given to import both British and foreign salt for curing fish for exportation free of excise duty, the customs duty on importation remaining. If the fish were for home consumption a duty of 1s. per barrel was payable, or 3s. 4d. per barrel if brought into England for consumption there. In 1757 the buss bounty was raised to 50s. a ton, which led to a rapid, if unhealthy, increase in the fishery. In 1762 the bounty paid amounted to £5140 10s., in 1766 it was £31,190 15s. In that year the branch of the Revenue from which the bounty was paid proved insufficient to meet these increasing demands, and for the next four years there was much delay and irregularity in the payment. A very rapid decline in the fishing industry resulted (see diagram) and, in order to save it from total collapse, those adventurers who were still solvent proposed to the Government that the bounty should be reduced to 30s., but that that sum should be punctually paid. This plan was adopted in 1770, and the arrears of the old bounty were gradually paid off with three per cent. interest. By 1776 the industry, chiefly owing to the enterprise of the Clyde towns, had regained its lost ground, but amongst these fluctuations the Fishery Society had collapsed and both it and the various chambers had lost either the whole or the greater part of their capitals, scarcely any of them were still surviving, and the white herring fishery was almost entirely in the hands of private adventurers. On the final liquidation of the Society, the subscribers received back only $7\frac{1}{2}$ per cent. of their capital.

THE SOCIETY
COLLAPSES.
Anderson :
*Annals of
Commerce*,
III, p. 595.

On the other hand, it is worth noting that Campbeltown, one of the appointed rendezvous for the herring fleet, had a population in 1776 of over 7000, or more than double its population when the Society started operations in 1750.

From 1776 to 1786 was a period of depression for the West Coast Fishery. The war had occasioned a rise in the price of barrels, salt, naval stores, and seamen's wages, which

WHITE HERRING FISHERY

SCOTLAND 1762-1798

Showing the Tonnage of Vessels engaged
and the Amount of Bounty Paid.

(a) Irregular payments; (b) and a bounty of 4s. or 1s. per barrel.



by 1779 had advanced 100 to 400 per cent. in cost, and the rapid decline in the fisheries lent weight to the critics of the Government's policy.

THE ADMIN-
ISTRATION OF
THE SALT
LAWS.

*Report of the
Committee on
the State of the
British Fish-
eries, 1785.*

In 1785 a committee was appointed by Parliament to investigate the state of the British Fisheries, and, after stating that all the witnesses examined before them were agreed that the existing system of the Salt Laws was peculiarly embarrassing and vexatious to those who were concerned in the fisheries, they came to the conclusion that "the beneficent and wise intentions of the Legislature in allowing the use of salt, duty free, in the curing of fish for exportation are in a great measure frustrated by the various regulations and restrictions which from time to time have been judged necessary for the purpose of preventing a fraudulent abuse of the indulgence." Some account of the details of the actual business transactions is necessary before one can fully appreciate the real hardship occasioned by the administration of the Salt Laws. Should a fisherman desire to import a cargo of foreign salt, he would be obliged to land the salt first at a Customs House and pay the customs duty on importation of $2\frac{1}{2}d.$ to $2\frac{3}{4}d.$ a bushel. Here the salt was weighed by the Customs Officers and the importer was required to make oath that it was to be employed solely for the purpose of curing fish. He had also to obtain two sufficient sureties to give a bond for the whole value of the duties in case he should not produce, before the 5th April following, either the salt itself or cured fish in such quantities as to account for it. The bond itself cost 7s. 6d., while fees for report, entry, and waterside officers came to about two guineas, and often more. Now, to the fishermen of the Highlands and Islands to go to the nearest Customs House meant a journey of anything up to 100 miles.¹ When the salt importer had arrived, he might be kept waiting weeks for the arrival of the boat, and, again, it was difficult for him, away from his own neighbourhood, to find people willing to become securities on a bond which might involve them in crushing penalties. If these difficulties had been overcome, the importer then had to obtain a warrant from the Customs House to ship the salt and to give a coast bond, costing with fees 15s., obliging himself to land it at the port specified. Having thus obtained his salt and gone to the fishing-grounds, he caught and cured his fish, but not a single barrel could be sold, or even used by the family, until the fish had first been carried to the Customs House

¹ The Customs House, established at Stornoway after the Union, had been soon removed and was not re-established till 1765.

and regularly entered there, after which an order had to be obtained before they could be reshipped. If any part of his salt remained unused, it had to be sent back to the Customs House, a new bond given for it, and a fresh order obtained for its removal. However small the remnant might be, it had to be delivered up before the bond would be cancelled. A man of Skye, for example, having used all but five bushels of a shipload of salt, found himself obliged to ship these to Oban at an expense of over £5. Besides these main regulations, there existed a multiplicity of rules relating to the sale or loan of salt, and it must be remembered that the penalties for non-observance of any of these intricate regulations were so heavy as, according to Dr. Anderson, infallibly to ruin the unfortunate delinquent. The following is a certified copy of the expenses paid by the master of a buss of 64 tons :—

*Third Report
of Committee
on the State of
the British
Fisheries,
p. 45.*

	£	s.	d.	£	s.	d.
To the Collector and Comptroller, outwards and inwards	1	10	0			
Bounty Bond		7	6			
Duty on Provision and Stores		2	11			
Land-waiter and Surveyor		10	6			
Coast Cocquet to Greenock with the Herrings for Sale		2	6			
Certificate of Salt and Herrings being landed		1	6			
Coast Bond		7	6			
Land-waiter at Greenock		2	6			
Upstairs Fees at Greenock		4	6			
Fees upon a Cargo of 300 Barrels at 2d.	2	10	0			
Salt Bond on Exportation		7	6			
Certificate for Cancelling		1	6			
Settling Salt Accounts annually		10	6			
					6	18
To which must be added—						
To Cumbra Lighthouse		5	6			
To Greenwich Hospital	1	8	0			
					1	13
					8	12
					5	

This account, moreover, does not include the expenses of the journeys and attendance at the offices—a big item, especially the journey to Edinburgh for payment of the bounty. Furthermore, it is worthy of note that the Collectors of Customs were, at this time, paid only £20 a year, and, under such circumstances, it is not to be wondered at if unjust and illegal impositions were exacted, or collusion, bribery, and fraud should frequently happen.

The result of this sytem of administration was that the poor were totally debarred from ever having it in their power

to obtain one bushel of salt, and that the inhabitants of the Isles and of such parts of the coast as were remote from a Customs House were, in a great measure, excluded from any share in the Fisheries.

If we have dwelt rather long upon the administration of the Salt Laws, it is because such illustrates two of the recurrent and baneful blights upon Public Administration in the Highlands and Islands. The first is, that the interests of these remote districts have often had to suffer either deliberately for the benefit of other parts or other classes in the kingdom—in this case for the salt manufacturers in particular, and, through the Excise on Salt, for the community at large—or inadvertently because, to quote Dr. Anderson, “the Legislature is ill-informed with regard to these distant and hitherto neglected parts.” In this particular case of the Salt Laws it is significant that Ireland, with a Parliament of her own, was more liberal to the fishing industry, and not only more liberal but apparently better advised, since it was reported that in that country the Fisheries were under no unnecessary restraints, and that the 20s. bounty there was, when all things were considered, preferable to the 30s. bounty in the Hebrides. The second, which can be illustrated unfortunately from more districts than these, is that the good effect of benevolent legislation is often nullified by the manner of administration.

*Third Report
of Committee
on the State of
the British
Fisheries,
p. 42.*

THE POSI-
TION OF THE
FISHERMAN-
CROFTER.

To avoid any misconception, it may be well to mention here that the bounty-supported fishery was mainly in the hands of adventurers non-resident in the Highlands or Islands. The natives of the north-west were, in general, crofters, and only undertook fishing in their spare time or when the shoals visited their lochs. Doubtless, some left their homes to hire themselves as hands on the adventurers' busses, but the majority remained at home content perforce with the open boat fishing in the adjacent lochs. Too poor to purchase expensive nets or seaworthy vessels themselves, too isolated to combine for that purpose, unable to obtain salt because of the bewildering complexity of the Salt Laws and the heavy fees exacted, they were obliged to fish with old and rotten nets, whose use was only possible in shallow waters, and often when the chance came they were fore-stalled or driven off by the crews of the busses. Moreover, any incentive to industry was killed by the system under which they worked. This system was not precisely the same throughout the north-west, and, to avoid inaccuracies, it is better to describe it first with reference to a particular

district. In the Shetland Islands, prior to the eighteenth century, foreigners, mainly Dutch, had supplied the inhabitants with the requisite capital—grain and fishing apparatus—and, in return, had received fresh fish of various kinds, chiefly Ling, Cod, and Tusk. Now, to deal with these fresh fish, the Dutch needed ground for salting, curing, drying and warehousing. For the use of such ground they agreed to pay the landlords one penny sterling for each Ling Fish over and above the price paid the fishermen, which at that time was one third part thereof. The Dutch, however, were driven to abandon this enterprise by reason of the imposition of heavy Revenue Duties and Customs, and, as a result, a valuable source of income to both landlord and tenant was threatened. The fishermen, lacking capital, could do nothing, and it was left to the landlords to rescue the industry. They stepped into the place of the foreign merchant and began the practice of advancing grain and fishing apparatus, but the only way by which they could obtain a return for the capital advanced was to obtain a share of the fish. Accordingly, the custom was established that the landlord would buy, cure, and market the fish, provided he was guaranteed a supply; in other words, he was given the right of pre-emption. At the beginning of the season the landlords met and fixed the price they would give for fresh fish, and the tenants were bound to sell their fish to them at that price. On the landlord fell the work of preparing and marketing the fish, and he, too, shared in the risk of heavy loss during a bad season. There seems little doubt that such a system, pernicious as it afterwards proved, was established as much in the interests of the tenant fishermen as in that of the proprietors, and, most probably, at first it was not found irksome. But, as time went on, the fishermen through bad seasons fell into debt; a new generation arose to find itself heavily burdened with debt and handicapped in its efforts to pay this off by being forced to sell the fish at a price fixed by the proprietors, a price which, to the fishermen, forgetting or ignorant of the origin of the system, appeared arbitrary and tyrannical. They became languid, indifferent, and hopeless in their work, and, to keep them to it, the landlord inserted clauses in the leases whereby the tenant was obliged to fish himself or employ a fisher. Moreover, to maintain their incomes, the proprietors began to subdivide their property into such small farms that the produce could not support a family, and hence again the tenants were forced to the fishery, and what they lost to the landlord by slackness, or clandestine sales to outsiders of

the better fish at a higher price, was made up by their increased numbers. In such a way a system, the inception of which showed the proprietors neither careless of their tenants' welfare nor devoid of generosity, developed into one entirely detestable, forcing the landlords towards a harsh tyranny, and driving the inert people to sullen labour under conditions of almost hopeless poverty. Nor is there anything which more quickly breeds chronic bitterness of spirit and class-strife than, on the one hand, the appearance of ingratitude for, and misrepresentation of, disinterested endeavour, and, on the other, the conception of the profits of industry stolen by the selfish inhumanity of unjust and callous magnates. When, as often happened, the proprietor abandoned his endeavours and sublet his property to tacksmen, matters only went from bad to worse. This same system of contract and pre-emption existed also in much the same form throughout the Highlands and Islands from Barra northwards, and it proved a great stumbling-block to the State in its efforts to aid the natives. On the one hand, witnesses repeatedly testified that there would be no benefit to the people if the tacksmen were debarred from contracting and obtaining pre-emption of fish, because the people had no other possible way of being supplied with necessaries they wanted from distant markets; they had no capital, and, except for the fish they might be expected to catch, no credit. On the other hand, the Committee of 1785, discussing a proposed increase in the bounty, feared that the landlord or his steward or the superior tacksmen might benefit from the bounty through an increase in rent proportionate to the success in the fisheries, and regarded it as a matter of doubt if the poor fisher himself would reap any benefit therefrom. Among the possible solutions brought forward was that of a partial nationalisation of the industry, but the most favoured notion was that of gathering the people from their isolated hamlets into a few free municipal settlements. An attempt was made to carry out a plan of this sort, but, before dealing with this, it is necessary to revert to the history of the bounties.

The effect of the State-provided bounty was reviewed from a national standpoint by Adam Smith, whose conclusions, in brief, were (1) that the bounty was too large; (2) that the tonnage bounty should be proportioned, not to the burthen of the ship, but to her diligence and success, in order to avoid vessels fitting out for the sole purpose of catching, not the fish, but the bounty; (3) that the limitation of the tonnage bounty to herring-busses had proved detrimental to the open-

Third Report of the Committee on the State of the British Fisheries, 1785, p. 157.

Ibid., p. 49.

ADAM SMITH
ON THE
FISHERY
BOUNTIES.
Wealth of Nations, Bk.
IV, Ch. V.

boat fishery; (4) that the bounty had not tended to lower the price of fish in the home market. The third point is of special interest for us, since the chief method of fishing among the sea-lochs and islands of the north-west was by open boats. Adam Smith regarded this mode of fishing as the best adapted to the peculiar situation, and, apparently because the catch was immediately landed, by far the best adapted for the supply of the home market; and he mentions that the buss bounty had ruined it. An attempt was made to meet all these four points by the Act of 1786: (1) the 26 Geo. III, c. 81. tonnage bounty was reduced to 20s., to be granted to owners of decked vessels of 15 tons burthen and upwards; (2) the vessels to become entitled to the bounty had to return to port with a full cargo, defined by another Act of the following 27 Geo. III, c. 10. year as equivalent to three barrels of herrings,¹ twice packed, to the ton; (3) boats not entitled to the 20s. bounty (*i. e.* open boats or busses under 15 tons burthen) were granted a bounty of 1s. per ton, increased by a later Act (35 Geo. III, c. 56) to 2s.; (4) all duties on fish caught and cured for home consumption were to cease, and salt for the curing of fish for home consumption, as well as for export, might be taken duty free.

There were other features of interest in the Act of 1786. THE ACT OF 1786, 26 Geo. III, c. 81. It abolished the old rigid restrictions as to place and time of fishing, and, instead, vessels were put under the obligation of continuing to fish for three calendar months or until they had obtained a full cargo, and were permitted to clear out of any port in the British Isles on any day between the 1st June and the 1st October. As some compensation for the reduction of the tonnage bounty, the Act granted a bounty on the quantity of fish taken. This was at the rate of 4s. a barrel on herrings twice packed and completely cured, but, if the quantity landed from any vessel exceeded 2½ barrels per ton burthen, only 1s. per barrel was paid on the excess. A further, but less justifiable, step towards limiting the aggregate amount was taken in the following year, when the bounty was restricted to fifty vessels per port, the fifty selected being the most successful boats. At this time, therefore, there were three bounties available to the fishers, the 20s. per ton bounty on tonnage, the 4s. or 1s. bounty on fish landed, and the 2s. 8d. per barrel bounty on export. The Act of 1786, using the usual lever of financial

¹ The herrings, when caught, were lightly cured at sea, being then known as sea-sticks; afterwards they were packed with an additional quantity of salt.

control, ordered that all herrings landed from boats entitled to the bounty were to have their packages or casks branded, and it made an endeavour to deal with the rather urgent need for the preservation of order on the fishing grounds, by enacting that every owner or his agent and every master or chief officer must give securities to continue fishing in an orderly and regular manner without impeding or obstructing any other vessel.

FISHERY
POLICE.

Trouble had often arisen during the fishing season in the bays or lochs where several thousand men, with little acquaintance or connection with each other, were congregated in the pursuit of a highly competitive industry. The Board of Trustees for encouraging Fisheries and Manufactures (see p. 238) had endeavoured to make provision for the preservation of order. This Board consisted of twenty-one members appointed by the Crown, but their funds were small, and, after other expenses, such as premiums to the discoverer of the herring shoal or to the most successful fishers, had been met, there was little money available for fishery police. However, they appointed three officers: a principal justiciary bailie, who superintended the fishery in Loch Fyne and the Firth of Clyde, and two deputy justiciary bailies with jurisdiction upon the north-west coasts.¹ The principal had a salary of £30 a year, and the two deputies £24 each and £10 each for expenses. In spite of earnest and honest endeavour on their part, these three men could do little or nothing. They had no support to enforce their authority, and, no boat being at their disposal, they had no place of detention for prisoners. Even if they had been able to cruise about in a vessel of their own, it would have been impossible for them to have been in every loch, where the herring might have cast up, to preserve order and regular fishing. As they complained in 1787, "among so great a multitude of illiterate and robust men it was necessary to have some one who could discharge the office of judge with vigour and dignity, and such could not be the case unless they were put on a respectable establishment as to power and income. Many of the most irregular of the fleet have escaped with triumph." In consequence, the Board of Trustees directed the bailies to give deputations to such of the most discreet and intelligent buss-masters as should be recommended to them by the magistrates

*Report on the
State of the
British Her-
ring Fisheries,*
1798.

¹ The Board of Annexed Estates also appointed, for a time, two justiciary bailies to superintend the fishing, correct irregularities, and settle disputes.

of each fishing town, in the proportion of one deputy for every 500 tons of shipping belonging to the place. In 1798 the British Fisheries Society sent a representative, Robert Fraser, round the north-west coast and among the islands to inquire what regulations would be necessary for establishing a proper police among the herring fishers. Fraser found the powers of the justiciary bailies altogether defective, and he prepared a rough Draft of a Bill for Parliament. This Draft, which was intended to obtain the establishment of an effective fishery police, and contained some curious penalties, *e.g.* being towed round the fleet with a buoy fastened to the neck having a label affixed describing the offence, was submitted to the Lord Advocate, but got no further. It had, however, been distributed among the buss-masters, and they seem to have very generally acted upon its proposals. Either because of this, or because of the success of the deputy bailies, better order was restored to the fishing-grounds.

The British Fisheries Society mentioned above was incorporated in 1786 under the title of "The British Society for Extending the Fisheries and Improving the Sea Coasts of this Kingdom." It differed from preceding Fishery Companies in that it devoted itself largely to the establishment of fishing settlements. The Act of Incorporation gave the Society power to purchase or otherwise acquire land for the building of free towns and villages, harbours, quays, piers and fishing stations, and, accordingly, the Society, which had a capital of £150,000 and headquarters in London, acquired properties in the islands of Skye and Mull, at Ullapool and at Wick. At these places it built quays and harbours and erected dwelling-houses and stores. The Society purchased in perpetuity, subject to a feu duty, from 1000 to 2000 acres of land at each place, and the general system was to let with each house half an acre of the best land at 10s. an acre, and four acres of uncultivated land, on condition of enclosing and improving, at 1s. an acre, together with summer grass for one or two cows at 2s. 6d. each. Larger portions of land were let to a few people. At Ullapool and Tobermory (Mull) the yarn manufacture was subsidised, and small sums of £100 to £200 were lent to persons of credit on the understanding that the articles imported should be sold to the settlers of the Society at a profit of ten per cent. only.

In 1798, after twelve years' work, the financial position of the Society was as follows :

THE BRITISH
FISHERIES
SOCIETY.
26 Geo. III,
c. 106.

FINANCIAL
POSITION OF
THE SOCIETY
IN 1798.

	£	s.	d.	£	s.	d.	£	s.	d.
Original Subscription, 729½									
Shares at £50				36,475	0	0			
Less Arrears outstanding	3,646	5	0						
Do. written off	472	10	0						
				4,118	15	0			
							32,356	5	0
Bank Interest							4,407	8	9
Interest on Loans to Settlers							198	16	11
Balance of Secretary's Account							44	19	11
							37,007	10	7
							£	s.	d.
General Expenses of Administration							4,913	3	4
Expenditure at Ullapool							9,214	13	1
" " Lochbay (Skye)							1,627	12	2½
" " Tobermory							5,183	6	10½
Loans to Settlers							1,076	17	4
Balance in hands of Bankers, 1798							14,991	17	9
							37,007	10	7

EXTENSION
OF THE
SOCIETY'S
FUNCTIONS.
39 Geo. III,
c. 100.

*Annals of
Commerce,*
IV, p. 477.

38 Geo. III,
c. 89.

41 Geo. III,
c. 21.

In the following year the Society was empowered to give premiums, not to exceed £60 a year, to persons most expert in fishing, and to use to a limited extent its funds for the granting of loans. Thus £500 might be disbursed each year in loans to persons purchasing vessels or building houses; £200 to persons undertaking to provide stores of oatmeal, salt, or other necessaries; and another £200 to persons undertaking a manufactory of nets and sailcloth. As Anderson remarks, "these are very trifling sums of money to appear in an Act of Parliament, but a small matter of money may be a powerful spring of activity among poor people in such remote parts of the country, if the application of it is judiciously directed, and if the people were relieved from the hardships and intricacies of the Salt Laws." Unfortunately this relief was not given. Smuggling increased, and, with a view to stopping the frequent embezzlement of duty-free Fishery Salt, the administration of the Salt Laws was transferred in 1798 to the Commissioners of Excise. Whatever success attended the Excise Commissioner's efforts to prevent smuggling,¹ the vexatious regulations were still continued; the fish merchants often incurred heavy loss by demurrage, and, moreover, the delay in completing the necessary transactions ordered by the Excise not infrequently

¹ The curers were restricted to certain limited quantities of salt, *e. g.* 65 lbs. for every cran of herrings.

resulted in the loss of markets, as, for example, when the West Indian convoy sailed before the fish had been passed for export.

The first few years of the nineteenth century witnessed various futile efforts to put the fishing industry on a satisfactory basis. Among other experiments the export bounty of 2s. 8d. was discontinued from 1801 to 1803, and after 1803 only half the tonnage bounty of 20s. and half the barrel bounty of 4s. were paid. In 1808 Parliament, disheartened by failure, adopted a new system. An Act of this year increased the number of Trustees for Fisheries and Manufactures in Scotland from twenty-two to twenty-eight, and authorised the appointment by Letters Patent under the Great Seal of any number of such trustees, not exceeding seven, to be Commissioners especially for overseeing, directing, and better improving the White Herring Fishery. For protective duties and for the preservation of order, the Admiralty were authorised to appoint a naval officer as Superintendent of the Fishery, whose complaints were to be forwarded to the Commissioners. The Treasury were empowered to appoint Fishery Officers who were to obey the instructions of the Commissioners and to act in the absence of the Superintendent. At the same time the jurisdiction of the sheriffs was extended to disputes respecting fisheries within ten miles of the coast. The export bounty of 2s. 8d. continued unaffected by the Act, and the barrel bounty was retained at 2s., but the tonnage bounty was increased to £3 a ton on vessels of not less than 60 tons burthen, this bounty, however, not being payable on any number of tons greater than 100. Though, in order to encourage the provision of larger boats, £3000 a year was set aside to provide bounties on herring boats exceeding 15 tons, complaints were soon made that the restriction of the £3 bounty to vessels of not less than 60 tons was unjust, and a later Act reduced the limit to 45 tons. In two further ways, the Act of 1808 attempted to stimulate the industry; the owners of busses entitled to the bounty were obliged to distribute among the crew an amount equal to 2s. per barrel over and above the agreed wages, and an additional bounty of £1 a ton was granted to the first thirty busses entitled to the £3 bounty. Unfortunately, most of the old hampering regulations were re-enforced; the vessels had to rendezvous on or before the 22nd June at Bressay Sound, and had to continue fishing until the 15th September or until a full cargo, as defined in the Act, had been obtained; a licence for the voyage had to be obtained from the Fishery Officer at the fitting-out

THE COMMISSIONERS FOR THE WHITE HERRING FISHERY.
41 Geo. III, c. 21.
43 Geo. III, c. 69.
42 Geo. III, c. 79.
48 Geo. III, c. 110.
51 Geo. III, c. 101.

port and produced at the rendezvous to the Superintendent of the Fisheries; the nets must not have a mesh of less than an inch. Only after compliance with these and other regulations would the bounty be paid.

ABANDON-
MENT OF THE
BOUNTY
SYSTEM.
55 Geo. III,
c. 94.

The next attempt to meet the needs of the industry was made in 1815, when the export bounty of 2s. 8d. was finally discontinued and, as compensation, the barrel bounty was raised to 4s. By the same Act, the Lord Advocate and the Solicitor-General were added to the Commissioners of the White Herring Fishery, and a new officer, the Superintendent of Loch and Coast Fisheries, was appointed. Any disputes between fishery officers and fish-curers or proprietors were ordered to be settled by two arbitrators appointed by a Justice of the Peace. It is under this Act also that the Commissioners fixed the cran as the measure by which fresh herrings must be bought and sold. In 1817 the Customs Duty on the importation of foreign salt was repealed, and salt imported for the sole purpose of curing and preserving fish had thenceforward only to pay an excise duty of 3d. per bushel. Three years later the £3 tonnage bounty was discontinued by an Act which also gave wide administrative powers to the Commissioners, since they were empowered to "make Rules and Regulations directing by what means and methods the provisions of the Acts herein recited and now in force, and of this Act, or of any Act hereafter to be made relating to the said Fishery, shall be observed, performed, and put into execution." The herring fishery was now beginning to make rapid progress, and the Government, under the influence of Robinson and Huskisson and in conformity with their general commercial policy, decided to abandon the bounty system altogether. The 4s. barrel bounty continued till 1826; in each of the four succeeding years it was reduced by 1s. per barrel, and thus became finally extinguished in 1830.

57 Geo. III,
c. 49.

1 & 2 Geo. IV,
c. 79.

PROGRESS OF
THE LIBER-
ATED IN-
DUSTRY.

With the Salt Duty repealed and the bounty system abandoned, it might be supposed that the fishing industry would have been freed from its shackles, and that those engaged in it would no longer have been subject to Government interference and control. To a certain extent this was the result; the tedious regulations as to the use of salt were unnecessary now that the salt was free, and the power to withhold the bounty, which had been the Government's strongest weapon, no longer existed now that there was no bounty to withhold. The Commissioners of the British White Herring Fishery, consequently, pursued a general policy of relaxing restrictions.

*Report of the
Sea Fisheries
Commission-
ers, 1866,
p. lxxii.*

GRAPH SHOWING THE YEARLY AVERAGE, BY QUINQUENNIAL PERIODS, OF
HERRINGS CURED IN SCOTLAND.

— East Coast including Orkney and Shetland. - - - West Coast.



From 1830 onwards they had only the following functions to exercise : (1) the collection of statistics ; (2) the provision and maintenance of a Fishery Police ; (3) the regulation of the measures and of the size and condition of barrels ; (4) the distribution of a parliamentary grant of £3000, first paid in 1829, for the construction, improvement, or repair of harbours, piers, or quays in Scotland ; (5) the inspection of cure and the branding of barrels.

The inspection of cure and the branding of barrels is the only one of these functions which necessarily involves any considerable and continuous interference with the free development of the trade. As has been shown, it was originally undertaken for the purpose of certifying which barrels were entitled to the bounty, and, now that the bounties were withdrawn, it might seem that the continuance of the Government inspection and brand was unnecessary.

Report of the Sea Fisheries Commission, 1866, App.46.

Report on the State of the British Herring Fishery, 1798, p. 324.

Report on the State of the British Herring Fishery, 1798, App.16.

The brand, however, had come to serve as a Government guarantee of quality, and continental buyers had such confidence in it that documents representing cargoes of branded herrings were easily negotiable abroad. It should be mentioned here that, though down to the very end of the eighteenth century the West Indian market was the only one of importance to Scotland,¹ from the beginning of the nineteenth century the continental market grew steadily in value. There were several reasons for this, the chief being the destruction of the Dutch shipping during the war. By 1799 the Dutch fishing ships "were mostly all taken and the Fishery in Holland quite undone, broken and lost."² So long as the Dutch hold of the continental market had been unassailable, the British curers had been content to confine themselves to the West Indies, where they had a monopoly of supply which secured the sale of fish, however ill-cured, unless in a state absolutely putrid. With the removal of the Dutch came the opportunity to supply the continental markets, but these markets required a much more carefully cured herring, and hence both the improvements in curing and the particular value of the brand as a guarantee. The development of the continental market, the repeal of the

¹ The export of herrings to the West Indies declined after the abolition of slavery in those islands, 1807, and ceased in 1840.

² Moreover, the Swedish fishery, which had been exceedingly prosperous during the last half of the eighteenth century, collapsed in 1808, when the shoals deserted the Cattegat. On the other hand, the Norwegian fisheries, after twenty years' depression, revived in 1809, and Norway became a serious rival to Scotland.

Salt Duties, and the abandonment of harassing regulations led to an immediate rise in the industry, which, as far as the East Coast was concerned, was at last established on a satisfactorily self-supporting and stable basis, and a glance at the graph on p. 255 will show the continuous expansion of the trade. The subsequent relations of the State to the industry are concerned, firstly, with the question of the brand, and, secondly, with the difficulties caused by the introduction of new modes of fishing. These will be dealt with below.

The West Coast did not share in this increasing prosperity, as the following table evidences. STAGNATION
ON THE WEST
COAST.

AVERAGE ANNUAL NUMBER OF BARRELS OF HERRING CURED.		
	1811-16.	1817-22.
East Coast (including Orkney and Shetland)	40,783	227,862
West Coast	80,452	75,460

One obvious reason for this was that the shifting of the chief market for cured herrings from the West Indies to the Continent naturally placed the West Coast in a disadvantageous position as compared with the East. McCulloch mentions also "the want of encouragement on the part of the landlords who are the only capitalists belonging to the country; the want of continuous application and, consequently, of skill on the part of the fishermen, who, being at the same time farmers, are not and indeed cannot be proficient in either employment; and especially from the herring, which is very capricious, having comparatively deserted the western shores of Scotland." Additional reasons may be found in the social disorganisation consequent upon the rapid rise and fall of the kelp industry, the formation of large sheep farms, and, notably in 1836 and 1837, the failure of the harvests. These events are referred to elsewhere; it is sufficient here to point out that they also had their effect in crippling the progress of the fishing industry in the north-west. So long as kelp-making provided a remunerative occupation for the people, fishing was neglected; when the repeal of the duties on salt and barilla killed the kelp industry, the people began to turn again to the loch and bay fishing, only to find that the herring had deserted these enclosed waters for the outer seas, whither they could not be followed by the small open boats of the crofter-fishermen. Larger vessels became necessary, but for these neither was capital forthcoming nor harbour accommodation available. The British Fishery Society had, indeed, attempted to supply both these wants, but unfortunately their efforts were not

*Geographical
Dictionary :
"Hebrides."*

54 Geo. III,
c. CXCI.

successful. In spite of the assistance given by an Act of 1814, which empowered them to levy rates up to a specified maximum on ships entering their harbours or loading and unloading at their quays, the Society were ultimately compelled to part with their property, and Tobermory, their only settlement on the West which had shown any promise, was sold by them in 1842.¹ On the East Coast their establishment at Pulteneytown, near Wick, was more successful. There, in 1808, they had purchased land and granted on liberal terms feus in perpetuity for building. By 1810 the Society had completed a harbour (capable of containing 100 decked vessels) at a cost of £14,000, of which £8500 was defrayed by the Government. As the industry increased, the harbour proved inadequate, and the Society constructed an outer harbour in 1824,² while, in 1864, they commenced the erection of a large and commodious new harbour, which would give ample shelter to the entire fleet of fishing-boats and vessels, and be accessible at all tides and in all weathers. Unfortunately, the place was originally ill-selected, and, after an expenditure of £140,000, the breakwater, which had been built to shelter the bay, became broken down by storms and to a considerable extent destroyed, so that its ruins encumbered and choked up the harbour it was intended to protect.

New Statistical Account,
s.v. Caithness.

Fisheries Commission,
1866, App.
p. 59.

A. Young :
Fish and Fisheries,
1882, pp. 69,
85.

THE HERRING
BRAND.

The reaction against State interference with trade, which marked the middle years of the nineteenth century, threatened for a time to terminate the Government branding of barrels of cured herrings and the correlative system of inspection. The brand was not used on the West Coast, which supplied the home and Irish markets with lightly cured fish, but the export trade from the East Coast to the Continent had developed under this system, and would, indeed, have been jeopardised by its abandonment. It must not be thought that the question of the continuance of the brand was not one of importance to the Highlands and Islands, for, though the industry in western seas did not employ the brand, yet the seasonal migration of workers from the west to the east had already assumed large proportions.³ An important and

¹ "Lochbay was sold at a loss of £1241, Ullapool at a loss of £2870, but Tobermory at a profit of £2300; the immediate reason for selling being to obtain funds for the harbour works at Pulteneytown."—Mitchell, *The Herring*, p. 245.

² This work, greatly injured by a storm in 1827, was completed in 1834.

³ "In the counties of Caithness and Sutherland, the chief seats of the foreign trade, a large proportion of the boats are manned by West Highlanders, who migrate annually—both men and women—in great numbers to the fishing on the East Coast. It is computed that 5000 resorted this

interesting feature of the brand system was that it gave to these western fishermen just that chance of becoming boat-owners and attaining independence which lack of capital denied them at home. The German merchants, who were large capitalist wholesale dealers, were accustomed to advance, before the fish were caught, considerable sums of money to the Scotch curers on the sole condition that the fish eventually despatched should have the Government brand. The curers; certain of their market, were anxious to engage boats and were quite ready to advance money to fishermen for the purchase and equipment of fishing vessels. It is curious to find that, in spite of the many obvious advantages of the brand system, in spite of the astonishing progress which the export trade had been making while under that system, and in spite of the fact that even the opponents of the Govern- Admiral Sulivan's *Report to the Treasury*, 1856.

ment brand admitted that its continuance was advocated by a majority of the curers, the foreign buyers, and nearly all the merchants and fishery officers, yet the Treasury, in 1855, came to the conclusion that the artificial system created by the brand should be abolished, and therefore proposed, in accordance with the opinion strongly expressed in the House of Commons, to abolish not only the brand but also the Commissioners. Protests immediately poured in, and were supported by the Commissioners themselves. The Treasury yielded so far as to appoint a Commission of three, of whom a majority reported in favour of the continuance of the brand on a self-supporting basis. As a result, a payment of fourpence per barrel was imposed as a brand fee, and first levied in 1859. It yielded in the first year £2664 12s., and in the second £3865 4s. 6d.; amounts which fully covered the cost of the service. Notwithstanding, the Treasury were not satisfied, and it shows the extraordinary influence of the Free Trade theory at that time that a further Commission (the Huxley Commission) appointed in 1866 should report that they considered the continuance of the white herring brand and inspection to be unjustifiable and the Acts of Parliament constituting the Commissioners superfluous and tending to operate injuriously. "It is admitted on all sides,"

Report and Treasury Minutes relating to the Board of Fisheries, Scotland, 1856.

Sea Fisheries Commission, 1866, p. lxxix.

year to the district of Wick alone. A few are owners of boats, but the larger part serve as hired men, receiving about £1 a week from the owner of the boat, besides board and lodging. They come from barren regions in which agriculture affords but scanty subsistence, and for them the herring harvest is the great resource of the year; it is reaped by the hard toil of nine weeks."—*Report to the Treasury on the Fishery Board of Scotland*, 1856.

they say, "that in principle the branding system is utterly indefensible. . . . We conceive that the very existence of the brand and its concomitant system of regulation and inspection involves a violation of a great principle of public policy. It is a direct violation of the greatest of all economical principles and of that which is now adopted as the commercial policy of this country—the principle of Free Trade and the policy of removing every description of restriction and protection from commerce." However, the recommendations of the Huxley Commission were not adopted, and the herring brand has continued to the present day; the amount of the brand fees being as follows:—

ANNUAL PROCEEDS OF THE HERRING BRAND FEES¹

	£	s.	d.
1859	2,644	12	0
1869	4,075	7	6
1879	5,705	7	8
Average of 1881–90	8,324	10	0
„ „ 1891–1900	6,576	0	0
„ „ 1901–10	6,475	0	0

The average annual cost of collection during the last thirty years has been £5321, so that the herring brand fee was yielding a surplus which was in reality a tax on the industry. Following a Report of a Select Committee of the House of Commons on the Herring Brand in 1881, this surplus was after that date repaid by the Exchequer to the Fishery Board, and was appropriated to the improvement of piers and harbours and the extension of telegraphic communication to remote fishery districts. The use of the brand appears to be declining; in 1911 of 2,046,747 barrels cured, worth £2,390,982, only 267,370 barrels, worth £400,923, were branded, *i. e.* less than 12 per cent., while during the last few years the brand fees have not yielded a surplus.

STATE REGU-
LATION: THE
FISHERY
CONVENTION.

Coming now to the attempts of the State to regulate modes of fishing, the principle of State action after the abandonment of the Bounty system seems to have been that interference was only justifiable where a given mode of fishing was wasteful and tended to diminish permanently the supply of fish, or where it interfered with the lawful occupation of fishermen of another class or of other persons. In 1839 a Convention was signed with France, and an elaborate code regulating the boats, nets, modes and even times of

¹ Total proceeds of the Brand Fees to 1910, £337,412.

fishing was embodied in the Fishery Convention Act of 1843. This code did not apply to fishermen within the territorial waters (*i. e.* within the three-mile limit), and as a matter of fact all the regulations which applied to drift fishing or trawling were disregarded, except such as related to the numbering of the boats, the fishing of the French boats within the British limits, and the forbiddance of Sabbath or daylight fishing. There was, moreover, considerable difficulty in interpreting the Act itself, and the Huxley Commission regarded it as "an extremely defective piece of legislation." The obscurities of this Act were removed by the Sea Fisheries Act of 1868,¹ which confirmed the Convention and defined the persons and powers of the Sea Fishery officers.

6 & 7 Vic.
c. 79.
*Sea Fishery
Commission,
1843, p. lxx.*

Since the middle of the nineteenth century the fishing industry has been twice revolutionised, firstly, by the introduction of trawling, and, secondly, by the introduction of mechanical means of propulsion. As each new mode was introduced, it was naturally regarded with jealousy by those who followed the older and less-successful methods, and whose interests suffered perhaps from the new mode and certainly from the new competition. Hence the State had to intervene to alleviate the difficulties of the transition period, to preserve the peace, and to prevent any unfair injury by one class of fishermen to another. It should also be borne in mind that during this period improved means of communication, and especially the development of the railroad system, opened up large markets for fresh fish in the interior of the country. For example, during the ten years 1856-65 the price of fresh fish at Manchester did not vary materially, since the increased demand was compensated by the improved facilities for transport; but during the same period the price at seaport towns increased considerably—at Newcastle it doubled—because the facilities for carriage to the ports were no better than before, while a strong competitive demand had arisen in the interior towns. The fisheries of the Highlands and Islands were naturally the last to share in the benefits brought by the railways; in this connection, reference should be made to the section on Communications.

DEVELOP-
MENT OF THE
INDUSTRY.

Previous to 1838 the only established and recognised mode of herring fishing on the West Coast of Scotland was drifting, but about that year circle-net fishing was introduced, more particularly in the valuable fisheries of Loch Fyne. The drift

CIRCLE-NET
FISHING
PROHIBITED.

¹ This Act repealed a large number of Acts relating to the Sea Fisheries and consolidated the law on the subject.

14 & 15 Vic.
c. 26.

23 & 24 Vic.
c. 92.

24 & 25 Vic.
c. 72.

fishermen protested, and circle-net fishing was prohibited by an Act of 1851. Circle-net fishing, however, persisted, and the White Herring Commissioners allowed the Act to fall into abeyance on the assumption that a repealing Act was about to be passed. In 1860 such a Bill was introduced into Parliament, but, in spite of the protests of the Commissioners, was so completely changed in Committee that in its final form the Act imposed such stringent penalties as effectually to stop circle-net fishing altogether. Moreover, Parliament, in order to ensure the Act being rigidly administered, enlarged the powers of the Commissioners and increased their number by five, three of whom were members of Parliament. This legislation was followed in the next year by another Act, passed expressly to supply the deficiencies in the stringency of the earlier Act.

CLOSE TIME
IN THE WEST.

The Act of 1860 also established a close time for fishing, making it illegal to catch herring between the 1st January and the 31st May on any part of the West Coast south of the Point of Ardnamurchan, and between the 1st January and 20th May on any part between the Point of Ardnamurchan and Cape Wrath. Close time, which was not established on the East Coast, seems to have been ordered on the erroneous assumption that it was justifiable for the conservation of the breed of herring. There was, however, another influence at work. The herring fishery was carried on by the West Coast fishermen in summer and autumn for the sake of the money it brought, but in winter for the sake of the food. The large fish-curers were only interested in the summer and autumn fishing; they did not keep up their establishments in the winter and spring months, when the fishing was not worth their while. A close time during these latter seasons would not injure them, and no doubt they believed it might be of great benefit to the fisheries. On the other hand, the close time was disastrous to the resident population of the North West Coast, where the food resources were notoriously scanty and precarious. In 1861 the grain and potato harvests were both partial failures; the people lived through a trying winter with some difficulty, obtaining food on credit, but prevented from taking the herrings which visited their shores. The effect of the close time is summarised by the Huxley Commissioners in characteristically firm language:—

*Report of the
Sea Fisheries
Commission,
1866, p. lxvi.*

“(1) it had made illegal and punishable by fine and imprisonment on the West Coast of Scotland, that which is not only legal, but is specially taken under

the protection of a Government Board, on the East Coast.

- “(2) It had reduced the population of some of the Western Islands to misery and starvation, while abundant food was lying in front of their doors, by preventing them from taking herrings.
- “(3) It had destroyed, or greatly impeded, an important branch of fishery by preventing the use of herrings as bait for codfish.
- “(4) It had required the introduction of a special police, and introduced a habit of smuggling and a spirit of disobedience to the law, among an orderly and well-disposed, though very poverty-stricken, population.
- “(5) It had produced all these results without a shadow of evidence to show that the enforcement of a close time has a beneficial effect upon the supply of fish, or in any way promotes the public interest; though, without doubt, the close time is exceedingly convenient for the curers, in its twofold effect upon the labour market and the herring market.”

The Huxley Commissioners, in fact, regarded the matter as so urgent that, without waiting to complete their labours, they made immediate representations to the Home Office, and, as a result, an Act was passed in 1865 repealing the obnoxious Acts and limiting close time to the coast south of Ardnamurchan Point, where it was only to be enforced during the months of February, March, April, and a portion of May. 28 & 29 Vic. c. 22.

Trawling was introduced into Scottish waters from the south. This method had been practised for some time by the Channel fishermen; it spread to Ramsgate, and, in 1832, to Scarborough and Hull, at which latter port the number of trawlers had increased by the year 1883 to 400. The first trawler appeared at Aberdeen in 1874, at Golspie in 1879. Steam trawling followed the same line of advance, being introduced at the north-eastern ports of Scotland about 1881. In 1883 there were 1900 British trawlers, most of them large sailing smacks employed at long distances from the land, and sending their fish to market by steam carriers. The steam trawlers worked nearer shore, and it was they who did most damage to the drift and line fishermen.

Hitherto this account of the Fishing Industry has been

confined to the herring fisheries, partly because these were, and are, the most important to Scotland, and partly because the record of the policy of State interference with the other fisheries does not present any important differences. Thus, bounties were for a time given for the cod and ling fisheries, and a system of cod punching analogous to the herring brand had also a temporary existence. Now, however, it becomes necessary to consider these other fisheries, since the trawlers fished for haddock, whiting, and flat fish. Trawling for herrings was scarcely tried by Scotch trawlers till 1908, and has not yet made much progress. It is possible, of course, that it may do so, and "the prospect of competition from such a formidable rival has spread something akin to consternation in drift-net fishing circles."

*Fishery Board
for Scotland
Report, 1911,
p. xxi.*

The assertion that trawling was responsible for the wasteful destruction of food fishes was investigated and denied by three Commissions: the Huxley Commission of 1866, the Commission on the Sea Fisheries of England and Wales, 1879, and the Royal Commission on Trawling, 1883. The last-named Commission, however, were of the opinion that fishing grounds in narrow waters might become exhausted by continuous trawling, and they recommended that the Scottish Fishery Board¹ should be empowered to make by-laws for the regulation or suspension of beam trawling or any other mode of fishing within territorial waters. This power was conferred by the Sea Fisheries (Scotland) Amendment Act of 1885, which enacted that when the Fishery Board for Scotland are satisfied that any mode of fishing in any part of the sea adjoining Scotland and within the exclusive fishery limits of the British Isles is injurious to any kind of sea-fishing within that part, or where it appears to the Fishery Board desirable to make experiments or observations with a view of ascertaining whether any particular mode of fishing is injurious, or for the purpose of fish culture or experiments in fish culture, the Fishery Board may make by-laws, subject to confirmation by the Secretary for Scotland, for restricting or prohibiting, either entirely or subject to such regulations as may be provided by the by-law, any method for fishing for sea-fish within the said part, during such time or times as they think fit. Accordingly, the Board began closing certain areas against the trawlers, at first for the sake of preserving free ground for the prosecution of their own scientific trawling observations, but later because they became convinced that

*Royal Com-
mission on
Trawling,
1883, Report,
p. xliii.*

48 & 49 Vic.
c. 70.

¹ The Scottish Fishery Board superseded the Commissioners of the British White Herring Fishery in 1882 (see p. 41).

beam trawling in these areas was injurious. In 1889 the Herring Fisheries (Scotland) Act made trawling illegal within territorial waters, except the Solway and Pentland Firths, and certain other specified areas, but reserved to the Fishery Board the right to permit trawling within defined areas. The same Act again prohibited Sunday fishing, and, in summer, daylight fishing off any part of the coast between Ardnamurchan Point and the Mull of Galloway; it also gave the Fishery Board power to prohibit by by-law trawling within the Moray Firth, a power which was exercised in 1891.

The by-laws of the Scottish Fishery Board, however, have no force over foreigners fishing outwith the three miles limit. The convention with France in 1839 led to the defective Act of 1843, and to the remodelled Act of 1868. France, however, did not pass the reciprocal legislation necessary to enforce the agreements of the Convention, and the supervision and regulation of the international fishing fleets was left in so unsatisfactory a state that unfortunate incidents multiplied. The obvious necessity for action of some kind or other led to the International North Sea Convention of 1882. To carry out the regulations to which the contracting countries (all those bordering the North Sea, except Scandinavia) had agreed, the Sea Fisheries Act of 1883 was passed, which provided means for the enforcement of the regulations and penalties for breaches thereof. This Act was binding on all British vessels, but applied to foreign vessels only if they were within the three-mile limit. Two later Acts attempted to suppress the liquor traffic and to control all other trading with the fishermen on the North Sea.

It has already been noted that the West Coast lagged behind the East in the development of the fishing industry during the nineteenth century, and that the British Fisheries Society abandoned its settlements on the West. Later attempts were no more successful; the Great West of Scotland Fishery Company, formed in 1858, was only able, though under skilful management, to continue operations for three years, and the Highland Fisheries Company, formed about 1881, failed after an almost equally short and unsuccessful career. Yet the fisheries of the West, though bringing in a much smaller sum than the East Coast fisheries, were very important to the native population. By far the greater number of the crofters and cottars of the Highlands and Islands were wholly or largely dependent for their subsistence on their earnings as fishermen, and, taken as a whole, derived a

THE NORTH
SEA CONVEN-
TION.

46 & 47 Vic.
c. 22.

51 & 52 Vic.
c. 18.
56 & 57 Vic.
c. 17.

THE WEST
COAST.

Walpole Com-
mission Re-
port, p. 9.

Napier Re-
port, p. 53.

Walpole Commission Report, p. 6.

larger income from the sea than from the land. It was estimated in 1890 that about three-quarters of the whole population of the Western Highlands and Islands were directly or indirectly dependent upon fishing or fishing combined with crofting; but the fishing, though more remunerative than crofting, was prosecuted only as a subsidiary means of livelihood, and the land claimed the larger portion of their time. The people fished along the shore with rod or small line to supplement their own food supply; few of them possessed the boats, now much larger and more powerful than formerly, necessary for fishing in the outer seas, and either they worked as paid hands on the East Coast boats or they hired boats on the half-catch system from the curers. Also, the gutting and packing of the fish provided work for a large number of the women.¹ After the abandonment of the bounty system, for over fifty years little or nothing was done by the State for the encouragement and support of the West Coast fisheries, and what efforts were made, as *e. g.*, the imposition of close time, were injurious rather than beneficial. About 1882, however, the distress and unrest of the crofter population again drew the attention of the Government to the north-west, and the Napier Commission, appointed in 1883 to investigate the condition of these people, naturally paid considerable attention to the fishery industry as a possible means of amelioration. They considered that the fisheries off the north and west shores were capable of vast extension and development, but that this extension demanded (1) the construction of piers and harbours, (2) assistance being given towards providing the fishermen with boats and tackle, (3) the extension of the means of communication and transport. A brief account will now be given of the efforts of the State to deal with these demands.

Napier Report, p. 55.

PIERS AND HARBOURS.

Along the North West Coast there are numerous inlets and indentations which provide shelter for boats, and, in several cases, good natural harbours. So long as the fishery was an in-shore fishery carried on by small open boats in the lochs and bays, the lack of piers and harbours was not acutely felt. When, partly because of the desertion of the enclosed waters by the herring, it became necessary to use larger boats, these could not be dragged above high-water mark without

¹ "In 1911 the number of gutters and packers, the great majority belonging to the Highlands and Islands, employed in Scotland was between 13,000 and 14,000, of whom 8000 go to districts other than their own. It is stated that in a busy season these workers will earn from £90,000 to £100,000."—*Report of the Fishery Board for Scotland, 1911*, p. xl.

great labour, and only in a few favoured places would it have been safe to leave them moored in the water. Piers, harbours, and landing-slips and, on the less accessible coasts, harbours of refuge, became increasingly necessary. In the neighbourhood of Wick, during the years 1845–63, one hundred and fifty fishermen were drowned and over 400 boats wrecked, and this notwithstanding the expenditure there of large sums on harbour works. In 1884 the North Coast was only accessible at Loch Eriboll and Scrabster Roads; the whole west coast of the Outer Hebrides from Barra to North Uist, and from Loch Carloway round the Butt of Lewis to Stornoway, was unapproachable in stormy weather. The need for harbours was undeniably urgent, but the State was diffident in affording assistance, since it was generally held that piers and harbours, being for the benefit of the locality, should be constructed at the expense of the district benefited. However, it soon became apparent that the only contribution which the fishing community of the Highlands and Islands could make was local labour, and, moreover, when the shelter was sought by boats from various parts of the British Isles, it was more reasonable that State aid should be granted. By an Act ^{5 Geo. IV,} passed in 1825 an annual grant of £3000 had been made for ^{c. 64.} building or repairing piers and harbours in Scotland. This grant, first paid in 1829 and still continued, was administered by the Commissioners for the White Herring Fishery, who made it a condition of help that the locality should also contribute, and their officers did good work in organising efforts towards the collection of the necessary sum. Mitchell, writing in 1864, says: “Piers, quays and harbours have been built which would never have been erected but for the active exertion of the fishery officers in obtaining the necessary funds from the neighbouring proprietors, and in some cases from the hard-earned gains of the fishermen resident at such places.” Mitchell: *The Herring*, p. 355.

By 1882 the Commissioners had constructed, repaired and improved upwards of thirty piers and harbours at a cost of £248,651,¹ of which £72,118 had been contributed by fishermen and other parties in the different localities. When, in that year, the Fishery Board was established to take over the work of the Commissioners, pressing applications were made to them for assistance in the construction and improvement of the harbours in the crofting counties, but only one could be entertained, because of the lack of funds. This was the harbour at Ness in the north of Lewis. The estimated cost was

Napier Report, p. 56.

Mitchell: *The Herring*, p. 234.

Fishery Board for Scotland Report, 1882-3.

¹ Over £150,000 was spent on harbours.—*Report, Fishery Board, 1894*, p. xxi.

*Fishery Board
for Scotland
Report,
1882-3,
p. xviii.*

£6000, towards which Lady Matheson contributed £1500.¹ "We should have been greatly pleased," said the Fishery Board, "if, in response to our application, some of the other persons interested had added something to Lady Matheson's contribution, so that a better harbour could have been constructed, but we did the best we could under the circumstances."

*NESS HAR-
BOUR.*

This harbour at Ness is interesting, for its construction illustrates one of the main defects of public administration in the crofting counties, and a slight digression from the narrative may be made here in order to complete the harbour's history. The defect alluded to is the multiplication of authorities. It would seem reasonable to suppose that, if State help was to be given to a certain locality for the construction of harbour works, the whole amount of the State assistance should be determined by one authority and should pass through one official channel. As a matter of fact, it passed through no less than three. Between 1883 and 1886, the Fishery Board paid over £4363 3s. 8d. The harbour therewith constructed suffered from the silting up of sand, and in 1890 the entrance was dry at low water. A new entrance was made, the silt removed, and the southern pier extended; on this the Board from 1891 to 1894 spent an additional sum of £3709 2s. 11d., and a loan of £2000 was also obtained from the Public Works Loan Commissioners. This work was curtailed owing to insufficient funds, but, the condition of the harbour remaining unsatisfactory, £1399 19s. was obtained in 1895 under the West Highlands and Islands Works Act, and four years later the Congested Districts Board contributed £1050 for the same undertaking. The Walpole Commission, moreover, had stated their conviction that, since it was often impossible to enter the improved harbour in heavy weather even at high water, a sum of £10,000 was necessary for the construction of a breakwater to protect the entrance on the north-eastern side. For this purpose £10,532 11s. 11d. was obtained during 1895-98 under the Western Highlands and Islands Works Act, and £4481 16s. in 1898 from the Congested Districts Board. Omitting the money raised on loan from the Public Works Loan Commissioners, the financial assistance granted by the State may be summarised as follows.

*Report on the
Social Condi-
tion in the
Lews, p. xlviii.*

¹ "Sir James Matheson had also expended £2225 on the building of a quay for steamers at Stornoway, and £1000 on fish-curing houses. Apart from these sums and his large outlay on the promotion of steam communication, he did not contribute directly to the support of the fishing industry."—*Napier Commission. Minutes of Evidence*, q. 46,055.

HIGHLANDS AND ISLANDS OF SCOTLAND 269

<i>For the Harbour.</i>	£	s.	d.	£	s.	d.
1. From the Fishery Board, 1883-94	8,072	6	7			
2. From the County Council, 1895 (under the Western Highlands and Islands Works Act)	1,399	19	0			
3. From the Congested Districts Board, 1899	1,050	0	0			
				10,522	5	7
 <i>For the Breakwater.</i>						
1. From the County Council, 1895-98 (under the Western Highlands and Islands Works Act)	10,532	11	11			
2. From the Congested Districts Board, 1898	4,481	16	0			
				15,014	7	11
				25,536	13	6

Notwithstanding the expenditure of this large sum of money, the harbour gets more and more silted up with sand after every successive gale, and is, therefore, unsuitable for large boats. Should further sums be needed, there is now yet another authority—the Development Commissioners¹—to whom application could be made.

Returning to 1882, it has been mentioned that Ness harbour was the only one in the crofting counties which the Fishery Board were, at that time, able to assist. The Board complained bitterly of their lack of funds, and continued year by year to press for an increase. Now the actual sum voted by Parliament for the Board in 1883-4 was £17,740. The Herring Brand fees for that year amounted to £7850 12s. 6d.; this sum was paid into the Exchequer, but following the Report of the Herring Brand Committee of 1881, any surplus over the cost of collection was returned to the Fishery Board for the purpose of building or repairing piers and harbours and for extending telegraphic communication to remote fishery districts. Thus the disposal of the Parliamentary vote may be summarised as follows :

FINANCIAL
RESOURCES
OF THE FISH-
ERY BOARD.
*Fishery Board
for Scotland
Report, 1882-
3, p. xviii.
Report, 1883-
4, pp. lxxv
et seq.*

	£	s.	d.	£	s.	d.
Cost of collection of the Herring Brand Fees				5,415	0	0
Earmarked for expenditure on Piers and Har- bours, etc., by 5 Geo. IV, c. 64	3,000	0	0			
Surplus from Brand Fees	2,435	12	6			
				5,435	12	6
Balance available for maintenance of the Board, its other activities, and its officers				6,889	7	6
				£17,740	0	0

¹ See p. 376.

HARBOUR
MAINTEN-
ANCE.

*Fishery Board
Report, 1898,*
p. xxxvi.

Report, 1885,
p. lxxv.

WESTERN
HIGHLANDS
AND ISLANDS
WORKS ACT.
*Fishery Board
Report, 1887,*
p. xliv.

In spite of the urgent appeals of the Fishery Board, larger sums were not granted to them, and the £3000 together with the surplus, if any, of the Herring Brand fees remained their sole resource for marine works. Unfortunately even these small sums were not laid out to the best advantage, for the Board followed at first the mistaken policy of making their grants conditional on no dues being charged on fishing boats. The result in many cases was that "works executed at great expense, well-designed and substantially built, began to crumble and fall into decay for the want of a maintenance fund, and repeated applications were made to the Board by the local fishermen for aid in repairing the works." Moreover, since the harbours were used almost exclusively by fishing boats, and there was no revenue to collect, the need for a local harbour authority did not always occur to the people.¹ "It is not for the public advantage," said the Board in 1885, "that harbours built to a large extent with public money should be left to take care of themselves." Now, to establish Harbour Trustees, it was necessary to obtain a Provisional Order sanctioned by the Board of Trade, and the application for such had to come from the locality and not from the Fishery Board. This point is of some importance, since the applicants had to bear the expense of obtaining the Order, and such a liability naturally tended to prevent the local fishermen applying. These two difficulties were overcome when the Board, about 1895, refused to give any further grants until a Provisional Order, providing for the local administration of the harbour and, by the imposition of harbour dues, for its maintenance, had first been obtained.

About 1887 the surplus from the Herring Brand fees was being completely absorbed for telegraphic extension, and the Board, pointing out that "notwithstanding the growth of the country in wealth and population, the great increase of the size of the boats used by fishermen, and the enormous extension of the fishing industry, we are no further forward in the public promotion and encouragement of harbour works, so far as the Imperial Exchequer is concerned, than in 1809," renewed their appeals for larger funds. These appeals were

¹ "It is unfortunately the fact that several marine works constructed both before and after the passing of the Works Act of 1891 have turned out to be of very little, if any, public benefit. It is difficult to ascertain in some cases of old piers how, or by whom, they were erected, and as there generally was no obligation of upkeep upon any one, the works were allowed to fall into ruin."—*Report of the Congested Districts Board, 1911-12, p. xx.*

again ignored by the Government, but when the need for harbour accommodation in the north-west had been driven home by the Napier Commissioners, and further supported by the recommendation of the Walpole Commission that a grant of £73,000 should be given for harbours and landing places in the Western Highlands and Islands, an attempt was at last made by Parliament to meet the demands. In 1891 was passed the Western Highlands and Islands Works ^{54 & 55 Vict.} Act, which authorised the distribution by the Secretary for ^{c. 58.} Scotland, out of money to be voted by Parliament, of sums among the County Councils of the crofting counties for the purpose of aiding in the construction and improvement of small harbours,¹ piers, and boatslips. In making application, the County Councils had to indicate what amount of local support would be forthcoming, and, if the application were granted, they were given powers to make by-laws subject to confirmation by the Board of Trade. The harbour dues were fixed by the Board of Trade, and, for the maintenance of the harbour, power was given to the County Councils, should the amount of the dues be insufficient, to levy a rate not exceeding one penny in the £, and to borrow on the security of the general purposes rate. Moreover, the Local Government Act of 1889 was amended, so as to enable the Councils to utilise their annual £10,000 grant (see p. 347) for the construction, improvement, or maintenance of such marine works. There does not appear to have been any valid reason why this scheme of distribution was preferred to that of distribution by the Fishery Board, and the natural result was that that Board in 1894 declined to consider any further applications from the crofting counties, on the ground that they were already more favourably placed in respect of harbour funds than other localities in Scotland. Furthermore, as the event proved, the County Councils, relying perhaps on the discretionary veto of the Secretary for Scotland, did not exercise sufficient scrutiny as to the merits of the schemes promoted.² They seem in the main to have been content, after ascertaining that the local guarantees would be sufficient to keep themselves free from immediate pecuniary responsibility, to accept the statements of those locally

*Fishery Board
Report, 1894,
p. xx.*

*Congested
Districts
Board Report,
1911-12,
p. xx.*

¹ The estimated cost of the work had to be less than £2000, unless the circumstances were exceptional.

² The history of the notorious Petersport Pier in Benbecula, to which, it was said, there was no access either by sea or land, is given in the *Report on the Social Conditions of Uist in 1903*, pp. li., lii.

interested and forthwith to recommend the work to the Secretary as one which would confer great benefit on the locality; the result has been that several of the works thereupon constructed have scarcely been used since their erection.

LYELL'S ACT,
1896.

There were additional difficulties in the Orkney and Shetland Islands. An Act of Parliament in 1887 had constituted a body of Harbour Commissioners for Orkney, who assumed charge of all the harbours in the county and responsibility for a debt of £41,034, which had been raised locally for harbour works. The Act laid down that all harbours under the Commissioners' control were to levy the same tolls, and as these, in order to meet the cost of maintenance and to pay interest on the debt, were very high, the development of the fisheries was seriously hindered, and there was no encouragement to embark on new projects. When the 1891 Act was passed, the Councils of these two counties were indisposed to take any advantage of it. Considering that most of the parishes are separate islands, there was some difficulty in levying a rate from one island to help pay for a pier on another. To meet these special circumstances, the Orkney and Shetland Small Piers and Harbours Act, was passed in 1896, enabling parishes or groups of parishes to form themselves into special districts for the object of building and maintaining small harbours or piers, the expenditure to be met by an assessment on the district thus formed, instead of on the whole county. In this connection it may be noted that, even outside Orkney and Shetland, a parish council can, under Section 24 of the Local Government (Scotland) Act, 1894, make arrangements for the construction of minor marine works, can receive a grant for this purpose, and become responsible for the maintenance.

First Report
of the Con-
gested Dis-
tricts Board,
1898, App.
p. 4.

THE
CONGESTED
DISTRICTS
BOARD.

In 1897 the Congested Districts Board was established with power to aid, *inter alia*, the provision and improvement of piers, boatslips, and, subject to the consent of the Treasury, harbours. After this date no further sums were provided by Parliament under the Western Highlands and Islands Works Act, though the procedure laid down by that Act was very generally adopted by the Board.

EXISTING
METHODS OF
DISTRIBUTING
STATE AID.

In 1911 the Small Landholders (Scotland) Act abolished the Congested Districts Board and transferred its powers and duties to the Board of Agriculture then created. As matters now stand, both the Fishery Board and the Board of Agriculture have authority to give grants for harbour

works in Scotland,¹ either from funds at their own disposal or by obtaining a grant through the Development Commissioners. It seems an unsatisfactory and confused state of affairs, and if it works smoothly it is only because of the good sense of the administrative authorities. The Board of Agriculture seem to have decided to ignore their power to assist harbours and to confine themselves, with regard to marine works, to piers and landing-places in the crofting counties, taking care always to ascertain the Fishery Board's opinion of their proposed action. The Fishery Board, accordingly, spend their scanty resources elsewhere, and for similar reasons the County Councils of the crofting counties have ceased to subsidise marine works. To give an illustration of what takes place: the Ullapool Pier Trustees in 1911 desired £6500 to extend their pier. A local inquiry was held by the Board of Trade and a Provisional Order granted. The Trustees then approached the Development Commissioners for a grant, and were referred by them to the Board of Agriculture. This Board ascertained that the Fishery Board approved of the scheme, and then themselves approached the Commissioners. The final arrangement is that the Commissioners give £2000 and the Board of Agriculture £1500, and advance £1500 each as a loan. Presumably all four authorities made inquiries involving more or less expense, and, in the aggregate, a considerable waste of time. Or take another case. The Fishery Board with admirable persistence decided to bring up again the whole question of harbour accommodation. They appointed a Committee, who visited the localities, interviewed the various harbour authorities, and inspected the harbours. This Committee reported to the Board, and the Board reported to the Development Commissioners. The latter body have now themselves appointed a deputation to go round the localities and interview and inspect all over again. When this is done, they will report to the Treasury. One fails to see why all this cumbrous machinery is necessary. A much simpler, more economical, and certainly not less satisfactory,² method would be to increase the parliamentary vote to the Fishery Board and leave the distribution of State aid towards the provision and improvement of piers, harbours, and boatslips to that body and the Board of Trade.

¹ Under the Congested Districts Act money can be used for piers and boatslips in the crofting counties only, but the Act did not limit assistance for harbour works to these counties.

² But see remarks on the constitution of the Fishery Board, p. 44.

AMOUNT SPENT ON PIERS AND HARBOURS ERECTED OR IMPROVED BY THE FISHERY BOARD FOR SCOTLAND, 1883-1911.

	Contributed by the Fishery Board.		Subscribed by the Locality.		Contributed by the Fishery Board per £100 raised locally.
	£	s. d.	£	s. d.	£
In the Crofting Counties	27,214	1 8	11,023	6 0	246
In the Rest of Scotland	83,282	4 8	42,663	16 1	195
All Scotland	110,496	6 4	53,687	2 1	205

The Congested Districts Board during its existence (1897-1912) made grants for marine works in the crofting counties aggregating £68,633 15s. 7d., while the Board of Agriculture during the first nine months of its existence has granted £3111 7s. 6d., and lent £1500 for piers.

LOANS TO FISHERMEN.

49 & 50 Vic. c. 29.

Fishery Board Report, 1887, p. cxvi.

49 & 50 Vic. c. 45.

The construction of piers and harbours was the first suggestion of the Napier Commissioners for improving the condition of the fishing population; their second suggestion was that assistance should be given towards providing suitable boats and tackle for the fishermen. Accordingly, a section in the Crofters Holdings (Scotland) Act, 1886, authorised the Treasury to advance to the Fishery Board such sums as might from time to time be placed at their disposal by Parliament for the purpose of loans to fishermen in the crofting counties. The Secretary for Scotland with the consent of the Treasury was to settle the terms on which the loans should be made. The first difficulty to be overcome was that the people were so wretchedly poor as to be quite unable to offer any security for a loan which a banker would accept, and, unless the advances were to be regarded as purely charitable relief, it became necessary to place some restriction on their distribution. The Board, therefore, decided to limit the loans to three-quarters of the value of a new boat, and to two-thirds of that of fishing gear or of an old boat. Two hundred applications were received in 1886, but scarcely any of the applicants were able to advance their proportion of the money. To remedy matters another Act was passed providing for the mortgage of fishing boats, and the Board raised their maximum advance to nine-tenths and four-fifths respectively. In no case was the loan to be for an amount greater than £312 for any one vessel; interest at 3½ per cent.¹ was charged, and the loan was to be repayable in from four to ten years. In 1887 a sum of £8716 was lent to 89 out of 200

¹ The Board recommended 2½ per cent., but the Treasury insisted on 3½ per cent.

applicants, but the Board were complaining of the difficulty and cost of making the necessary inquiries and of obtaining the necessary documents. Though further sums were lent during the next three years, the experiment failed almost from the start. In 1889 a large amount of arrears in repayment was reported, and the Board, having reason to believe that "some of the borrowers were in a position to pay the instalments as they fell due, but did not do so," deemed it their duty to take proceedings for recovery. These proceedings involved them in somewhat heavy legal expenses and did not enable them to recover much money. In 1890 the Walpole Commission found that in several cases the boats were not being regularly used, and, after the end of that year, the Fishery Board decided that no further advances to crofter fishermen should be made. Next year they began to write off balances as irrecoverable, and, in thirty-seven of the thirty-nine cases then written off, the boats were mortgaged to the Board. These they determined to seize; sixteen were voluntarily surrendered; fifteen were taken by the Fishery Officers; and six, two of which were quite unsaleable, had been abandoned and left uncared for by the crews, "as it frequently happened that the crews quarrelled among themselves." In all, 246 loans had been made, and it was not till 1908 that efforts for the recovery of the money ceased.

Fishery Board Report, 1889, p. lv.

Ibid., 1891, p. xxi.

Ibid., 1908, p. xliii.

ACCOUNT OF LOANS TO LOCAL FISHERMEN, 1886-1908

	£	s.	d.	£	s.	d.	£	s.	d.
Total sum advanced, 1887-90	.	.	.	.	.	.	30,111	16	7
Capital repaid by borrowers	.	.	.	18,007	15	3			
Amount received by Board for seized and surrendered boats	5,646	10	3						
Expenses incurred in prosecution, seizure, and sale	477	0	9						
	<hr/>			5,169	9	6			
Obtained from Insurance Companies for wrecked boats				611	16	9			
	<hr/>			23,789	1	6			
Total amount of principal lost							6,322	15	1
Interest paid by borrowers	3,682	14	0						
Interest due but not paid							735	9	6
	<hr/>								
Total amount of principal and interest lost and written off against the assets of the Local Loans Fund							£7,058	4	7

Such was the financial result to the Board: it is more difficult to estimate the result to the fishermen. Figures are obtainable which show that in the Lews in 1902, out of 93 boats purchased with the Board's help, 35 had been redeemed by the full return of the loan with interest, 42 had been given up, and 16, not yet seized, were still in the hands of indebted fishermen. But the fishermen of the Lews had, as it happened, done much better in the matter of repayment than those from other parts of the crofting counties. In 1902 they had repaid 82·4 per cent. of the amount advanced as against the 59·5 per cent. of the others. It would seem, therefore, that somewhat less than half the total of 246 boats ever became the unburdened property of the borrowers,¹ and probably by the time many of these boats had done so they had become considerably deteriorated without the owners having accumulated anything in the nature of a depreciation fund. The State, at a loss of over £7000, had been instrumental in supplying a comparatively small number of fishermen with boats, which had been paid for on the instalment system. Now, as this was one of the most direct attempts to give State aid to the crofter-fishermen of the north-west, it is worth some further consideration. The idea of the experiment was, presumably, not to commence a system, barely distinguishable from out-relief, of continuous financial support of the fishermen; had it been, the loans need not have been discontinued. It had been represented that the fishermen could not afford to purchase suitable boats without extraneous assistance, and State aid was recommended on the assumption that the fishermen, once in possession of a boat and free to sell their fish in the open market, would be able to repay the loan with interest at 3½ per cent. in seven years. Now, if this assumption was really justified, it should not have been difficult for the fishermen to find some capitalist willing to advance the money provided security were forthcoming. But security was not forthcoming; the only method, therefore, was to obtain the boat from the curer under agreement to sell him the catch at a fixed price. Had the profits from the fishing been sufficiently large, this method might have led to the eventual purchase of the boat from the curer, but the actual experience was that it seldom did so. If, then, the profits had proved insufficient for this, it would seem that they would prove

Napier Report, p. 60.

¹ "Of the total number of advances made, 117, or 48 per cent., were fully discharged."—*Departmental Committee on North Sea Fishing*, 1914. *Report*, App. 4.

equally insufficient to provide instalments large enough to enable the fishermen to buy the boats from the State, unless the State offered very generous terms. Now, the State's terms were not exorbitant considering the element of risk, but repayment within four to ten years and $3\frac{1}{2}$ per cent. interest were undoubtedly onerous for the borrowers, and the $2\frac{1}{2}$ per cent. advocated by the Fishery Board might have proved a wiser decision. The substitution of the State for the curer, and the fact that, in the former case, the boat, though mortgaged, was nominally the fishermen's, while, in the latter case, it was loaned, meant only that the fishermen to become actually the owners were in one case paying instalments of the purchase price and in the other were, or might have been, accumulating the necessary purchase money. Doubtless the instalment system has its advantages as a stimulus, or it would not have become so popular as it has in many forms of sale to-day. But the real difference was that, with the substitution of the State for the curer, the fishermen were free to sell their catch in the open market, and very much was expected from this liberty. "We consider it of paramount importance," said the Napier Commissioners, "that the fisherman should be allowed to sell his fish to whomsoever he pleases." I have not been able to discover any evidence that this liberty of sale did confer any benefit at all proportionate to these expectations. The immediate collapse of the experiment seems to provide only another example to show how seldom it is that the State can by direct financial aid to the workers develop an industry to a point beyond that which economic considerations justify. "The whole story is a warning," according to Sheriff Johnston. On the other hand, the Brand Report says: "While it is to be regretted that these loans have not been fully paid up, and that so many boats had to be seized or were surrendered, it is to be borne in mind that the advances were made to aid a deserving class of men in adverse circumstances, and in surroundings where they were unable to help themselves. Those who have cleared their boats are said to be doing well, and in no case have they gone back for a second loan. In that view of the situation the amount of money dropped as in a question of accounting should not be considered a loss but as a grant in aid towards a highly important object, the benefit of which is directly and indirectly felt in the advancement of the fishing industry." It is not clear what is the signification of the remark that "in no cases have they gone back for a second loan." The loans were repayable in from four years

Napier Report, p. 60.

C. N. Johnston: *The Small Landholders Acts*, p. 96.
Report on the Social Conditions in the Lewis, 1902, p. lxii.

upwards, and before the first four years had elapsed the Board had intimated their intention to desist from granting further loans. Consequently, there was no opportunity for the fishermen to go back for a second loan, had they so desired. Even considered as a grant-in-aid, the experiment must be regarded as a failure in the light of the proportion between the small permanent benefit conferred and the cost to the State. It is obvious that the Board themselves so regarded it, or they would not so soon have stopped their advances. One powerful cause of the failure may be traced to the difficulty in harmonising the most efficient distribution of State aid with any ordinary standard of fairness and equity. Regarded purely from the standpoint of developing the fisheries, it is certain that the most effective aid would have been the provision of a certain number of the larger and more costly boats, which successful fishing in the outer seas demanded. But the Board naturally felt themselves debarred from granting all their available money to a very few persons chosen more or less indiscriminately from the large number of applicants; they preferred to help as many applicants as possible, and hence their grants for any one vessel—which could not in any case be over £312—were so inadequate that the vessels built or purchased therewith were too small to compete successfully with the East Coast boats. Never, after 1891, did the Fishery Board attempt to recommence the practice of granting loans to fishermen, and the Congested Districts Board, who also had the power, steadily refused to exercise it, alleging that, apart from any other reasons, it was impossible for them with the funds at their disposal to embark on any scheme of that sort on a scale sufficient to serve any useful purpose. The experiences of the Congested Districts Board for Ireland have been somewhat similar; the loans granted to the fishermen of Connaught having to be written off, and the boats recovered from the crews in a much depreciated condition. Quite recently an agitation for a renewal of State loans to fishermen has again sprung up, though its principal advocates are to be found outside the class of fishermen themselves. The whole matter was remitted to the Departmental Committee appointed in 1913 to investigate the development of the Scottish Sea Fishing Industry. The Majority Report of this Committee points out that the slackening in the rate of increase of the steam-drifter fleet indicates that the state of trade would not bear any material increase in the fleet at present, and, therefore, since the industry as a whole does not require develop-

ment, any assistance given by the State could only tend to help one local or other set of producers against their competitors. After a full discussion of the methods by which capital was available to the fishermen, the Committee felt themselves unable to recommend the formation of any State loan fund. The Minority Report, however, considers that in the Highlands and Islands districts facilities for obtaining loan capital are restricted as compared with the East Coast, and the two signatories wish to give equality of opportunity. Moreover, they are anxious as to the fate of the owners of the smaller first-class boats—"the fishermen of the second line"—who are somewhat rapidly declining in numbers, and for the purpose of aiding these men they think that "the State might give assistance by way of loan to help the installation of oil engines in existing boats, and also for the provision of new boats specially designed for the reception of such engines. We think that there is a future for what may be called relatively inshore fishing, for herring and line fishermen with decked or half-decked boats approaching the forty-five feet keel limit; but as it is something of an innovation, we think that the community at large, in inviting the inshore fishermen on to this higher plane, should be willing to take some risks." The idea in the Minority Report seems to be that the advantage which the Government has in borrowing money should be united with the advantages that the bankers, curers, or other local financial agencies, have in the expenses of management; that the State should secure the co-operation of these agencies, and, in fact, depend upon them for the administration of the loans. By the suggestion that the Fishery Board should publish a list of motor manufacturers who were willing to allow one-fourth of the purchase money to stand over, the signatories seem to contemplate something which appears to be unjustifiable pressure on the motor manufacturers to grant easier terms of payment. On this question of the installation of motor auxiliary power the Majority Report states that Government aid would be partial and unequal in its application, would create unfair subsidised competition, and would lead to a widespread demand for the further extension of State aid; also, the Committee considered that the increase in the fleet of small motor boats, working in suitable areas like the inshore waters of the west, was proceeding sufficiently rapidly without State assistance, and they were unable to recommend the granting of State aid either for the acquiring of new motor boats or for the installation of motors into existing sail boats.

Report of Departmental Committee on North Sea Fishing, 1914, p. 175.

Ibid., p. 180.

Ibid., p. 182.

Ibid., p. 161.

TELEGRAPH
EXTENSION.

The third suggestion for improving the condition of the fishing population made by the Napier Commissioners was that the means of communication and transport should be extended. A consideration of State action with regard to these matters falls properly under the section entitled Communications, and is dealt with there, but here it may be convenient to relate the action of the State with regard to telegraphic extension. There are few industries to which telegraphic communication is more important than it is to the fishing industry. Immediate warning is required as to the appearance of shoals and as to weather conditions, while information is required regarding the state of home and foreign markets. Moreover, in the isolated fishing centres of the north-west, where, owing to the fluctuations in the catches, large stocks of salt, barrels, and other curing stores could not be kept on hand, it was especially necessary that some rapid means of communication might be available so that, at times of a heavy catch, new supplies might be speedily brought and more steamers chartered for transport. The telegraphic service has been, since 1870, a Government monopoly under the management of the Postmaster-General, whose power is limited by statute and subject to Treasury control. The general policy of the Post Office is that every local extension of the telegraph service must from the first be self-supporting; the authorities did not accept the view that the privilege of a State monopoly should be justified by any attempt on their part to anticipate the wants or advance the interests and welfare of any particular section of the community. As a result of this policy, telegraphic extension proceeded but slowly in the Highlands. In 1866, Wick, one of the most important fishing centres at that time, was cut off by a distance of eighty-five miles from the nearest telegraph office, and the people, complaining bitterly that they were left in the dark for days as to the state and progress of the fishing and markets elsewhere, suffered great disadvantages as compared with Fraserburgh and Peterhead, rival centres, which, having the telegraphic service, received in a few hours information that took days to reach Wick. The service was gradually extended along the East Coast, each district experiencing a similar handicap until it was reached by the line. The north-west was naturally placed in a much worse position; the line, especially to the islands, to which extension cables were necessary, being more costly to lay and the amount of revenue to be expected being less. By 1880 Stornoway had been reached, but there was no

*Sea Fisheries
Commission,
1866. Minutes
of Evidence,
p. 683.*

telegraphic communication with any of the ten country post offices then established in the Lews, or with any other part of the Outer Hebrides.¹ In 1882 the Lords of the Treasury, following the recommendation of the Herring Brand Committee of 1881, authorised the appropriation of £1000 from the surplus of the Herring Brand fees for telegraphic extension. The Fishery Board thereupon selected nine stations—all in the crofting counties—and approached the Post Office, who required a guarantee aggregating £4523 to be continued for seven years. This was quite beyond the means of the Fishery Board, but they persevered in their efforts, and, after obtaining the promise of assistance from some of the proprietors, they appealed to the Post Office for a reduction or such other relief as that office might be disposed to grant. In 1883 another £1000 became available, and the Board selected three stations out of the nine—Castlebay (Barra), St. Margaret's Hope (Orkney), and Vaila Sound (Shetland)—for their first efforts. For these three stations the Post Office guarantee demanded had been £1244, £626, and £384 respectively, but these amounts they agreed to reduce to £1095, £298 and £281. The Board demanded one-third of the cost from the parties interested, but, even so, the Castlebay amount would have been prohibitive had not the Treasury consented to give £500 as a special grant for a few years. These three extensions were completed in 1884, and the work of further extension went steadily, if slowly, on. The Fishery Board, however, found that the diversion of so considerable a sum from the Herring Brand surplus crippled their resources for harbour works, and they grudged the money all the more because they considered that they were doing work which should have been done by the Post Office. After 1891 the fixed appropriation, then £1500, from the Herring Brand surplus ceased, partly, no doubt, for the reason that the Western Highlands and Islands Works Act had been passed, and, in 1896, in view of the increasing claims for grants in aid of piers and harbours, the Board ceased to undertake any more guarantees. From 1884 to 1896 the Board had spent £12,949 6s. 4d. on telegraph guarantees, and when on the 31st March, 1898, no further guarantees remained to be met, they transferred the balance, £289 5s. 11d. of the accumulated fund, to their General Harbours Fund. As in the case of

Report on the Social Condition of the Lews, 1902,
p. ii.

Fishery Board Report, 1882-3, p. xx.

Fishery Board Report, 1887,
p. xlv; 1892,
p. liii.

¹ "Lochmaddy in North Uist was reached in 1880, and in the same year three telegraph offices were opened in South Uist under a guarantee from the proprietrix."—*Report on the Social Conditions of Uist in 1903,* p. lvii.

piers and harbours, so also with telegraphic extension, the Congested Districts Board continued the work of the Fishery Board. The rules which this Board laid down were :

- (1) That the necessary preliminary correspondence with the Post Office Authorities should be conducted by the applicants (Parish Councils by preference).
- (2) That the result should be communicated to the Board along with the application.
- (3) That being satisfied that the extension applied for was in the public interest, the Board would undertake the Applicants' responsibility for the second half of the local guarantee, the locality itself having undertaken the first half.

The Board during its existence (1897–1912) aided the opening of forty-eight telegraph offices, and undertook liabilities to a maximum annual amount of £552 16s. 8*d.* At the close of the seven-year guarantee period, the Post Office in many cases continued the service unconditionally, but the Board had to pay £44 3s. 4*d.* as its share of the deficit for the year 1911–12. The Board of Agriculture has now taken over the liabilities and powers of the Congested Districts Board with regard to telegraphic extension. A return dated February 1913 shows that there are now sixteen telegraph offices in the crofting counties at which a portion of the deficit is borne by the Board of Agriculture. The existing arrangement is, that the Post Office bears two-thirds of the deficit,¹ and the remaining third is borne by the local guarantors and the Board. For these sixteen offices the total deficit in the year 1911–12 was £580 19s. 9*d.*, borne as follows :

	£	s.	d.
By the Post Office	375	5	6
By the local Guarantors	141	5	6
By the Board of Agriculture	64	8	9
	580 19 9		

It is convenient to mention here a new development of the activities of the Fishery Board, who, since 1895, have established a system of official telegraphic information. The telegrams are dispatched daily at noon by the Fishery Officers from their own port to every other port in Scotland

¹ Except in the case of North Ronaldshay, Kirkwall, where the Post Office only bears one-half.

at which herring fishing is then going on. The information supplied is, the number of arrivals of herring boats, the average catch per boat, the quality of the fish, the range of prices, the position of the chief fishing-grounds, and the nature of the wind and weather. In 1911, 5360 such telegrams were dispatched, and the Board have in view a considerable enlargement of the intelligence branch of their work.

With regard to the difficulties caused by the introduction of trawling and steam power, it is worthy of record that the Fishery Board have not remained content with regulating the modes of fishing and preserving the peace, but have also endeavoured to anticipate difficulties and to check any disastrous rush into one particular branch of the industry. Steam line boats made their first appearance in Scottish waters in 1887, but the great "boom" in steam drifters did not begin till 1899, in which year they numbered 44. Next year there were 70, and in the four following years the number rose to 97, 100, 156 and 204.¹ The success of the steam drifters stimulated more and more fishermen to purchase these boats, and to do so they were selling their own sailing vessels—perhaps first-class boats costing from £600 to £800—at absurdly low prices. Now, a steam drifter costs about £3000, and the Board felt that with this rapidly increasing fleet of drifters a lean year would prove overwhelmingly disastrous to men who had dropped so much money in selling, and were probably heavily in debt on their new purchase. The remedy which suggested itself to the Board was that the fishermen should not sell their sailing boats for what they might fetch, but should supply them with auxiliary power, and the Congested Districts Board were induced to grant £2000 for the purchase of a fishing boat and her equipment with a motor as an experiment. The experiment, which was conducted by the Fishery Board, was not altogether a success, owing partly to the inability of the motor to work the capstan and partly to the lack of expert management. The Board, however, continued to urge the installation of motor auxiliary power, because they considered that it held out reasonable prospects of success without the risks attendant on the purchase of an expensive steam drifter. Subsequent developments have to a certain extent justified the Board's initiative; there are now 233 motor-propelled boats, mostly belonging to Campbeltown and Loch Fyne, where the fishing is carried on in inshore waters with the seine net, but the better seagoing qualities of the steam drifter and the failure

MOTOR
AUXILIARY
POWER.

*Fishery Board
Report, 1909,
p. x.*

*Eighth, Ninth
and Tenth
Reports of the
Congested
Districts
Board.*

¹ In 1911 there were 1158.

of the motor to work satisfactorily the capstan have retarded the introduction of motor auxiliary power on the North East Coast.

A BRIEF
REVIEW.

In reviewing briefly the public administration of the sea fisheries of the Highlands and Islands, it is hardly possible to separate State action with regard to these districts from that in regard to Scottish waters generally; nor is it worth while doing so, since the Highlands and Islands are largely interested directly or indirectly in the East Coast fishing. Since the establishment of a special central authority for the fishing industry in 1809, the general development of sea-fishery administration may be divided into three stages. From 1809–1829 the State subsidised the herring fishery to the extent of £775,101 a year, and there is little doubt that this policy gave a great impetus to the development of the fisheries and aided the Scotch curers in their conquest, which dates from 1815, of the Continental markets. From 1830 a policy of liberating the industry as much as possible from State intervention was followed, though the brand was continued (till 1858 without charge); and in 1868 liberty of fishing was rendered almost complete by the Act, which repealed or amended no less than sixty-four fishery statutes. This freedom contributed, no doubt, to the enormous development of the British Fisheries which has since followed, but the very extent of this development and the introduction of trawling and mechanical propulsion have necessitated a renewal of restrictive action by the State. With, however, this difference: the restrictions enforced during the earlier period were shaped in accordance with local desires or the popular opinion prevailing at the time, they were not based upon ascertained conditions,¹ but the regulations embodied in the Sea Fisheries Acts since 1883, and in the by-laws of the Board have surer foundations. On the one hand, there is available the continuous record of the results of the Scottish Fishery since 1809, the best collection of fishery statistics in the world, and, on the other, since 1882 much valuable research work has been carried on under the direction of the scientific member.²

¹ “A study of the statutes dealing with sea fisheries, especially those passed by Parliament from the middle of last century to about the middle of this, shows that vast sums of money have been expended uselessly and injurious restrictions imposed for reasons which scientific investigations have now proved were illusory.”—*Fishery Board Report*, 1892, p. ix.

² Professor J. C. Ewart was a member of the new Board in 1882, though the appointment of a scientific member, as such, has been compulsory only since 1895.

The existing functions of the Fishery Board may be classified as follows:—

EXISTING
FUNCTIONS.

- (1) The collection of statistics; the Board possesses statutory powers to demand statements of all fish landed and cured in Scotland. 48 & 49 Vic. c. 70.
- (2) The branding of herring barrels and baskets.
- (3) Marine superintendence. By the Local Taxation Account (Scotland) Act, 1898, the Board receive £15,000 a year for providing and maintaining vessels for marine superintendence and the enforcement of the Sea Fishery Laws. They have five cruisers, and a naval ship is also detailed for fishery duty. The chief work is the enforcement of the laws and regulations regarding trawling; the daylight and Sabbath close times for herring fishing in certain West Coast areas; the proper lettering, numbering, and lighting of fishing boats; the investigation and adjudication of complaints by fishermen; the assistance of fishing boats in distress, and the recovery of property and fishing gear lost at sea.
- (4) The supervision and control of the Salmon Fisheries.
- (5) The prosecution of scientific investigations.
- (6) Miscellaneous functions, as, *e.g.*, the financial assistance of harbour works and the dissemination of information as to the progress of the fishing.

The most recent addition to the work of the Fishery Board is the surveillance of the Whaling Industry. WHALING. In the seventeenth and eighteenth centuries the Whale Fisheries had been almost as much an object of State encouragement as the White Herring Fishery; there is, indeed, a considerable amount of legislation about them, but any account of this has been omitted, since it does not present any novel features and would tend to overload this section. This earlier whale fishery was, however, of considerable importance in its time, and flourished until the introduction of mineral oils and the utilisation of gas as an illuminant so decreased the price of whale oil that whale fishing, as then pursued, became unprofitable. At a few places, notably Dundee, the industry lingered on, depending now chiefly on whalebone, but the depletion of the Davis Strait and Greenland fishing-grounds, and the competition of the cheaper Antarctic bone were thought to have killed the industry. Its revival is due to the Norwegians, who have revolutionised the industry and organised its operations so successfully that there has been

in these recent years something of a "boom" in whaling companies in Norway. The chief development has taken place in the Great Southern Ocean, but in 1903 certain Norwegian companies erected factories for flensing, boiling, and other operations in Shetland. After these companies had been established for a few years it became evident that some supervision of their operations was necessary, and this led to the passing of the Whale Fisheries (Scotland) Act, 1907, which prohibited the exercise of the whaling industry without a licence from the Fishery Board, prescribed the conditions under which the industry might be carried on, and the penalties which might be imposed for infringements of the regulations, and empowered the Board to collect statistics regarding the industry generally. The number of companies licensed by the Board is five, four of which are stationed in the Shetlands and one in the Hebrides. The men employed are mostly Norwegians, but the shore factories give employment during the season (May to August) to 140 British workers.

C.—MINOR INDUSTRIES

The Linen Industry and the Trustees for Fisheries and Manufactures—
Home Industries and the Congested Districts Board

BESIDES the fisheries and industries connected with the soil, home industries have also been fostered by the State. In 1727 the Commissioners and Trustees for improving Fisheries and Manufactures in Scotland were established, whose efforts, as far as manufactures were concerned, were mainly directed towards fostering the linen industry in the Lowlands. In 1753 the Trustees received an annual sum of £3000 for nine years from the proceeds of the Forfeited Estates to be expended in starting the cultivation of flax and the manufacture of linen in the Highlands and Islands. The Trustees appointed a General Surveyor of the Linen Manufacture for the Highlands, sent round instructors, and endeavoured to set up the industry at certain selected centres. The proprietors in some cases lent their support and made the spinning of flax an article in the lease. The young women of Lewis were made to go to Stornoway to learn to spin flax in 1764, but the landlords' efforts were not helpful since the people regarded them as oppressive, and used every means of defeating them by providing bad yarn, giving a wrong "tell," or keeping the lint till it rotted. It would seem, too, that the management of the schemes was not always efficient. "I have seen," stated a minister of Stornoway in 1785, "so many partial attempts made to introduce industry among us and all of them misgive and the funds shamefully jobbed." The industry made considerable progress in Inverness town and in Orkney, but elsewhere in the Highlands, including the Trustees' settlements, it proved a failure. In 1775 the spinning industry in the Hebrides was said to have been killed by the encouragement given to the importation of Russian yarn. On the outbreak of war in 1804 the foreign supplies of flax and yarn were interrupted, and the linen industry in the Highlands and Islands was suspended and has never recovered.

There does not appear to have been any further example of direct State aid to industry in the crofting counties till the establishment of the Congested Districts Board in 1897

THE LINEN
INDUSTRY
AND THE
TRUSTEES
FOR FISHERIES AND
MANUFACTURES.

*Third Report
on the State of
the British
Fisheries,
1785, p. 158.*

HOME INDUS-
TRIES AND
THE CON-
GESTED
DISTRICTS
BOARD.

with powers, *inter alia*, to aid and develop spinning, weaving, and other home industries in the congested districts. The Board's first efforts were to provide instruction in the Long Island under the guidance of local committees. They supplied dye-pots free of charge, and advanced money free of interest, for purchasing looms. In addition the Board made several grants to the Scottish Home Industries Association in support of their work in the Long Island, and a grant of £300 in 1905 to another association in assistance of a carpet-weaving factory at Helmsdale. After four years this factory was closed owing to the lack of a regular supply of workers. In 1907 the Scottish Home Industries Association found it necessary to begin to withdraw from Lewis, and the Board took no further steps to promote home industries, having spent altogether £3101 13s. 11d. on this branch of their work, till the last year of their existence, when they appointed Professor W. R. Scott to investigate and report on the subject. Professor Scott's full and interesting Report was published by the Board of Agriculture for Scotland in 1914.

Cd. 7564 of
1914.

PUBLIC HEALTH

Some General Considerations—Emergency Measures—The Public Health Act, 1867—Apathy in the Highlands—A Local Effort discouraged—Reasons for Lack of Progress—The Local Government (Scotland) Act, 1889—Housing: the White Houses; the Black Houses; the Lewis Crofter's House—Attitude of the Board of Supervision—Insanitary Schools—Insanitary Fishing Stations—The Campaign against Bad Housing: in the Lews; in Harris; in South Uist; in Shetland—Lack of Effort in the Lews—The Central Authority moves—Unsatisfactory Progress in the Lews—The Royal Commission on Housing, 1912—Water Supply—Infectious Diseases—Development of the Public Health Services—Existing Functions of the Local Government Board—Existing Functions of the Local Sanitary Authorities—Special Districts.

THE chief duties of a public health authority have been the care for general sanitation and the stamping out of infectious diseases. In an area predominantly rural, like the Highlands, public health supervision is less imperative and more difficult to establish than in a compact and populous urban centre. Elaborate drainage, sewage, and water works are necessary for a large town; they are not necessary and would be exorbitantly costly for a Highland township; many health regulations, such as those dealing with offensive trades or the pollution of the atmosphere can only have reference to large towns. Proper housing and the prevention and control of infectious diseases must, however, be the care of both rural and urban communities. The scope of public health administration is narrower in the country, and this makes the sanitary service more costly to the community in proportion to the work to be done. For such reasons, the development of a public health service in the Highlands and Islands has been very slow and may, indeed, be dated from 1889, though its legal origin was earlier.

Before 1867 there was no general public health service, and the neglect of sanitary measures in the villages and towns may be gathered from the accounts given of the state which existed at a much later date. The sanitary conditions of Inverness burgh were reformed under powers obtained by a local Act in 1847, and other Highland burghs followed this example. In the country, however, nothing was done;

sickness and disease were regarded as the visitations of Providence, and were borne with wonderful fortitude and a patient resignation which, however admirable in itself, was not conducive to sanitary progress. It needed some very serious and widespread epidemic before the people could be stirred from this apathy, and such was the cholera outbreak of 1831-32 (see p. 87). In November 1831 the magistrates of Inverness burgh called the doctors and clergy to consult with them as to the best means of dealing with the situation, and as a result a local Board of Health was constituted. The town was divided into ten districts under the management of committees, and the magistrates issued proclamations urging sanitary precautions on the inhabitants. Reports sent in to this Board of Health show that the sanitary condition of the town was, in many respects, deplorable; the practice of keeping offensive manure in the close neighbourhood of dwellings was almost universal among the numerous poor; in some districts pigs were as numerous as dunghills, and a greater nuisance; slaughter-houses existed in almost every quarter of the town; numbers of the poor people lay on straw, which was too seldom removed; and in many of the houses of the poor the windows did not admit of being opened, having neither sashes nor hinges. It was resolved to raise a public subscription to provide means for manure stances, for lime-washing and medicine, for food, clothing, straw for bedding, flannel belts, and a soup kitchen; and also, if necessary, for securing a cholera hospital. In February 1832 the Commissioners of Supply for Inverness-shire appointed a County Board of Health and placed at its disposal a sum of £300, or an assessment of 1*d.* per £ Scots of valued rent. Similar boards were established elsewhere in the northern counties, although not apparently on any organised plan, some being county, some burgh, and some parochial bodies. In Sutherland, district committees had every cottage in the county visited, cleaned, and white-washed. These various boards of health do not appear to have had any legal sanction; they were voluntary bodies taking a semi-official position because the statutory authorities had naturally in a time of crisis taken the lead in their creation. Their funds were drawn from private subscriptions, even the assessment which the Commissioners of Supply, a primary body, imposed being in reality a subscription. After the cholera epidemic passed away, the boards dissolved.

In 1867 was passed the first general Scottish Public Health

*Inverness
Courier,
Nov. 9, 1831.*

*Ibid., Jan. 11,
1832.*

*Ibid., Feb. 8,
1832.*

Act. It made the Board of Supervision the central, and the parochial boards the local, sanitary authorities. The latter could, and if required by the Board of Supervision must, appoint a sanitary inspector and a medical officer of health. Powers were given to the Board of Supervision of investigation, for dealing with general nuisances, for inspection of meat and prevention of sale of unwholesome food, and for preventing or mitigating infectious diseases. The local authority was called upon to execute the regulations made by the Board of Supervision. Permissive powers were given to the local authority for the provision of hospital accommodation, public conveniences, mortuaries, recreation grounds, and means of disinfection and of conveyance of infected persons. They had also power to regulate common lodging-houses and to defray the cost of vaccination. To compel delinquent local authorities to perform their duties, it was also enacted that inhabitants of a defined *locus standi* might apply to the sheriff; or the Board of Supervision, with the approval of the Lord Advocate, to the Court of Session.

THE PUBLIC
HEALTH ACT,
1867.
30 & 31 Vic.
c. 101.

In the Highlands and Islands the Act remained practically a dead letter. In 1885 Peterkin, the inspector for the North Highland District, reported: "The Public Health Act, which was passed nearly eighteen years ago, can hardly be said to be in operation except in a few places, and I can only repeat what I have formerly said, that local authorities in rural districts are really indifferent on the subject of sanitary matters. I have long been of opinion that Parochial Boards as they are constituted at present are not well fitted to enforce the provisions of the statute for the removal of nuisances. In a large number of instances, more especially in remote places in the Highlands and Islands, it is notorious that there are all manner of accumulations of the most abominable description at nearly every house, within, as well as outside, the walls; but as some of the persons who should take action for the purpose of having all these unwholesome things removed are probably themselves equally offenders to a greater or less extent, it seems to me to be utterly hopeless to expect them to enforce thorough sanitary reforms of any kind. It is not surprising that, under such conditions, typhoid and typhus fevers and other forms of disease usually attributed to bad sanitary arrangements, should be of frequent occurrence; it is more surprising that any person should escape. The only explanation I can suggest is, that possibly the poisons arising from so many

APATHY IN
THE HIGH-
LANDS.

Fortieth
Report of the
Board of
Supervision,
1884-5, App.
A. 1, p. 26.

forms of pollution, within and without the houses to which I refer, are counteracted by the constant burning of the open fires usually placed in the centre of the houses, and by the abundance of mountain and sea air which is admitted by the open and ill-fitting doors. It is also not impossible that the dense clouds of peat smoke in which the people continually live may have some salutary antiseptic properties. The conclusion to which I have come is, that the persons who are usually members of Parochial Boards in rural districts are really unfit to be sanitary authorities, and that the duty of sanitary inspection should either be handed over to the police—by nuisances being declared to be a police offence—or, failing them, to an independent and skilled officer who should have such a district under his charge and be so remunerated as to make it worth his while to devote his whole time to the work; such an officer should also have the power of prosecuting offenders before the sheriff.” This gives the official view; perhaps the best comment upon it is that the death-rate for that district in the year to which the Report refers was 1·55 per cent., as against 1·94 per cent. for all Scotland. The following year the inspector seems to have endeavoured to verify the truth of his impression that the lack of sanitary activity on the part of the local authority was a potent cause of disease. “I had recently,” he writes, “an opportunity of inquiring as to the kind of diseases which were most prevalent in some districts of the Highlands, with the result that, excepting dyspepsia in all manner of forms, no prominence could be given to any particular class of diseases, and that those of the zymotic class were seldom met with and almost never unless they were imported. Under these circumstances it is not perhaps much to be wondered at that there should be no great zeal displayed by the statutory local authorities in the execution of the Public Health Act.” The fact, indeed, was that the pure air and water and the healthy life of the Highlands counteracted the poor housing and the common disregard of ordinary sanitary precautions. The death-rate was low; in the islands, in spite of a totally inadequate medical service and exceptionally bad housing, the rate of infant mortality has always been surprisingly low.

*Forty-first
Report of the
Board of
Supervision,
1885-6, p.33.*

AVERAGE INFANT MORTALITY PER 1000 BIRTHS

	1855-60.	1861-70.	1871-80.	1881-90.	1891-1900.
All Scotland	119·6	121·1	122·7	119·0	127·9
Insular Rural Districts .	88·8	83·1	81·0	72·4	75·7

Both the people and the local authorities were content with the then existing state of sanitary conditions. If epidemics came, they were regarded as the scourge of Providence; even Edinburgh, during the cholera scare of 1853, needed to be reminded by Lord Palmerston that it was better to proceed in the work of sanitary purification and improvement than to proclaim a national fast. In the Highlands the segregation of the people in small communities kept epidemics from spreading; at the same time the disease fell hardly on the infected area and, scarcely combated, burnt itself out, taking a heavy toll of life. So resourceless were the people that the custom became general of deserting the infected and leaving them untended to die or recover. "We have long had reason to know," the Board of Supervision remarked in 1884, "that this custom prevails, more or less extensively, throughout a great part of the Western Highlands. Instances of it, and of the barbarous cruelty resulting therefrom, have been brought to our notice every now and then during the whole of the Board's administration, but we have never been able to devise any effectual remedy for it, which it was within our power to apply."

*Inverness
Courier,
Nov. 3, 1853.*

*Thirty-ninth
Report of the
Board of
Supervision,
1883-4,
p. xxii.*

Strath Parochial Board, however, were anxious to meet the difficulty by appointing parochial nurses, and the Board of Supervision took up a very curious attitude. They admitted fully the power of the local authority to engage the services of nurses whenever they deemed it necessary to do so, in order to prevent the spread of disease among the population, declined to advise them whether they should exercise this power or not, but strongly recommended them to announce in Gaelic and English that they had resolved not to provide a nurse for every person affected with fever or other infectious disease, and that parents and guardians who in future should desert their sick children would be rigorously prosecuted for the offence. It would seem that the Strath Board were checked in their desire to establish a modest preventive service by the central authority's inability to differentiate between the two branches of their administration: Poor Law and Public Health.

*A LOCAL
EFFORT DIS-
COURAGED.*

Even when working on their own lines, the Board of Supervision were unable to do much, if anything, in the way of sanitary reform in the Highlands against the weight of public opinion. They were able to force the appointment of sanitary inspectors, and in 1871 ordered that an inspector must be appointed in all parishes containing a town or village of 2000 inhabitants or more, but this merely resulted

*REASONS FOR
LACK OF
PROGRESS.*

in the conferring of the title on the Poor Law inspector with the addition of a few pounds to his annual salary. The salaries, indeed, were so small as "to imply that no active work was expected or, perhaps, desired." So long as the parochial boards remained the local sanitary authority, no progress was made in the Highlands. Dr. Leslie Mackenzie summarises the reasons for this as follows—

Poor Law Commission, 1909, Vol. VI, p. 182.

- (1) The parish was much too small for public health administration.
- (2) The parochial board had to combine Poor Law administration with the Public Health administration, and these two were then incompatible.
- (3) The expense of officers was too great for the local funds available.
- (4) The interests of the individual members of the parochial boards tended always to conflict with the duties required of them as a local authority for public health.

THE LOCAL GOVERNMENT (SCOTLAND) ACT, 1889. 52 & 53 Vic. c. 50.

A complete reform of the administrative machinery was made in 1889 by the Act which established County Councils and District Committees throughout the country. To these bodies were entrusted the whole of the powers and duties under the Public Health Acts, except in burghal areas. The District Committee became the local sanitary authority, but the County Council made general regulations for the government of the committees and had sole responsibility for raising money. The structure of these bodies is dealt with elsewhere (see p. 52); it is sufficient here to note that the creation of these local authorities on a popularly elected basis and with a wider area¹ revived the administration and led almost at once to a marked improvement in the sanitary conditions of the country.

HOUSING. THE WHITE HOUSES. Napier Report, pp. 48, 49.

The first efforts at reform were directed towards securing better housing. The Highland houses of the poorer classes were, at this period, of two kinds: the black houses, predominating in the Western Islands and the mainland coast districts opposite; and the white houses found everywhere, but being most common on the east and in Orkney and Shetland. The white house, in its usual form, consisted of two rooms, often with a bed-closet between them, and sometimes with garrets in the roof. It had two chimneys in the gables and windows designed to open and shut; the walls were built with mortar; one end was floored with boards,

¹ The Act reduced the 1046 local sanitary authorities in Scotland to the number of 305.

the other with earth or flags; the partitions and ceilings were of wood and clay roughly put together; the roofing was of boards covered with thatch, or felt daubed with tar, or exceptionally with slates. The whole house was, in fact, similar to an ordinary lowland cottage of the plainest character; it was usually built apart from the byre and was, without being particularly attractive or comfortable, sufficiently dry, light, and free from smoke. These houses were built by the tenants, the landlord usually supplying lime, wood, and sometimes slates. Before the passing of the Agricultural Holdings (Scotland) Act, 1883, and the Crofters' Holdings Act, 1886, the tenant had no security that he would obtain at the end of his tenancy any compensation for the building which he had erected on his holding. It is rather curious that the Board of Supervision feared these Acts would check improvement in housing, because the change in the relation between landlords and tenants would, they anticipated, deter Highland proprietors in future from making any effort to improve the conditions of the dwellings on their estates. As a matter of fact, the security of tenure and right to compensation introduced by the 1886 Act led to a great improvement in the houses of the crofters.¹

46 & 47 Vic.
c. 62.
49 & 50 Vic.
c. 29.

*Forty-seventh
Report of the
Board of
Supervision,
1891-2,
App. A. 14.*

It was not, however, the white houses which bothered the sanitary authorities, but the black houses of the west. These were not uniform in character; in their lowest form they were "sordid hovels in which horses, cows, and pigs occupied one end of the undivided tenement, while the human inhabitants, accompanied by pigs and poultry, were immersed in obscurity and dirt at the other." In their higher forms they, though thatched with grass or heath, floored with clay and built with untempered stones, might yet possess a chimney and a window in the wall, a door unshared by cattle, a partition between the stall and the lodging, and, when kept clean, did not offer an unpleasant aspect. It was in the Outer Hebrides that the black houses were most common and most insanitary.

THE BLACK
HOUSES.

*Napier Re-
port, p. 48.*

The typical Lewis crofter's house was built by the crofter himself; it had double low thick walls of loose stone united

THE LEWIS
CROFTER'S
HOUSE.

¹ "It is quite remarkable what an impetus to improvement the Crofters Act of 1886 has already been the means of producing. The feeling that there is security of possession of the holding and that the rent thereof cannot be arbitrarily raised has, along with other causes, predisposed a great number of the crofting class to execute many improvements."—Remarks on improvement in crofter dwellings in Sutherland, *First Report of the Local Government Board, 1894-5, App. A. 18.*

Brand Report,
p. lxxxvi.

*Sixth Report
of the Local
Government
Board for
Scotland,*
1900,
App. A. 31.

*Report on the
Sanitary Con-
dition of the
Lews, 1905,*
p. 4.

by a packing of earth or clay intended to stop the wind blowing through. The roof was composed of a framework of wooden rafters and couples (resting on the *inner* wall), covered over with turf divots and straw, bound with ropes of heather, straw, or coarse thatch-rope, and weighted down with stones. It was never airtight nor watertight, and what rain did not come through, ran down to the earth-packing forming the centre of the walls, which were thus kept perpetually damp. There was no chimney and often no window; if windows were fixed in the wall or roof, they were not made to open. Sometimes there was a round porthole made to open in the roof, but this was not favoured, because it reduced the accumulation of soot which was regarded as a valuable manurial product. These houses had only one door, used by the cattle and family alike. Inside, the house usually contained three compartments. In the middle was the living room with a blazing peat-fire filling the house with smoke. Rough stones covered with clay made a cold and damp floor. On one side of this middle compartment was the sleeping room, on the other the byre. The byre had no paving, and the manure liquids percolated into the ground, and at times found their way into neighbouring dwelling-houses, and even into drinking wells. The dung was allowed to accumulate in the byre till spring, when, having by this time increased the height of the floor by several feet, it was carted or carried in creels away to the fields. The roof with the adherent soot was stripped to the cabers and also used to manure the land. New divots for the roof were then obtained from the hill-side, and this process proved very detrimental to the pasturage. Many of these houses were built back to back, and sometimes in rows three deep.

ATTITUDE OF
THE BOARD
OF SUPER-
VISION.

Such were the black houses of the west, and they presented a very difficult problem to the sanitary authorities. As the Napier Commissioners pointed out, the cost of a house and steading on a £10 croft, which would satisfy the educated expectations of a Government inspector, would exceed the capital value of the holding, and the smaller the holding the greater would be the proportionate outlay for the improvement. They considered that it was impossible to attain definitive results by precipitate and imperative legislation. "The process of amelioration must be prosecuted with deliberation and by mutual assistance, keeping in view the resources at the disposal of the proprietor, and the means, the habits, and the desires of the tenant. Public authority, which is powerless to create by any peremptory proceeding

*Napier Re-
port,* p. 50.

a higher order of dwellings for the Highland poor, is competent to correct abuses which are offensive to the first principles of decency and health." The Board of Supervision took eight years to think these remarks over, and then defined their attitude in a letter to the Secretary for Scotland, which shows very clearly the influence of the Napier Report.

"Now that the provisions of the Local Government Act with regard to the administration of the Public Health Acts in counties have come into force, the attention of the Board has been directed," they wrote, "to the condition of the dwellings of the labouring classes in the Western Highlands and Islands. Many of these dwellings throughout extensive districts would, no doubt, be regarded by modern scientific sanitarians as utterly unfit for human habitation, and the Board fear that in not a few cases such an opinion might be entertained on good grounds. On the other hand, the Board feel that any attempt to secure the sanitary improvement of these dwellings is attended with quite exceptional difficulties. The people, as a rule, it is believed, are satisfied with, and even attached to, their miserable hovels, and it is impossible to change in a day the confirmed habits of a whole people. Nor, so far as the Board are aware, can it be said that the public health or the moral tone of these remote communities suffers in any appreciable degree from the want of better accommodation. The Islanders in general are a hardy race, and epidemic diseases cannot be said to be more generally prevalent in the Islands than in other parts of the country. The Board are of opinion that in these circumstances any proposal involving sudden or sweeping change would almost certainly tend to excite popular resentment and defeat the objects which the Board have in view. Moreover, the local assessments are already so oppressive in many of these districts that the imposition of further burdens even for the most excellent object is to be deprecated. The Board, therefore, are not prepared to advise the local authorities of the Western Isles to take measures in the meantime for the radical reconstruction of the dwellings of the labouring population." Instead, they called attention to the improvements which had resulted from the action of certain landlords in supplying lime and timber, feared that the Crofters Holdings Act¹ would check such improvements, and, after pointing out that the local sanitary authori-

*Forty-seventh
Report of the
Board of
Supervision,
1891-2,
App. A. 14.*

¹ As a matter of fact, the Crofters Holdings Act had a very beneficial effect upon housing generally.—See p. 295 and the *Report of the Deer Forests Commission*, 1892, p. xii.

ties had no statutory right to apply their funds towards the improvement of dwelling houses, appealed to the Secretary to place part of the Equivalent Grant, then about to be distributed, at the disposal of the local authorities in the Western Islands for such purpose. As is mentioned elsewhere, when the £100,000 was given from the Equivalent Grant to County and Town Councils, they were authorised to apply it not only to the relief of rates and towards any expenses incurred under statutory powers, but also under any scheme of public utility framed by the local authority, subject to the approval of the Secretary for Scotland. No scheme of assistance towards improved housing, however, appears to have been matured, for in 1895, when the Board of Supervision had been replaced by the Local Government Board, we find the local authorities of Harris, North Uist, and Lewis begging the new central authority again to approach the Government for a grant-in-aid to enable them to rebuild their cottages; and they were answered that no hope existed of a grant from Imperial Funds for such a purpose, but the Board suggested an application to the County Councils for a part of the Equivalent Grant.

*Second Report
of the Local
Government
Board for
Scotland,
1895-6,
p. xxxiii.*

**INSANITARY
SCHOOLS.**

Meanwhile the attack on insanitary buildings was being pushed against a more accessible foe. It was admittedly difficult to devise any satisfactory means of forcing impoverished crofters to undertake expensive improvements; it was less difficult to get the school boards to move. Many of the schools were in a very bad condition: one, for example, with 200 children in attendance had no water within a quarter of a mile. In 1891 the Medical Officer for Ross reported that the great majority of schools in the county were sanitariously disgraceful; the Medical Officer for Sutherland, that the ventilation of a large number of schools was quite defective. Better ventilation, better sanitary arrangements, and especially an adequate water supply were urgently required. Progress was slow at first; in 1893 the Medical Officer for Ross still considered the sanitation of schools the first and most important matter in the Highlands. The Education Department supported the sanitary authorities, and, when mentioning in 1895 that the latter had been pressing the School Boards, more especially in regard to water supply, expressly added that the authorities had been uniformly reasonable in their demands and had given full consideration to the financial and natural difficulties. Nevertheless, the reconstruction and improvement of school buildings, which

was the result of this pressure, imposed a heavy financial burden on many localities.

Another sanitary problem also faced some of the local authorities. The great fishing industry brought together at certain seasons of the year a large number of persons at places where there was no adequate accommodation for this periodical influx. The results were deplorable overcrowding and most insanitary conditions. At Helmsdale, during the fishing season of 1892, it was found that 122 families out of 138 examined, or 88·4 per cent. were living in one room; in the 165 rooms specially examined 806 people were discovered, giving an average of 4·88 per room. "In almost all the coast towns from Banff to Thurso," writes the inspector of the district in 1895, "the quarters occupied by the fishing population are in an extremely insanitary condition." These conditions have been steadily reformed, often by making the fishing station a "special district" (see p. 311) for public health purposes.

INSANITARY
FISHING
STATIONS.

*First Report
of the Local
Government
Board for
Scotland,
1894-5,
App. A. 18.*

When the new authorities under the 1889 Act had settled down, they determined to initiate reforms by a crusade against the housing of cattle with the family. In 1893 the Lewis District Committee adopted a minute warning the people that they intended to insist on a complete separation of the byre from the living-room and on a separate entrance to each. Four test cases were brought before the sheriff in 1895, and he issued an interlocutor ordering the following structural alterations to be executed by the defenders—

THE CAM-
PAIGN
AGAINST BAD
HOUSING IN
THE LEWS.
*Brand Report,
p. lxxxviii.*

- (1) The erection of a stone or brick gable between the dwelling-house and the byre, so as to leave no means of internal communication between both buildings; the gable to have a fireplace, thus putting an end to the old custom of having the fire in the middle of the floor.
- (2) A window in the front wall of the kitchen of the dwelling-house.
- (3) A separate door from outside for the cattle.

Ibid., App. M.

Four test cases were also brought by the Harris District Committee: one was withdrawn, but the other three offenders were ordered to provide byres apart from dwelling-houses within three months. These test cases roused the people in the vicinity of the convicted parties to commence building operations, but only in a few cases was the work completed, often because the people, after having built the walls, could not obtain wood for the rafters. The

IN HARRIS.

*First Report
of the Local
Government
Board for
Scotland,
1894-5,
App. A. 24.*

Committee determined to pursue the campaign and, as a preliminary step to more drastic measures, took a census of offenders, which gave a total of 167 dwelling-houses, containing 431 animals, comprising 397 cattle, 30 sheep, and 4 horses. Legal proceedings were then instituted against 28 of the principal offenders, care being taken to select at least one case from each township. The result of this action was very satisfactory, and in a few years Harris was almost clear of this objectionable type of combined stable and home.

NUMBER OF HOUSES IN HARRIS WHERE THE CATTLE WERE HOUSED
IN THE DWELLING

Jan. 1, 1896	.	.	167 houses containing 431 animals
Jan. 1, 1897	.	.	25 " " 71 "
Jan. 1, 1898	.	.	13 " " 23 "

IN SOUTH
UIST.

In the other districts of the Long Island, conditions were equally bad, but were not so successfully met. The South Uist district had still, in 1896, 293 dwelling-houses containing 854 animals, comprising 569 cattle, 204 sheep, and 9 pigs. As a result of the insanitary conditions there was a serious outbreak of typhus fever. In 1896 one person out of every 1449 of the population of the insular districts of Inverness-shire had the fever, whereas in the mainland districts there was not a single case, and even in the crowded cities of Glasgow and Edinburgh the rate was only one in 14,101 and one in 28,915 respectively. The epidemic was extremely difficult to overcome because of the lack of any proper means of treatment. Even had the medical service been adequate—and it was hopelessly otherwise (see p. 130)—it was useless to treat the sufferers in the midst of their dirty and crowded hovels. There was no provision for hospital accommodation for infectious diseases, and their establishment was beset with difficulties. The Medical Officer for Inverness-shire considered that many thousands of pounds might be expended on the erection of hospitals without much benefit because of the archipelagic nature of the area. "On which," he asks, "of the forty-nine inhabited islands are hospitals to be erected?" His own suggestion was the improvement of the houses or the provision of a movable hospital. While he was reporting, the epidemic was raging with increasing virulence in South Uist and Eriskay. The people, panic-stricken, fled from the infected and left them to the care of a few devoted men led by the doctor and the priest. Nineteen deaths, including that of Father Rigg, occurred in four months. The Local Government Board,

*Fourth Report
of the Local
Government
Board for
Scotland,
1897-8,
App. A. 33.*

after inquiry, dismissed the local sanitary inspector and called on the District Committee to provide, furnish, and maintain a hospital for infectious diseases. Eventually two buildings—one for Benbecula and one for South Uist—were secured and converted into modest hospitals, and nurses were obtained from Edinburgh.

Fourth Report of the Local Government Board for Scotland,
p. xlvii.

In Shetland the housing conditions were also very bad; cattle-housing was common, and there was much overcrowding in the crofters' houses. Cases are reported of thirteen people, and sometimes more, sleeping in two small rooms, in one of which all the cooking was done, lines baited, fuel kept, and, in some houses, live-stock in the shape of young pigs and hens. Several of the houses had no windows. In 1861, 91·5 per cent. of the population of Shetland lived in houses with less than three windows, and 16·1 per cent. in houses without a window at all; the census of 1911 shows that practically half (48·8 per cent.) of the people now live in houses with less than three windows, while there still remain four houses windowless. These four are the last windowless houses in Scotland; there are none now in any other county. In 1861—the last census year before the passing of the first general Public Health Act—there were 7964 windowless houses in the whole of Scotland; this figure dropped at once to 1515 in 1871, then to 492 in 1881, to 398 in 1891, and to 41 in 1901.

IN SHETLAND.

Fourth Report of the Local Government Board for Scotland,
App. A. 33.

The effort at improvement made in the Lews in 1893 was not sustained. Reports from the local sanitary inspectors mention subsequent cases of marked improvement, but it is probable that these reports give too optimistic an impression of the progress, since the inspectors were naturally eager to notice and report any sign of improvement. It was these reports, presumably, which misled the authors of the Brand Report into remarking in 1902 that the progress in housing improvement in the Lews, though slow, was not unsatisfactory on the whole. Probably a truer idea of the state of affairs is given by the Medical Officer for Barvas who, in 1900, concluded a vivid description of the wretched houses with the remark: "Though the dwelling-houses of the people are here so defective and unsatisfactory, and though many improvements might be effected as regards these houses and their surroundings without entailing the slightest hardship on the people, there have been practically no effective proceedings taken by the sanitary authorities to enforce such improvements." The truth was, the administration at this period was particularly weak. The chief medical

LACK OF EFFORT IN THE LEWS.

Op. cit., p. xc.

Sixth Report of the Local Government Board for Scotland,
1900,
App. A. 31.

officer for the district resided as far away as Dingwall, while the assistant officer at Stornoway was incapacitated by age from much active service. Not only were the people, with very few exceptions, refusing to build better houses to replace their old insanitary hovels, but new houses of the bad old primitive type continued to be built. The problem in the Lews was rendered particularly difficult by the extremely congested state of the population; there were "crowds of squatters who construct hovels, appropriate land, and possess and pasture stock, but pay no rent, obey no control, and scarcely recognise any allegiance or authority." The names of such people not appearing on the estate books, their knowledge of the precarious nature of their tenure was sufficient to prevent them from attempting any improvement in housing, even if they had possessed the desire so to do.

Napier Report, p. 43.

THE CENTRAL
AUTHORITY
MOVES.

*Report on the
Sanitary Con-
dition of the
Lews. Cd.
2616 of 1905.*

In 1905 the attention of Parliament was called to the sanitary conditions in the Lews; the Secretary for Scotland had to meet the implied criticism of parliamentary questions, and, as a result, the Local Government Board for Scotland sent two of its officials to investigate and report. They visited seven townships, and their account is appalling. Precise figures are only given in the case of four townships—Back, Arnol, Bragor, and Lurebost—and of the total number of 314 houses all, except 42, were grossly insanitary and unfit for habitation. In the seven townships cattle-housing was the almost invariable rule, and when, as usual, the houses were built side by side, the fluid from the heaped manure in the byre of one house percolated into the sleeping apartment of the next. The approach to the houses was through a sea of mud, filth, and liquid manure. In one house, which was just one large room, they found nine people,—of whom one, the wage-earner, was dying of phthisis,—three cows standing above their knees in about four to five feet of manure, a sheep that had evidently just lambed, and a number of fowls. In front of another, a heap of manure about six feet high was piled up to within two feet of the narrow and low entrance. "Immediately on opening the swing door one was met by the ammoniacal odour from the byre and was conscious of walking on and sinking into manure. The darkness prevented one seeing anything at first. Three cows occupied about two-thirds of the available space, and the darkness was so profound that one rubbed against them before seeing them. There was only a hole in the roof above the fire and one above the door through which light and air could enter,

Ibid., p. 8.

and unless the door had been open one could not have seen anything. Even with the aid of wax vestas, it was impossible to make out clearly the outlines of any single object. In a space about half as large as that occupied by the cows and about eighteen inches above it (owing to the surplus manure being piled outside the door) there was the sleeping and living room. There was only a wooden plank on the earth floor, resting on stones (at least that is all one could make out in the darkness), and no vestige of a bed, or bedding. In this awful den, not fit for a pig, there are housed two wretched old paupers, who are compelled to crouch over the peat-fire all night as there is no bed to retire to."

These two cases are quoted here lest the Report should be too lightly dismissed as the work of "modern scientific sanitarians" unfamiliar with the Hebrides; they were perhaps the worst cases, though the Report states: "It is quite impossible to single out any particular house or set of houses which are worse than any others. They are all in a state which can only be called appalling." It is not often that two high officials are shocked into such language as this!

Report on the Sanitary Condition of the Lews. Cd. 2616 of 1905, p. 7.

By this time cattle-housing had been practically abolished in Harris¹ and Benbecula, and only a few cases remained in North Uist. In South Uist it still existed to a considerable extent, but the number of such houses was being steadily reduced. The recommendation was, therefore, made that the Lewis authority should adopt similar methods to those which had proved successful in Harris, and, on receipt of the Report, the Board wrote to the District Committee insisting that such methods should be put in practice. They also urged a reorganisation of the executive, but the committee replied that with their public health assessment at its maximum they had no funds either to meet the salary of a medical officer who would give his services exclusively to the committee or to bear the cost of any improvement in the staffing of the sanitary inspector's department. This rather nonplussed the Board and, at the moment, they could think of nothing to do except declare: "(1) that the present condition of affairs in the Lews cannot be allowed to continue; (2) that it is essential that there should be in the district a proper staff consisting of a medical officer of health and at least one sanitary inspector giving their whole time to the duties. We earnestly trust," was their not very

UNSATISFACTORY PROGRESS IN THE LEWS.

¹ "There were between thirty and forty cases remaining in North Harris in 1909."—*Poor Law Commission*, Vol. VI. Fletcher, q. 65,857.

helpful conclusion, "that at no distant date the local authority may be enabled to deal effectively with this most serious and difficult situation." Later they advised the committee in the first place to abolish cattle-housing in dwellings, and secondly to insist on the surroundings of the houses being kept free from nuisance. The committee, thereupon, issued a notice ordering that a substantial wall should be built between the byre and the living-room in all houses where cattle and people were living together, and that the immediate surroundings of all crofters' houses should be kept free of all matter likely to cause a nuisance. A year's progress resulted in 100 houses being altered in accordance with this notice, but there still remained in the Lewis district the extraordinary number of 3000 houses, many belonging to squatters, which did not meet the requirements. It appears that many of the people were disinclined to do anything till the fate of the Small Landholders Bill, then before Parliament, was known. A further notice was published and several members of the local authority commenced an itinerant crusade to impress the people with the necessity for action. Progress, however, was but slow. The remarks of the County Sanitary Inspector in 1907 are significant: "In the Hebrides our twentieth-century ideas of progress are applied to eighteenth-century conceptions. Improvements are effected that are alien to the conceptions of the community, and at the first opportunity custom and habit assert themselves as strong as ever. At the same time it is a gratifying feature of the case that the measure of the progress achieved is more the result of individual exertion than of administrative action, and on that account every endeavour should be made to stimulate the movement rather than insist on official reforms which do not appeal to the sympathies of the community." This is a fairly plain, however gracefully worded, intimation that the local authority and their officials were getting weary of the Board's urgency, and the central authority, repulsed by Hebridean apathy and considering that they had done enough to enable them to retire without disgrace, returned gladly to the more congenial task of preparing evidence for the new Poor Law Commission. It should be remembered that the Lewis campaign, of which the unsatisfactory progress has just been recorded, was directed primarily against cattle-housing; even had it proved as successful there as in Harris, the housing conditions would still have remained very bad. At the very time when the Board's investigators were

*Thirteenth
Report of the
Local Govern-
ment Board
for Scotland,
1907, App.
A. 27 (42).*

reporting that the housing conditions in the rest of the Outer Hebrides were strikingly, and almost invariably, superior to those in the Lews, the Medical Officer for Harris writes : "There are 381 bad black houses in Harris. The mischief done by these black houses and the filth inseparable from them is so great that all other causes become insignificant in comparison, and any attempt at improving the sanitary conditions of Harris, and for that matter of the Outer Hebrides generally, must begin with the houses."

*Twelfth
Report of the
Local Govern-
ment Board
for Scotland,
App. A. 40
(36).*

How little progress had, in reality, been achieved may be gauged by the fact that the Poor Law Commission of 1909 felt obliged to draw attention to the grossly insanitary condition of the houses in many parts of the Highlands and Islands. It was their opinion that the Poor Law problem in the Outer Islands was largely a public health problem, but they recognised that, with the public health assessment at its legal maximum, it was scarcely possible that, without outside pecuniary assistance, any adequate measures could be taken to improve the existing conditions. To take the most flagrant example : the parish of Barvas could not raise more than £120 a year with a maximum rate, and with this sum it had to face conditions thus described by the local medical officer : "The number of inhabited houses is over 1300 grouped in some 26 separate townships; and over 1000 of these houses are glaringly and shockingly defective from a sanitary point of view, as regards their construction, internal arrangements, ventilation, lighting, drainage, and surroundings. Human beings, cattle and other live-stock, are all housed under the same roof without any effective partition-wall; all enter by the same door as a rule, breathe the same air night and day, while the excretal matters of man and beast, and refuse and slops, are allowed to accumulate in the byre end of the house from spring to spring. Drainage is almost entirely neglected about the houses, and liquid sewage is permitted to find its way where it may. The water-supply is often defective, and frequently contaminated with sewage." These words were written five years ago (1909) not by a shocked visitor, but by a doctor of over twenty years' experience as the local official. Admitting that the last five years have witnessed some improvement and that the Small Landholders Act has had its effect as a stimulant, it yet remains true that the existing administrative machinery has failed in Barvas and, to a less degree, in the Outer Islands generally, to accomplish a reform which is reasonably regarded as the most urgent and the

*Poor Law
Commission,
1909, Report
on Scotland,
p. 154.*

*Ibid., Vol. V.
Ross,
q. 65889.*

necessary prelude to any further advance either with regard to the decrease of pauperism or the improvement of sanitary conditions and public health.

ROYAL COM-
MISSION ON
HOUSING,
1912.
Report, 1917,
p. 217.

The Royal Commission on Housing in Scotland, appointed in 1912, reported in 1917. They found that "over the crofting districts as a whole there has been a steady improvement in housing during the last generation, due partly to assistance and example from the estate authorities, but to a large extent through the exertions of the crofters themselves—now secure in their tenure and assured of payment of compensation for permanent improvements—influenced by a rising standard of life set by greater contact with the outer world, and helped by their own increased prosperity, and the contributions of members of their families who have left their native districts to push their fortunes elsewhere at home and abroad. Bad—in some areas wretchedly bad—housing survives in the more backward districts of the crofting areas and must be considered in connection with the general social conditions of the communities in which it is found." They describe the housing in Argyll, the mainland of Inverness, and East Ross as relatively good; a result which seems to be due partly to the stimulus of the demand for houses by summer visitors and partly to the fact that timber is more easily obtainable. In the Long Island defective housing and insanitary conditions are still widely prevalent.¹ There were 467 black houses in North

Ibid., p. 211.

Uist as against 247 white ones. In Harris "the Public Health officials agreed that it was hopeless to do anything with the greater part of the black houses in the parish, and these are apparently 60 or 70 per cent. of the whole."

In Lewis² probably 80 per cent. of the houses are still the black-house type and cattle-housing remains general. The

Ibid., p. 212.

medical officer of health testified that "the death-rate from phthisis is more than double what it was forty years ago, while in the county generally it has gone down about 40 per cent. While not neglecting the virgin soil, I am convinced that the housing conditions are the main factor in causing the annual toll of fifty deaths from consumption."

¹ "There are at least 5000 defective houses in the Outer Islands, of which many are in Lewis."—*Royal Commission on Housing in Scotland*, 1917, p. 440.

² "That such a condition of affairs as we found in Lewis should exist within twenty-four hours of Westminster is scarcely credible. Nor is it creditable from a national standpoint."—*Report of the Committee on Medical Service in the Highlands and Islands* [anent insanitary dwellings], 1912, p. 9.

In the rest of the crofting counties the housing is still bad in certain districts, but "there has been a sensible improvement in the last generation, and further progress is now looked for on the same lines as has been followed during that time," *i. e.* the replacement of damp thatched roofs by dry slated ones, windows being made to open, and the attainment of a generally higher standard of comfort and healthiness. In Skye over a thousand new houses have been built during the last thirty years, but 1397 old thatched houses remain, of which "probably one-half are antiquated and unsuitable for occupation." The Commission recommended State aid for housing reform in the crofting counties to the extent of £300,000, but were divided in opinion as to the character of the central authority to whom the administration of this grant should best be entrusted (see p. 389).

Report, 1917,
P. 209.

Ibid., p. 206.

The water supply in the crofting counties is generally obtained from wells or from mountain streams or lochs. The cost of a gravitation supply is prohibitive, except in the case of the towns and larger villages. The Outer Hebrides are again unfortunate in this respect, for the people there obtain their water from shallow dip wells liable to surface pollution. Except in winter or wet weather, these holes are dry, and the people have to go to the nearest mountain stream or loch, sometimes a long distance away. Considerable improvement has been made since these wells were described in 1891 as "little better than cesspools for surface soakings." In many cases where the water was found to be impure, the well has been condemned and a new one opened in a suitable position. In other cases the well has been cleaned out, protected with concrete walls, covered in, and a pump installed.

WATER
SUPPLY.

The obligation to provide a water supply rests under the Public Health Acts with the owner of the dwelling, but on the majority of crofting estates it would be beyond the proprietor's resources to supply water to crofting tenants. In a few more populous areas a "special district" has been constituted, but this method is not possible for the scattered small townships of the north and west. In Vatersay the Congested Districts Board erected tanks with a capacity of from 141 to 1066 gallons, which have proved successful. The Royal Commission on Housing consider that the water supply must be undertaken as a public service by the local authority, but, seeing that the public health rate has already reached its statutory limit of 1s. in the £ in Lewis and is high in several other districts—to say nothing of the existing

crushing burden of other rates—they consider that State aid to the extent of £200,000 should be provided.

INFECTIOUS
DISEASES.
52 & 53 Vic.
c. 72.
60 & 61 Vic.
c. 38.

An adoptive Act providing for the notification of infectious diseases to the local sanitary authority was passed in 1889, and made general by the Public Health Act of 1897, which latter also gave the necessary power to the Local Government Board for Scotland to compel the local sanitary authorities to provide hospitals—temporary, permanent, or portable—for persons suffering from infectious diseases, with the nursing services incidentally necessary. The local authorities were also given power, and might by the Local Government Board be compelled, to provide reception houses for convalescents from infectious diseases and for persons who may have been exposed to such infection. Such reception houses, though urgently needed, had nowhere been established in the Highlands and Islands in 1912. The provision of hospitals has been very difficult, owing to the geographical conditions and the low rateable value. "In many localities," reports the Medical Member of the Local Government Board, "the provision of hospitals has been found so difficult that even for the major infections no hospital at all is available. These localities are undoubtedly the exception; but the economic conditions are frequently such that the rates would be grossly overburdened if adequate provision of hospitals, convalescent homes, and reception houses were rigidly enforced." There were eighteen general hospitals in the crofting counties in 1912. The Northern Infirmary at Inverness has accommodation for sixty-eight sick, but the other hospitals, with an average accommodation for twelve sick, are mainly privately supported cottage hospitals. The local authorities may, with the Board's consent, employ nurses to attend persons suffering from infectious diseases in their own homes and may also supply medicines and medical attendance. This method, however, proved difficult in adoption since the homes in many localities were quite unsuitable for the isolation or treatment of the infectious sick. Moreover the expense of providing trained nurses or tolerable house accommodation for them was very considerable.

*Report of the
Highlands
and Islands
Medical Ser-
vice Com-
mittee, 1912,
App. I, p. 45.*

DEVELOP-
MENT OF
PUBLIC
HEALTH
SERVICE.

In recent years there has been a considerable advance in the scope of the Public Health service, amounting almost to a change from a negative to a positive policy. Perhaps it is hardly fair to call the State policy hitherto pursued a negative one, but certainly State action has been chiefly devoted to the removal of nuisances, the control of infectious

diseases and the suppression of houses unfit for habitation. It has been curative rather than preventive. Recent legislation aims at raising the general standard of public health and has concentrated on child welfare. The heavy rate of infant mortality has long been felt as a blot on our civilisation, and the enormous drain on the nation's manhood during the Great War forced action which might otherwise have been delayed. It is true the rate of infant mortality in the Highlands and Islands is less than in the rest of Scotland and considerably lower than in the great urban areas, yet, as the Medical Officer of Health for Lochaber states: "That 76·6 per thousand infants born in a locality like Kilmallie should die before they have completed the first year of existence is a reproach. That of these nearly 50 per cent. should die before the first month of their existence is almost a scandal to our age and civilisation." The need for maternity assistance was general. The first step was the passing of an adoptive Act providing for the notification of births to the Medical Officer of Health within thirty-six hours of the birth. In the next year, 1908, by the Education Act, the duty of the medical inspection of school children was imposed on the School Boards (see p. 175), followed in 1913 by the power to provide medical (including surgical or dental) treatment for such children. In 1911 the National Insurance Act granted maternity and various other benefits to the insured classes. In 1915 the notification of births was made compulsory, and local sanitary authorities were given the power to make arrangements, subject to the approval of the Local Government Board for Scotland, for attending to the health of expectant mothers, nursing mothers, and children up to school age. For the purposes of this Act, local authorities could combine or could exercise their powers through committees which might include co-opted members. A grant-in-aid of one-half the approved expenditure is given. In the same year the first Midwives (Scotland) Act was passed, giving the local authorities supervision over the midwifery service. It provided for the registration, supervision, and control of midwives, and authorised the local authority to contribute, with the sanction of the Local Government Board, to the training of midwives, and to pay a medical fee, with due allowance for mileage, to a doctor called in by a midwife in an emergency. In some respects the central authority is the Central Midwives Board, but the Local Government Board is the channel through which the grant is distributed and the authority which has to approve

W. L. Mackenzie: *Report on the Physical Welfare of Mothers and Children in Scotland*, 1917, p. 419.
7 Ed. VII, c. 40.

8 Ed. VII, c. 63.

3 & 4 Geo. V, c. 12.

1 & 2 Geo. V, c. 55.

3 & 4 Geo. V, c. 37.

the general schemes under the Notification of Births (Extension) Act. Like most new extensions of administrative activity, the provision of these schemes is not obligatory, but optional.

As far as the Highlands and Islands are concerned, it would appear that this legislation is somewhat confused. The Highlands and Islands (Medical Service) Board were empowered in 1913 to prepare schemes for the purpose of improving the medical service, including nursing, and otherwise providing and improving means for the prevention, treatment, and alleviation of illness and suffering. These schemes had to be approved by the Secretary for Scotland. Presumably, the District Committees will adopt or adapt these schemes and obtain approval from the Local Government Board. Grants-in-aid will then be drawn from both

3 & 4 Geo. V,
c. 26.

The functions of the Local Government Board with regard to Poor Law Administration are dealt with elsewhere (see p. 126); here it is convenient to summarise their functions as the central public health authority. They exercise a general guidance and supervision over the administration of the Public Health Acts. This is attained (1) by the weight of their advice and opinion backed by their powers of inquiry, report, and publication; (2) by their almost complete direct control of the two chief local officials—the medical officer of health and the sanitary inspector (see p. 53); (3) by their power of modifying or disallowing by-laws; (4) by their power of taking action in a court of law to compel the local authorities to carry out their statutory duties. The Board have also various other powers, including those of requiring the local authority to provide and maintain a hospital for infectious diseases and houses of reception for convalescents; of making, altering, and revoking regulations for preventing the spread of any epidemic, endemic, or infectious disease; of requiring the co-operation of local authorities for certain purposes; of vetoing sewage schemes; of permitting an increase in the special district rate above the normal maximum; certain controlling powers with regard to borrowing

EXISTING
FUNCTIONS
OF THE LOCAL
GOVERNMENT
BOARD.

money and the acquisition of land by local authorities; and the power to constitute port sanitary authorities. In addition to the above powers accruing from the Public Health Acts, the Local Government Board have also powers as the central authority under the Housing Acts, the Infectious Diseases Notification Acts, the Sale of Food and Drugs Acts, the Vaccination Act, the Notification of Births Acts, and certain functions under the Private Legislation Procedure (Scotland) Act.

The County Council have the power to levy a rate, borrow money, and acquire and hold land, but no works involving capital expenditure can be undertaken without the sanction of the Standing Joint Committee (see p. 51). The Council have also powers to make by-laws, to promote or oppose Bills in Parliament, and to make advances under the Small Dwellings Acquisition Act. They decide whether the county area shall be divided into districts, and, if it be, they may make general regulations for the government of the District Committees and can report any such committee to the Local Government Board for negligence, dereliction of duty, or improper action. In practically all other respects the District Committee (see p. 52) is the local sanitary authority. On them are placed the duties of suppressing nuisances, the control of offensive trades, of the general prevention and mitigation of disease. They may provide and maintain hospitals and reception houses, and provide nursing, medicine, and medical attendance for persons suffering from infectious diseases. They may provide public conveniences, slaughter-houses, mortuaries, and places for post-mortem examinations. They arrange for the inspection of dairies and the regulation or prohibition of the sale of milk, for the inspection and seizure of unsound food exposed for sale. They may make by-laws for securing the sanitary condition of, and for preventing overcrowding in, public conveyances, and, subject to the approval of the County Council, for regulating buildings. The committee can arrange for, acquire, or provide a water-supply, can make and cleanse sewers and drains, and provide and maintain sewage utilisation works. They regulate common lodging-houses, and provide for the cleansing and disinfection of verminous persons. They may defray the cost of vaccination, and have various other functions under the Sale of Food and Drugs Acts, the Factories and Workshops Acts, the Housing of the Working Classes Acts, and the Notification of Births Acts.

EXISTING
FUNCTIONS
OF THE LOCAL
SANITARY
AUTHORITY.
62 & 63 Vic.
c. 44.

The expenses of the local sanitary authorities are met mainly by the general public health rate which, apart from

SPECIAL
DISTRICTS.

assessments levied under the National Insurance Act or in connection with tuberculous diseases, is limited to a maximum of 1s. in the £. There are certain areas, however, where the population, though not sufficiently dense as to lead to the creation of a burgh, is yet so closely settled that the general public health rate would not cover the cost of the greater activity required in public health measures. For such areas the device of a "Special District" has been adopted. Provision was made for the creation of Special Districts by the Public Health Act of 1867, but is now controlled by the 1897 Act. The general principle is, that a rural sanitary authority may mark out a special part of their district and form it into a separate area for the purposes of water supply and drainage. It is competent for any person interested to appeal to the sheriff against the formation of any such district. A special district rate, in addition to the general rate, is levied on the Special District, and this is limited to 3s. in the £ for water-supply and drainage, unless the Local Government Board sanctions a higher rate. Special Districts can also be constituted, on the application of one or more parish councils or ten parish electors to the District Committee, for scavenging, lighting, or the provision of public baths and wash-houses; and the special district rate for these purposes is limited to ninepence in the £. There is no appeal against the decision of the District Committee; but, in cases where the new district would include part or all of a special district for water-supply or drainage, the consent of the County Council is required. The extent to which this device of Special Districts is used in the crofting counties is shown in the following table.

SPECIAL DISTRICTS IN THE CROFTING COUNTIES, 1912

	Water.	Drainage	Lighting.	Scavenging.
Argyll	21	10	2	3
Caithness	3	—	—	1
Inverness	16	6	3	2
Orkney	1	—	—	—
Ross and Cromarty	15	9	7	5
Shetland	3	2	1	2
Sutherland	7	4	2	2
Total	<u>66</u>	<u>31</u>	<u>15</u>	<u>15</u>

Portnahaven and Broadford Special Districts were levying the maximum 3s. rate for water and drainage, and one Special District—Kyleakin—had obtained sanction for a rate of 4s. 6d. for water supply.

COMMUNICATION

Importance of Roads in the Highlands—The Military Roads—Statute Labour—Commutation and Turnpike Tolls—The Burden of Maintenance—Telford's Survey—Highland Roads and Bridges Act, 1803—The Burden of Maintenance again—Roads in 1814—Financial Position—Reorganisation—County Roads—Exemption of Poorer Classes from Rates—The Incubus of the Road Debt—The Influence of Railroads—Cost of Maintenance in 1860—Existing Administration—Minor Roads in the West—The Congested Districts Board—The Carloway Road—Steamers and Railways—The Road Grants—The Influence of Motor Traffic—An Unsatisfactory State of Affairs—The Caledonian Canal The Crinan Canal.

MANY of the difficulties of public administration in the Highlands and Islands are to be traced to the social and economic conditions resulting from the isolation of this district from the more populous and better developed regions of the Lowlands. It is probable that the gradual improvement of communication has done more than any other single cause—unless it be the spread of education—to ameliorate the conditions of life and, both directly and indirectly, to facilitate public administration in the remote north-west of Britain. As Sir John McNeill remarked in 1851 : “ The circumstances that determine the progress of such a people as the inhabitants of those districts, in the vicinity and forming part of a great nation far advanced in knowledge and in wealth, appear to be chiefly those which determine the amount of intercourse between them. Where that intercourse is easy and constant, the process of assimilation proceeds rapidly, and the result is as certain as that of opening the sluices in the ascending lock of a canal. Where that intercourse is impeded, or has not been established, it may perhaps be possible to institute a separate local civilisation, an isolated social progress; but an instance of its successful accomplishment is not to be found in those districts.” It is for such reasons that the making of roads and railways in the Highlands was a matter of more than ordinary importance, though, from the nature of the country, of more than ordinary difficulty.

IMPORTANCE
OF ROADS
IN THE
HIGHLANDS.

Sir John
McNeill's
Report, 1851,
p. xxxviii.

The history of road-making in the Highlands begins with the military roads of General Wade. Before these were commenced there existed only cattle-tracks, and these, though

THE MILI-
TARY ROADS.

under favourable conditions serviceable for pedestrians, pack-horses, and cattle, were often rendered impassable by rain-swollen torrents. After the Rebellion of 1715—when the Hanoverian troops were unable to penetrate beyond Blair Athol—the Government determined to construct main roads of strategic value. The work commenced in 1732 and by the time of the 1745 rising Stirling had been connected with Inverness, and Inverness with Fort William. The military operations which terminated at Culloden having proved the value of these roads, the work was continued and nearly 800 miles of road with 1000 bridges were constructed by the soldiers, who received extra pay for their labours. The work was carried on under the direction of the Commander-in-Chief in Scotland and the particular superintendence of an officer called the Baggage Master and Inspector of Roads in North Britain. Up till 1770 the necessary funds for construction and maintenance were issued by the Paymaster-General of the Forces, but, as this proved conducive to negligent management, the money from 1770 was provided by a parliamentary grant which, until 1783, was £7000 per annum. From 1783 to 1803 the grant was irregular in amount, averaging £4700 per annum. As time went on, the need for the roads, from the military point of view, diminished; they lost, as it were, their national justification and came to be considered of merely local utility, so that a Select Committee on Finance in 1798 expressed the opinion that the burden ought to be transferred to local funds. This process had in fact already commenced. The 682 miles of military road which were still maintained in 1785 had, by 1799, been reduced to 599 through certain portions having been given up to the county for maintenance.

Now, though before the nineteenth century there were not in the Highlands and Islands any roads except these military highways and the cattle-tracks, the county authorities had the power, and in the Lowlands used it, of highway supervision and repair. The first general legislative provision on the subject of roads came in 1617, and the Acts of that year and of 1661 gave power to the Justices of the Peace to mend all roads to market-towns, seaports, and churches. These provisions proving for the most part ineffectual, an important Act was passed in 1669, appointing the Sheriff and the Justices of the Peace to be the local road authority, and empowering and requiring them to convene all tenants and cottars and their servants to have in readiness horses and carts for repairing the highways, and to convene at such places as the local

H.C. Paper
No. 63 of
1814, p. 3.

STATUTE
LABOUR.

22 Jas. VI,
c. 8.
91 Chas. II,
c. 38.

2 Chas. II,
c. 16.

authority should appoint, provided that the days for which they are required should not exceed six for man and horse yearly for the first three years, and four thereafter. The goods of absentees were to be poinded to the value of 20s. Scots each man daily and 30s. for man and horse. This "statute labour," as it came to be called, was not considered likely to be adequate, and the Act therefore decreed that the heritors were to be stented for whatever sum should be found necessary up to a limit of 10s. in the £100 Scots of valued rent. The Act further authorised the levying of moderate customs at bridges, causeways, or ferries in case the stent was deficient. The administrative machinery was carefully provided; the Justices of the Peace and the overseers appointed by them were ordered to meet once a fortnight in June and July to take account of the highways committed to them; the convener of the justices was required to give a particular account of the work done, and the Privy Council were given power to punish the authorities for negligence. Three amending or supplementary Acts must also be mentioned: in 1670 the local authority was empowered to dispense with the attendance of persons living at a distance, such paying 6s. yearly for each man and 12s. for each horse; in 1686 the space of working days was altered to six for five years and the Commissioners of Supply were joined with the Justices as the local authority; in 1718 the six days were ordered to be three before June, not being seed-time, and three after harvest, the penalty for non-attendance to be 1s. 6d. a day. This last Act also abolished the punitive powers of the Privy Council, but ordered the Commissioners of Supply and the Justices of the Peace as the local highway authority to appoint officers, or, as we should say, a committee, to supervise the work. Any one refusing to serve on this committee was fined £5; and the local authority was ordered to hand in an annual report to the Justiciary Circuit Court.

This system of personal service on the roads was found to be increasingly oppressive and inadequate as the country advanced in prosperity and trade. The oppression was removed by the commutation of personal service for an annual money payment; the inadequacy by the supplement of this money from sums gathered by the institution of turnpike tolls. Both these reforms were carried out by a series of local Acts, of which no fewer than 350 were passed between 1750 and 1844.

Let us now return to the question of the upkeep of the military roads at the beginning of the nineteenth century.

2s. 2p. Chas.
II, c. 9.

Jas. VII, c. 8.

5 Geo. I, c. 30.

COMMUTA-
TION AND
TURNPIKE
TOLLS.

THE BURDEN
OF MAIN-
TENANCE.

These roads could not be maintained either by statute labour or by tolls; for, in the first case, they passed through desolate and uninhabited country where tracts of fifteen or twenty miles occurred without a house, hut, or single inhabitant; and, in the second, the number of travellers using the roads was very small compared to their great extent. If the Government, therefore, had withdrawn the annual grant, the roads would have quickly fallen into disrepair,¹ and, as the inspector urged in 1799, "the progress made in Civilisation, Fisheries, Manufactures, and Improvements of every kind will soon be lost and the Highlanders will in a few years relapse into their former ignorance or desert their country." Accordingly the grant was continued in the new century, as also was the policy of handing over certain portions to the county authorities, who seem to have undertaken the burden of maintenance from a sense of the inspector's impartiality and authority. This method of gradually diminishing the estimates was, however, checked in 1810. The road from Callander to Lochearn, having been thoroughly repaired in 1806, was struck off the list of military roads, but, instead of the county authorities maintaining it, lay unrepaired till 1809 when it was almost impassable. Local remonstrances resulted in a Treasury Order for the replacement of the road on the military list, and thenceforward the inspector never attempted to hand over any further portion of the 530 miles at that time under his charge.

H.C. Paper
No. 63 of
1814, p. 5.

Ibid., p. 6.

TELFORD'S
SURVEY.

At the commencement of the nineteenth century, therefore, these military roads supported by Government grants were practically the only highways in the Highlands, though county or turnpike roads extended along the east coast to Inverness and some sort of track existed even to Wick. Two factors forced a further development: one was widespread unemployment consequent on the sheep-farming craze, and the need to check the resulting emigration; and the second was the slow but continuous economic development of the country, which brought more and more into prominence the unsuitability of the military road system. The great activity in canal and road making, which is so striking a feature of

¹ Should Government withdraw the money now granted, many of these roads will be rendered impassable in a winter or two, and in the course of a few years the whole of them completely destroyed; for such is the nature of the mountainous countries in which these roads are made that the torrents from the hills completely cut up and destroy many miles of the roads every winter and carry off the bridges."—H.C. Paper 63 of 1814, p. 37.

the economic history of Britain in the latter years of the eighteenth century, reached the Highlands, and the Government saw their chance of checking the emigration and completing the highway system of the country by one and the same process. Thomas Telford, the most skilful engineer of his time, was sent to survey the Highlands, and his Report, printed in 1803, draws attention to the fact that the military roads had been laid out with other views than promoting commerce and industry, and were generally in such directions and so inconveniently steep as to be nearly unfit for the purpose of civil life; and, in those parts where they were tolerably accessible, or where roads had since been formed by the inhabitants, the use of them was very much circumscribed from the want of bridges over some of the principal rivers. Speaking more particularly of the North and West Highlands, he adds: "It is incalculable the loss which the public have sustained, and are about to suffer, from the want of roads in this country."

As a result of the recommendations of a committee on Telford's Survey, the Highlands Roads and Bridges Act of 1803 was passed, which offered State aid to the extent of one-half the expense of forming new lines of road. The other half was raised by subscriptions from the proprietors, either voluntary or in accordance with the term of a local County Assessment Act passed *ad hoc*. To superintend the execution of the work, and to distribute the funds voted by Parliament, ten commissioners were appointed, three of whom—the Speaker of the House of Commons, the Chancellor of the Exchequer, and the Lord Advocate—were *ex-officio* members. A later Act added the Lord Privy Seal of Scotland and the first Commissioner of Woods and Forests to the *ex-officio* members. Small local committees elected by the contributors to each road were to act with the commissioners.

The Bill of 1803 as originally proposed to Parliament provided for the maintenance and repair of the roads by tolls, by the increase of the conversion money of statute labour, or, in default of these, by a county assessment; but unfortunately these clauses were struck out of the Bill and the Act as actually passed contained no provision for the repair of the new roads. This omission did not cause serious inconvenience until the completed roads began to be taken off the hands of the contractors, when it was soon apparent that the roads were likely to be ruined. Thereupon the Government sought the opinion of the authorities of the various counties as to the provision of means of repair, and these, with the exception

Op. cit., p. 4.

Ibid., p. 8.

HIGHLAND
ROADS AND
BRIDGES
ACT, 1803.

43 Geo. III,
c. 80.

59 Geo. III,
c. 135.

THE BURDEN
OF MAINTENANCE
AGAIN.

50 Geo. III,
c. 43.

H.C. Paper
No. 63 of
1814, p. 8.

ROADS IN
1814.

of Argyll, all propounded schemes whereby the State should contribute a certain proportion of the necessary funds. The Act of 1810 nevertheless gave no public aid; it only empowered the several counties to assess themselves, or any individual heritor of a county in which any parliamentary road should not be maintained in repair, or any five heritors of any adjoining county, to cause an assessment to be levied upon proof of the fact before the sheriff of the county or the Court of Session. It will appear that this Act was in the nature of an experiment to ascertain whether the Highland proprietors would exert themselves to maintain in repair roads towards which they had then contributed about £90,000. The experiment entirely failed; by 1814 the roads first finished were evidently falling into decay, and the whole subject of the up-keep of roads, both military and those called parliamentary under the 1803 Act, was again under review.

It will be convenient here to give a list of the roads in the Highlands in 1814, as an aid to the appreciation of the extent of the communications open at the time. The roads may be classified as follows:—

A.—*Military Roads.*

1. From Cupar Angus by Glenshee and Braemar to Fort George and Inverness.
2. A road starting from Dunkeld met another one from Crieff at Dalnacardoch, and ran through Dalwhinnie, where it divided into two branches: one to Fort Augustus and the other by two routes to join No. 1 at Grantown and at Dulsie Bridge.
3. A road starting from Luss and going by Tarbet and Inveraray to Tyndrum, united at that place with another road from Callander and ran by Glencoe and Ballachulish Ferry to Fort William.
4. A road from Fort George by Fort Augustus to Fort William.

B.—*Parliamentary Roads, under the Act of 1803.*

1. The Great North Road, which was a turnpike road up to Tain, was carried by Wick to Thurso, having offsets—
 - (a) From Dingwall to Lochcarron;
 - (b) From Bonar Bridge to Ullapool and to Tongue;
 - (c) From Dunrobin to Kirk of Farr.

2. From Inverness, along the north side of Loch Ness, with offsets—
 - (a) Along Glenmorrison to Bernera, whence through Skye to Lochbay;
 - (b) The Glengarry Road from Fort Augustus to Loch Hourn;
 - (c) From Fort William to Loch na Gaul;
 - (d) From Ardgour to Loch Moidart.
3. The Laggan Road from Fort William to Pitmain.
4. Several minor roads connecting the Firth of Clyde with the West Coast.

Besides the above there were several turnpike or county roads in the Black Isle and in South Argyll, but there was no road whatever in any of the Hebridean Islands except those in Skye and Bute and an incomplete one running from the east of Jura to the south-west of Islay.¹

For the upkeep of the military roads the parliamentary grant was being paid, which from 1803 to 1813 averaged £5500 a year. Half this sum was spent in actual repair of the roads, which averaged about £5 a mile, but it was often found that the roads had been so damaged in places during the winter that it was either impossible to repair them or cheaper to alter the course. These numerous alterations accounted for £1400 per annum, and the remainder of the grant went in establishment and incidental expenses. It was estimated that the expense of keeping the new parliamentary roads in repair would be £3, or, including bridges, £4 a mile. Thus, in 1814, the financial position may be exhibited as follows—

ACTUAL AVERAGE EXPENSE ON MILITARY ROADS PER ANNUM

	£
530 miles at £5	2650
Alterations	1400
Establishment and incidental expenses	1100
Estimated expenditure on parliamentary roads, 833 miles at £4	3332
	£8482

The establishment and incidental expenses for whatever authority was given the repair of the parliamentary roads

¹ It is easier to follow these routes on the map. There are three maps which show them: Taylor and Skinner's *Atlas of North Britain*; H.C. Paper 63 of 1814, p. 33; *First Report of the Commissioners for Highland Roads and Bridges*, 1804, App. 1.

would probably bring the amount up to £10,000. Towards this there was then only the parliamentary grant of £5500, of whose continuance there was no certainty and whose bestowal had been repeatedly challenged.

REORGANISATION.

There were many discussions, various provisional arrangements, and several Acts before the financial position was satisfactorily settled. These would be tedious to detail, but in brief the settlement was as follows. The first step was the abandonment in 1814 of more than half of the military roads as unsuitable for traffic, and the transference of the remaining 255 miles to the Commissioners for Highland Roads and Bridges. Then, in 1819, an annual grant of £5000 was given in acknowledgment of the national importance of the roads, and this was supposed to be sufficient to meet one quarter of the necessary expense for maintenance; the remaining three quarters had to be provided by the counties themselves. With this new grant for repair, the old grant of half the cost of construction of new roads ceased.¹ Naturally with the fixed grant and the increasing traffic and cost of maintenance, the burden on the counties became more onerous, with the result that an attempt to bring relief was made in 1824 by the Act which empowered these counties to levy tolls on the roads.

4 Geo. IV,
c. 56.

COUNTY
ROADS.

Meantime as the great trunk lines of parliamentary roads were being completed, the counties, independently of the Commissioners, commenced an extension of the system by constructing branch roads communicating with the main highways. These were made under the authority of various local Acts. The administrative body was composed of the local proprietors, either as Commissioners of Supply or as Road Trustees, and the funds were obtained from the commutation money of the statute labour and from an assessment on the heritors. Inside this main outline, the different Acts exhibit a total lack of uniformity. In many Scotch counties the funds were levied and expended parochially, the assessment levied in each parish being applicable solely to roads within that parish; in the Highland counties, the district was usually the administrative unit of area. In several counties, however, the collection, management, and expenditure were virtually much more limited and objection-

¹ By 1820 the Commissioners had completed 875 miles of road, at an expense of £454,189; of which £252,390 were granted by Parliament and £201,799 contributed by Highland proprietors. When the entire scheme was accomplished it embraced 930 miles of parliamentary roads and 1117 bridges, at a total cost of £540,000.

able, the practice being to apportion the funds among the different proprietors or their factors, and in some cases to allow them to retain the amounts leviable from their estates—keeping a sort of running account with the statute labour clerk and expending the money at their own discretion without any control as to its general diffusion over all the roads, or any check against individual convenience being studied in its application rather than public utility. Again, there existed the utmost variety of practice in different counties in regard to the parties upon whom the statute labour rate was laid. In the greater proportion of cases it was paid directly by the occupiers; in others, it was made payable in the first instance by landlords, with relief either in whole or part against their tenants. In some counties it was chargeable upon occupiers till the rate reached a certain amount, any excess beyond that limit being borne by the owners, whilst in other counties—*e. g.* Ross and Cromarty—the whole rate was payable by owners without any relief against tenants; though in the leases it was often provided that the tenant should pay one half.

Report of Commission on Public Roads (Scotland), 1859, p. covi.

In whatever manner the statute labour rate was levied, it is obvious that payment of the rate was vastly more convenient to nearly all classes than actual personal service would have been. To the poorest class, however, the advantage of the commutation was far less; they had little, often no, ready money, and they were not always able to keep fully employed. It is not surprising, therefore, that statute labour continued to be given in some of the more remote and less wealthy districts. In Shetland, for example, the roads till as late as 1862 were being maintained by calling out the inhabitants under the 1669 Act; in the remote districts of Inverness-shire the poorer inhabitants preferred to perform personal labour instead of paying money, and in 1836 at least half of the statute labour due in that county was not commuted, though by 1850 the proportion had dropped to one-third. Practically all the other Highland counties, however, had entirely adopted commutation, but the difficulties of collection were often very great. The people in many parts of the Highlands and Islands were entirely dependent on the results of the harvests and fisheries, which results, if not precarious, were uncertain and fluctuating. In some years they could afford to pay the rate, in some years they could not. If constant exertion were made to prevent the poorest classes from falling into arrears, the measures would necessarily be felt as too stringent and would tend to become

EXEMPTION OF POORER CLASSES FROM RATES.

Report of Committee on Statute Labour (Scotland), 1836.
Report of Committee on Statute Labour Trusts (Scotland), 1850.

impossibly severe. If, on the other hand, a mode of collecting whatever could be gathered at favourable seasons and forbearing upon other occasions were adopted, an irregular and capricious system was engendered which led to confusion, injustice, discontent, and, as in Caithness in 1844, actual riot. The Committee on Statute Labour in 1836 had, indeed, recommended that all persons not possessing land or houses to the amount of £2 or upwards per annum should be exempted, and in 1845 the General Statute Labour Act did give such relief. The provisions of this Act were directed to be held as incorporated in all local Acts, and it contained clauses making it permissive for the Road Trustees to exempt all owners and occupiers of premises under £5 yearly value. Indeed, the Act allowed the general body of Trustees in any county to abolish altogether the system of personal services and the poll tax levied as the conversion of those services.

*Report on
Statute
Labour As-
sessments in
Caithness,
1844.*

8 & 9 Vic.
c. 41.

THE INCUBUS
OF THE ROAD
DEBT.

Outside the Highlands the roads were maintained either by the statute labour assessments or by turnpike tolls. The turnpike roads were made under parliamentary authority by money borrowed—usually from the neighbouring landed proprietors—on the security of the turnpike tolls. These tolls proved to be barely sufficient to meet the cost of maintenance and the interest on the debt; and the result was, that the capital was not being repaid and a road debt of over £2,000,000 became a deadweight on any effort towards reform. Its existence was considered by the Commissioners on Public Roads in 1859 to be “an insuperable obstacle not only to the introduction of any radical change but even to any effectual modification or improvement of the existing system.” In the Highlands, however, there were, in 1860, few turnpike roads of this character, and these only in the counties of Caithness and Inverness; though it must be recollected that turnpike tolls could be established on the military and parliamentary roads. The road debt in the Highlands, therefore, was very small, being under £20,000; more than half of which had been incurred by districts in the Outer Hebrides.

*Report of the
Commission-
ers on Public
Roads (Scot-
land), 1860,
p. clxxix.*

THE IN-
FLUENCE OF
RAILROADS.

It is important to remember that the middle years of the nineteenth century witnessed the beginning of our railroad system. One effect of this was that the main roads began to lose their character of national highways. The statute labour roads had been constructed chiefly for local and subsidiary traffic; the through traffic went by the turnpike—or, in the Highlands, the parliamentary and military—roads, and it was indeed the impossibility of making such traffic

pay for the use of the roads by any other means than by tolls which mainly justified the turnpike system and formed the strongest plea for maintaining it, notwithstanding its admitted inconveniences and annoyances. Now that the through traffic began to be diverted to the railways, the turnpike, parliamentary, and military roads became assimilated in character to the statute roads; they lost much of their national utility and their value became chiefly local. As regards the turnpike roads proper this meant a diminution in revenue; ¹ but as regards the military and parliamentary roads it meant a revival of the criticism of the State aid. Moreover, this was rendered easier and more effective by the fact that in 1854 the State grant of £5000 was transferred from being a charge on the Consolidated Fund to the Annual Estimates, and from that date considerable jealousy was expressed whenever the annual vote was proposed in Committee of Supply for what was regarded as a local object. The grant had been renewed in 1833 for a further term of thirty-one years; it would have expired, in default of further renewal, in 1865, but in 1862 it was suddenly withdrawn by an adverse vote in Committee of Supply. In consequence the Highland Roads and Bridges Act, 1862, was passed, which dissolved the Commissioners for Highland Roads and Bridges and vested the roads, with the burden of their maintenance, in the existing county authorities, *i. e.* either Commissioners of Supply or Road Trustees, as the case might be. By the same Act the State loan of £13,700 ² for rebuilding Inverness Bridge was written off.

Report of the Commissioners on Public Roads (Scotland), 1860, p. clxxxvi.

Final Report of the Commissioners of Highland Roads and Bridges, 1863.

As an indication of the extent of the responsibilities which the counties were assuming, an abstract of the cost of road maintenance in the Highlands on an average of three years, 1857-59, is given on p. 324.

COST OF MAINTENANCE IN 1860.

The system of county road administration was reorganised in 1878 by the Roads and Bridges (Scotland) Act, which repealed most of the local Acts ³ and still remains the principal Act. By this Act, turnpikes and tolls, statute labour, and conversion money were to be abolished on or before June 1, 1883; and the expenses for management, maintenance, and repair were to be met by an assessment to be imposed at

EXISTING ADMINISTRATION.

41 & 42 Vic. c. 51.

¹ "We cannot disguise our conviction that many districts of the country have arrived at an important crisis in road affairs. The rapid extension of railways and the consequent diminution and dislocation of existing road traffic threaten materially to alter the position of many Trusts, hitherto prosperous, and whose lines of road are at present in good condition."—*Report of Commissioners on Public Roads, Scotland, 1859, p. cexi.*

² See footnote 2 on p. 324.

³ Those remaining were repealed in 1889.

a uniform rate on all lands and heritages within the road district, or, at the option of the Trustees, within each of the parishes constituting such district. The rate was levied half on the proprietors and half on the tenant or occupier; but in cases where the annual value of the land or heritage was £4, or under, the whole could, at the option of the Trustees, be

AVERAGE ANNUAL COST FOR MAINTENANCE AND MANAGEMENT

County.	Total Mileage.	Turnpike Roads.	County (i. e. Statute Labour or Assessment) Roads.	Military and Parliamentary Roads.	Bridge Money and Inverness Bridge. ¹ ²
		£ s. d.	£ s. d.	£ s. d.	£ s. d.
Argyll	1320	—	6652 10 9	1684 16 0	—
Caithness	231	964 15 10	—	1037 4 0	165 12 6
Inverness	1157	204 16 5	3011 8 5	5270 13 5	515 12 7
Orkney	} not stated }	—	494 11 11	—	—
Ross and Cromarty		776	3931 1 4	2415 16 9	211 17 3
Shetland	118	—	466 19 9	—	—
Sutherland	510½	—	2348 5 11	981 6 5	107 7 8

County.	Total Average Expenditure on Roads and Bridges.	Valuation of Landward part of Counties (including Railways).	Rate per £ of Valuation of Total Expenditure.	Balance of Road Debt Outstanding.
	£ s. d.	£	s. d.	£
Argyll	8,337 7 3	280,540	7½	—
Caithness	2,167 12 4	81,795	7	3,500
Inverness	9,002 10 10	206,618	10½	10,957
Orkney	494 11 11	41,035	3	—
Ross and Cromarty	6,558 15 4	183,190	9	4,979
Shetland	466 19 9	20,515	5½	—
Sutherland	3,437 0 0	52,271	1 4	—

levied from the proprietor, who was entitled to recover half from the tenant. The cost of construction of new roads and bridges was assessed on the proprietors only. All highways and bridges within each county respectively were formed into one general trust, and the Commissioners of Supply together with representatives elected by the parishes³ were constituted the County Road Trustees, from and by whom a smaller

¹ Where levied separately.

² In 1849 Inverness Bridge was swept away by a flood. Towards the cost of the new bridge Parliament granted £7700, and the Treasury advanced £13,700, which was to be repaid with interest at 6½ per cent. by Caithness, Inverness, Ross, and Sutherland, in proportion to their shares of the Highland Roads and Bridges Grant.

³ Two representatives were elected for each parish of less than 500 ratepayers; where the ratepayers numbered between 500 and 1000 three representatives were allowed, and four if there were over 1000. Police burghs and the larger incorporated bodies were also entitled to two and one representatives each respectively.

executive body, limited to thirty members, was selected as the County Road Board, the Trustees retaining general supervision and the power of imposing the assessment. The counties, if containing more than five parishes, were divided into districts for purposes of management, and a committee for each district was appointed from and by the Trustees. In the case of both the County Board and the District Committee, it was provided that not less than one third nor more than one half of the members should be drawn from the elected element.

This system was necessarily modified by the reorganisation of local government in 1889. Since that year the County Road Trustees have been replaced by the County Council, from and by whose members a committee of thirty is appointed annually to act as the County Road Board. The District Committee is now a statutory body (see p. 52). The County Road Board may provide, with the approval of the County Council and the Standing Joint Committee, for the construction of new roads, but the Act of 1889 divided the cost of such construction thenceforward equally between owners and occupiers. Thus the County Council is now the paramount road authority in each county, and is responsible for the raising of all money required for highway purposes whether by rate or by loan. On the recommendation of the County Road Board they have the power of taking over or abandoning any road within the county unless, on appeal by three ratepayers, the sheriff otherwise determines. In 1894 power was given to the Parish Council to repair and maintain all or any of the public ways, not controlled by the county authorities, within the parish, the expense being met by the Special Parish Rate. It should be noticed that no authority has the power to construct a new footpath.

In 1882 a Government subvention of £30,000 was allotted to Scotland in aid of the cost of maintenance of disturnpiked roads, the subsequent history of which is given below (see pp. 330 and 347).

It may be said that the highway authorities described in the paragraphs above have in general satisfactorily carried on since 1878 the work of road maintenance and construction. In the Western Highlands and Islands, however, this work was naturally slower in progress. The county authorities were loath to construct new highways to serve the needs of a scattered and scanty population and had not the power to maintain or improve the footpaths or short minor roads which were needed. It sometimes happened that the inhabitants

52 & 53 Vic.
c. 50.

57 & 58 Vic.
c. 58.

MINOR
ROADS IN
THE WEST.

Napier Report, pp. 20, 21, 63.

of the remote glens were assessed for the upkeep of roads which did not reach within ten miles of their homes. The Napier Commissioners commented on the frequency with which the inadequacy of local communications had been brought to their notice, and the injustice of burdening by assessment the many populous localities which were still remote from public roads. They recommended the remission or reduction of the assessment in such cases, and also the construction of "township" roads by the joint efforts of the proprietor and the occupiers. The first recommendation was dependent on statutory powers being given to the Secretary of State, the second on the legal establishment of the township; but no legislative action has been taken to carry out these recommendations.

Final Report of Commission on Local Taxation (Scotland), p. 94.
Walpole Report, p. 4.

The crisis in the Western Highlands and Islands in 1888 (see p. 121) led to an immediate Government subvention of £30,000 to the seven crofting counties; and this, known as the Highland Grant but reduced since 1890 to £10,000 annually, has since been continued. Ostensibly given in relief of local taxation, about nine-tenths of the money has been appropriated in aid of road expenditure. Another attempt to relieve the condition of affairs in 1888 was the appointment of the Walpole Commission, with instructions "to consider only such proposals as are directed towards the initiation or development of an industry which, once established, affords a prospect within a reasonable period of being self-supporting, but which, owing to the absence of capital or some similar cause, is not at present able to establish or develop itself." The industry the Government had in mind was the fishing industry, and the Commissioners' recommendations were almost exclusively devoted to the facilitation of the marketing of the fish. The improvement of steam and rail communication was chiefly urged, and Government assistance to the amount of over £280,000 suggested, but, in the event, a considerable sum was spent on minor roads and footpaths.

First Report of the Congested Districts Board, App. I.

On the Report of the Commission, the Western Highlands and Islands Works Act was passed, which specifically granted £15,000 for a road from Stornoway to Carloway, the best fishing centre on the west coast of Lewis. It also provided financial assistance to the local authorities for "the construction and maintenance of certain works of public and local utility." From 1891 to 1897 a vote on account of Highlands and Islands Works and Communications was annually included in the Civil Service Estimates, and, exclusive of the Carloway Road, £14,401 were granted during this period in

aid of the improvement of specific minor roads. Lewis received nearly £4500 of this amount, although no local contribution was made beyond a very small amount of free labour. These minor roads and footpaths were of the greatest benefit to the outlying districts. They were much needed in many of the wilder and more isolated areas to enable the children to get to and from the nearest school. It was dangerous for children to traverse the rough, hummocky moorland in wet weather, when much of the ground became water-logged and provided only a treacherous foothold; the school managers and boards made a special appeal to the District Committees, but the latter had no power to construct new footpaths. In certain districts the parents became exasperated, and in the Fidigarry district of Lochs parish in 1892 they withdrew all their children from school attendance. Other districts gave written intimation that they intended to follow this example, and a somewhat serious danger threatened the heavily subsidised school system. After the boycott had continued a fortnight, the Secretary for Scotland intervened and, the Equivalent Grant money (see p. 365) becoming available that year, power and the necessary funds were granted to the local authority to proceed with the construction of new footpaths as a "scheme of public utility approved by the Secretary for Scotland."

Brand Report,
App. H.

Ibid., p. 1.

First Report
of the Con-
gested Dis-
tricts Board,
App. 1, p. 5.

Report of the
Scotch Educa-
tion Depart-
ment, 1892-3,
p. 391.

Education
and Local
Taxation
(Scotland)
Act, 1892,
sec. 2 (5).

In 1897 the Congested Districts Board was established, and the vote on account of Highlands and Islands Works was thenceforward demitted from the Estimates. The Board was empowered to aid, *inter alia*, the providing of public roads, footpaths, and bridges, and its assistance was sought perhaps more eagerly for this work than for any other. The conditions under which the Board decided to consider applications from the County Councils were: (1) that the roads were necessary; (2) that the district—which had to be one of the scheduled congested districts—was unable to construct without help; (3) that the work should be completed within three years; (4) that the obligation for future maintenance should be undertaken by the statutory authority; (5) that a local contribution of one-fourth should be made either in money or free labour or both. The Board dealt directly with the Parish Councils, but in this case no assessment could be levied for the construction of new footpaths, and the local contribution had to be made in free labour or voluntary subscriptions. In 1912 the Congested Districts Board ceased to exist and its powers were transferred to the Board of Agriculture for Scotland. During the fifteen years of its existence the total

THE
CONGESTED
DISTRICTS
BOARD.

Brand Report,
p. xlviii.

amount of the grants made by the Congested Districts Board for roads, bridges and paths was—

	£	s.	d.
Argyll	3,942	0	0
Caithness	2,257	0	0
Inverness	24,088	3	5
Orkney	7,311	0	0
Ross and Cromarty	31,778	7	8
Shetland	12,983	10	0
Sutherland	5,853	10	0
	<u>£88,213</u>	<u>11</u>	<u>1</u>

THE CARLOWAY ROAD.

The history of the Carloway Road mentioned above is not without a significant interest. It may be compared with that of the Ness Harbour Works (see p. 268) as another example of the difficulty in translating the goodwill of the State into effective action in these outer isles. Carloway is the centre of the Loch Roag fisheries, and what the people really wanted, and what was recommended by the Walpole Commission, was a railroad to carry the fresh fish to Stornoway. They had already a fairly good, though indirect, road twenty-three miles in length. Since, however, there was no prospect of local financial support, the Government declined to consider the railroad project. The District Committee then asked for a direct road to save seven miles, and for this purpose £15,000 was considered by their engineer an ample sum and was granted by the State in 1891. By 1898, £1485 remained unspent, less than half the distance had been completed, the engineer dismissed, and the contractor—found only with the greatest difficulty—had become bankrupt. The Congested Districts Board had spent the £1485 and another £500 by 1902, when it was estimated that another £10,000 would be required to complete the unfinished central portion. In 1910 £8000 was granted by the Board, and the work should now, more than twenty years after its start, be approaching completion. A sixteen-mile road costs £23,500 and takes over twenty years to construct!

STEAMERS AND RAILWAYS.

On the representation of the Walpole Commission, the State began to subsidise improvements in rail and steam communication. For a considerable area in the west the sea is the natural highway, and an annual grant of £8000 to £10,000 to the shipping companies for four years was recommended. The money was at once provided from the Western Highlands and Islands Works Vote, and from 1891 to 1897 a total grant of £68,000 was distributed. In 1897 this had to be reconsidered,

owing to the cessation of the vote on the establishment of the Congested Districts Board, and a departmental committee was appointed to consider the advisability of the continuance of the grant. They reported that the traffic returns showed the business done to have remained much the same as it was before the improved services were established, and the fishing industry in particular appears to have been unaffected. The results being thus disappointing, the grant was discontinued, except in so far as payments for the carriage of mails are available from the Post Office Vote. The chief railroad schemes advocated by the Walpole Commission were the extension of the West Highland Railway from Banavie to Mallaig, that of the Highland Railway from Strome Ferry to Kyle, and the construction of certain branch lines in Ross and Sutherland. An Act passed in 1896 guaranteed interest on the capital expenditure for a period of thirty years from the opening of passenger traffic on the Mallaig extension. The line was opened in 1901, and the total amount paid by the Treasury under the guarantee from 1901 to 1912 is £33,292, the annual payment having decreased steadily from £3790 in 1901-2 to £2325 in 1911-12.

*First Report
of the Con-
gested Dis-
tricts Board,
App. 1, p. 3.*

The Kyle extension was also completed with State aid,¹ but the less important branch lines in Ross and Sutherland were not constructed. Under the Light Railways Act, 1896, County Councils and District Committees² have power to construct or aid light railways, and under special circumstances one-half the cost of construction may be obtained as a free grant from the Treasury. Normally the Act contemplates half the capital being subscribed and the remainder obtained by loan equally from the Treasury and the local authority. No advantage has been taken of this Act in the Highlands or Islands, except in the county of Caithness and in the Dornoch parish of Sutherland.

*59 & 60 Vic.
c. 48.*

The burden of the cost of construction and maintenance of the roads, which had been entirely assumed by the counties in 1862, became steadily more oppressive. In 1882 Parliament voted a sum of £250,000 to relieve local road rates consequent on the compulsory abolition of tolls. This grant was intended to meet one quarter of the cost of maintenance of roads disturnpiked since 1860; but, as has been mentioned, many of the Scottish roads never had turnpike tolls and many

*THE ROAD
GRANTS.*

¹ A grant of £45,000 was made to the Highland Railway Company in 1897.

² In Sutherland or Caithness any combination of two or more Parish Councils.

had been disturnpiked before 1860. In order to distribute the grant equitably as between England and Scotland, and also as between the Scottish highway authorities, one method after another was tried till, in 1885, the Scottish grant was fixed at £35,000 and distributed according to the expenditure of each road authority for the year ending Whitsun 1885. Except for the two years 1887 and 1888, when it was doubled, the grant has remained at this figure. In 1888 a Highland grant of £30,000 in relief of taxation was given to the crofting counties. This has been reduced to £10,000 since 1890, and eighty per cent. of the money is spent on roads.

THE
INFLUENCE
OF MOTOR
TRAFFIC.

The roads were thrown on the rates in 1862 on the ground that, with the extension of the railways, they had lost their national importance, and being of preponderatingly local benefit should be locally supported. With the increase in the numbers and mobility of the population, and especially with the development of motor traffic, the roads have been steadily regaining their national importance, and the Royal Commission on Local Taxation, 1901, considered that the maintenance of roads should be a national service to a large extent paid for from national funds. They suggested that the two Scottish grants, amounting to £45,000, should be replaced by one of £140,000, but mentioned that the extreme poverty of the Highland and Island Counties would require to be taken into consideration in the scheme of distribution. These recommendations were not carried out, and the road rate remains very burdensome. In 1909 a Road Board for the United Kingdom was constituted. This Board, appointed by the Treasury, is not a Government Department or central highway authority in the ordinary sense, but is a body of commissioners for the purpose of distributing a parliamentary grant for road improvement. There is no central Highway Authority in Scotland. In 1912 representatives of the Highland and Island Counties met at Inverness and resolved "that road authorities in the North of Scotland deserve special consideration at the hands of the National Road Board in respect of sparse population, long road mileage, high rates, small assessable valuation, the increased cost in the maintenance and the demands for improvement of the roads entailed by outside motor traffic." A deputation was sent to the Road Board and stated that northern counties had absolutely reached the breaking-point on the subject of road rates. They mentioned that the roads were being used by large numbers of motor-cars whose owners contributed nothing towards the county rates, and they applied for additional

assistance. The Road Board took the view that their duty was not to redress injustice, or to relieve over-burdened areas, but to improve the roads; and consequently that those districts which had the greatest volume of traffic had a prior claim to their consideration. The following table, if compared with that for 1860, shows the growth of expenditure and of the burden of the rates.

ORDINARY EXPENDITURE BY THE COUNTY COUNCILS OF THE CROFTING COUNTIES ON ROADS DURING THE YEAR ENDING MAY 15, 1912

County.	Mileage of County Roads.	Total Expenditure.	Government Grants Received.					Expenditure to be met by Assessment.		Proportion of Total Expenditure met by Grants.	Road Debt Outstanding.
			Highland Grant.	Road Grant.	Road Board Grant.	From the Treasury.	Total.	Amount.	Rate per £ of Gross Valuation.		
Argyll	1,453	£ 32,236	£ 3089	£ 1,026	£ 4,263	—	£ 8,378	£ 23,858	1 0	$\frac{1}{4}$	£ 7,069
Caithness	348	8,792	952	355	1,000	—	2,307	6,485	1 2	$\frac{1}{4}$	—
Inverness	1,612	25,154	2768	924	1,200	1244	6,136	19,018	1 0	$\frac{1}{4}$	19,834
Orkney	401	7,873	372	216	—	—	588	7,285	2 0	$\frac{1}{4}$	33,330
Ross and Cromarty	1,038	22,408	1859	677	—	6337	8,873	13,535	1 0	$\frac{1}{4}$	14,453
Shetland	410	5,487	204	116	—	1116	1,436	4,051	1 3	$\frac{1}{4}$	14,236
Sutherland	667	10,997	754	454	1,599	—	2,807	8,190	1 8	$\frac{1}{4}$	7,968
Crofting Counties .	5,929	112,947	9998	3,768	8,062	8697	30,525	82,422	1 1 $\frac{1}{2}$	$\frac{1}{4}$	96,890
Rest of Scotland .	16,732	682,241	—	24,761	36,470	—	61,231	621,010	10	$\frac{1}{11}$	193,279

Opinions as to the amount of State aid which should be given towards the upkeep of roads have varied more widely than can be accounted for merely by the difference in time of the opinions. The grant in 1882 was intended to meet one quarter of the cost; the Royal Commission on Local Taxation recommended one half; and the abortive clauses in the Finance Bill of 1914 proposed one third.

It will be seen that the crofting counties in 1911-12 were relieved of one quarter the cost of road expenditure, and that this result was only achieved by the large temporary grants from the Road Board and the Treasury. Neither of these sources can be relied on. Orkney, which received only the permanent grants during that year, had to provide twelve-thirteenths of the expenditure. It must, however, be remembered that the Equivalent Grant (No. 10 on p. 347 below) is also available to County Councils in relief of rates generally. This grant in 1911-12 brought £9822 to the crofting County Councils and £63,150 to the County Councils of the rest of Scotland. Statistics for a single year cannot, of course, be accepted as a correct representation of the state of affairs, especially

AN UNSATISFACTORY STATE OF AFFAIRS.

since the grants from the Road Board and the Treasury are temporary and fluctuating ones. It is obvious, however, that without these fluctuating grants, the crofting counties would be bearing a much heavier proportion of a preponderatingly national service than is considered just by the general consensus of opinion of the leading political and economic thinkers of to-day. Moreover, the dependence of these counties on fluctuating and uncertain grants, which may not be obtained at all, must hamper and harass the local authorities in their work.

THE
CALEDONIAN
CANAL.

The great activity in canal construction which, started by the successful completion of the Duke of Bridgewater's Canal in 1758, reached almost the height of mania in the years 1791-4, when eighty-one Canal Acts were passed, was not long in reaching Scotland. James Watt, instructed by the Lords Commissioners of Police, surveyed the route for the Caledonian Canal in 1744, the estimated cost of which, exclusive of land, was placed at £164,033. Nothing was done till the beginning of the nineteenth century, when the destitution and lack of employment in the Highlands made a commencement of the work doubly desirable and induced the Government to undertake the construction. The route was resurveyed by several of the most eminent engineers of the time: Telford considered that the work could be completed in seven years at a cost of £350,000; another estimate was £474,531, while Rennie put the figure at between £600,000 and £700,000.

The work was commenced under Telford's direction on the passing of the Highland Roads and Bridges Act, 1803. The long wars against Napoleon, however, caused a great rise in prices, and it was soon found that the estimated cost would be greatly exceeded. Constant application for money wore out the patience of Parliament, and the original scheme of a depth of 20 ft. had to be reduced. The Canal was opened in 1822 with a depth of 13 ft., by which time the expenditure had amounted to £884,160, including £47,683 for land and damages. In 1837 the condition of the Canal became dangerous owing to the decay in the masonry and other works, and in 1843 it was closed for a time to navigation. After exhaustive inquiries further work was undertaken by which the Canal was deepened to 15 to 17 ft. This work, completed in 1848, brought the total expenditure up to over £1,300,000 and left the Canal practically in the condition in which it remains to-day. The Caledonian Canal consists of about 38 miles of natural lakes and 22 of artificial cuttings. It begins near Inverness and ends near Fort

William, on Loch Linnhe. It has twenty-nine locks, ranging from 170 to 180 ft. in length and from 38 to 40 ft. in width, and affords a minimum draught of 15 ft. During 1890-93 a grant of £20,000 was given by the State for new lock-gates. The administration of the Canal is in the hands of a body of nine commissioners appointed by the Crown, of whom the Speaker of the House of Commons is chairman. The other ex-officio members are the Chancellor of the Exchequer, the First Lord of the Admiralty, the Lord Advocate, and the Member of Parliament for Argyll, while the number of commissioners is completed by the addition of four noblemen and gentlemen connected with the Highlands. The Canal never realised the hopes which had been entertained of its success. It was intended to save the rough passage by the Pentland Firth, to promote the fishing industry, and to open up intercourse with the Western Highlands.¹ The revenue for a long time past has never surpassed the expenses of maintenance, and no positive improvements have been made during the last fifty years. It is said that the locks are too numerous, and are not suited, in view of the increased size of modern fishing craft, to present-day requirements. Moreover, the present water supply is barely sufficient. The Canal, indeed, seems inadequate for purposes of modern commercial navigation, and is chiefly used for tourist traffic, but, on the other hand, any enlargement would be very costly and almost certainly unremunerative.

Royal Commission on Canals and Waterways Report, 1909, p. 46.

The first survey for the Crinan Canal was made in 1772, and the work, estimated to cost with land £48,405, was recommended by the Committee on the State of the British Fisheries in 1785. In 1792 the route was resurveyed by Rennie, and in the following year a company was formed to begin the work. In 1799 the amount subscribed was £107,800, of which £75,000 had been expended, but the promoters then found themselves unable to raise sufficient money for the completion of the Canal. In 1784 the State had received certain sums on the return of the Forfeited Estates,² and from this money £50,000 had been advanced to the Forth and Clyde Navigation Company, who, in 1799, were able to repay the loan. From this repayment the State advanced £25,000 to the

THE CRINAN CANAL.

H.C. Paper No. 221 of 1806.

¹ At the close of the eighteenth century the Western Highlands were importing annually about 1500 tons of oatmeal from the eastern counties, and it was hoped that the Canal would cheapen the cost of this staple food to the impoverished people of the western coasts.

² When the State took over the Forfeited Estates, certain debts of the proprietors were discharged from Imperial funds. The £90,215 which the State received in 1784 was in repayment for these disbursements.

Crinan Company and the work of construction was continued. Further advances, however, became necessary, and in all £74,400 was obtained from the Government. The Canal was opened in 1810, and, in consideration of the State grants, was from 1816 managed by the Commissioners for the Caledonian Canal. The Crinan Canal was not a financial success, and as no surplus revenue was forthcoming to repay the loan, or even meet the interest thereon, the property was made over to the State and vested in the Caledonian Commissioners. The Crinan Canal, extending from Ardrishaig on Loch Fyne to the sea at Crinan, is nine miles long and has fifteen locks, each 96 ft. long by 24 ft. wide, except the lock at Crinan, which is 108 ft. long by 26ft. wide. Though the Canal, which can be navigated by a vessel with a draught of 9½ ft., saves 85 miles on the exposed journey round the Mull of Kintyre, it is of very little use. “This Canal,” reported the Royal Commission on Canals and Waterways in 1909, “is not only too narrow, shallow, and tortuous for use by the large vessels of the present day, but can only be used by small craft or by vessels specially built to traverse it. It was stated that the locks are worn out, that there has been no material improvement during the last hundred years; and that, by reason of rocks, sharp bends, narrowness of channel, and sometimes want of water, the passage is difficult and dangerous. There are also considerable difficulties in the approach to the Canal at Ardrishaig, which is impracticable except at high tides.” These defects and the small dimensions of the Canal were stated to “keep down competition for the trade of the Western Highlands and Islands, to encourage high rates of transport to districts many of which are very poor, and to discourage their export and import trade and the development of local industries”; if so, they defeat the very objects for which the Canal was constructed. The Canal is worn out and in need of extensive repairs, its surplus revenue is not sufficient to meet the expense of these, and, if a Government grant has to be given, the question arises whether it would not be better to construct a new and improved canal rather than repair a small and defective waterway. The view taken by the 1909 Commission was, that the evidence was not strong enough to convince them that there would be an increase of traffic sufficient to ensure a direct return on the capital outlay, but, from the point of view of the poor populations of the Western Highlands and Islands—and especially of the congested districts—it was, they thought, worthy of the consideration of the Government whether the contribution

Op. cit., p.46.

Ibid., p. 185.

of a certain amount of public money without the certainty of a direct return might not be justified. “ If it can be fairly expected that the supplies needed by the congested districts would reach them at a reduced cost, and that the trade of those districts would reach Glasgow more rapidly; if the fisheries also were likely to be benefited, and if the increase of tourists would develop local prosperity; a case would be made out which would, in our opinion, justify a liberal grant of public money to meet such smaller contributions or guarantees as might be obtained locally or from traders. . . . In any case, the traders at least should be invited to combine to make some offer, possibly a guarantee of a certain income from the tolls.” *Op. cit.*,
p. 186.

It is interesting to note that the Caledonian and Crinan Canals are the only waterways in Great Britain which belong to the State and are administered by unpaid Commissioners appointed directly by Government. The 1909 Commission recommended the creation of a paid Waterway Board for the whole country and the transference of these two canals to such board. *Ibid.*, p. 187.

JUSTICE AND POLICE

Prisons and Police : Early Legislation ; the Acts of 1839 ; the Act of 1857 ; Later Legislation ; Local Administration of Justice.

PRISONS AND
POLICE :
EARLY
LEGISLATION.

BEFORE the seventeenth century the apprehension of criminals and the maintenance of prisoners was in Scotland the duty of the sheriff, and the charges were defrayed out of Crown revenues. He lodged the prisoners in the "Kingis Castel" if one was available, but, if not, had to make his own arrangements for their safe custody. Many of the barons, however, had their own private gaols, and towards the end of the sixteenth century some of the larger burghs began to establish common prisons. In 1597 Parliament placed the responsibility of providing and maintaining prisons for the whole country on the burghs, and this arrangement, together with the baronial prisons, continued throughout the seventeenth century. In 1724 an Act for the more effectual disarming of the Highlands authorised an assessment—the so-called Rogue Money—on landowners throughout Scotland for the expenses in connection with the apprehension, maintenance, and prosecution of criminals before conviction. After 1747; when heritable jurisdictions were abolished, the barons ceased to maintain private prisons. Thus, during the eighteenth century, the counties bore the expenses up to the trial, and the burghs after conviction. In 1819 an optional power was given to the counties to assess houses and land for the purpose of assisting in the enlargement or upkeep of the gaols, but the occupier was given relief against the owner.

THE ACTS OF
1839.

2 & 3 Vic.
c. 42.

The year 1839 is a landmark in the history of police administration in rural Scotland, for not only was the prison service reorganised, but also for the first time a general system of police was established in the counties, five years later than it had been in the burghs. The Prisons Act of 1839 established a General Board of Directors for Prisons in Scotland and local County Boards. The General Board was appointed by Royal Warrant under the sign manual and consisted of five ex-officio members: the Lord Justice General, Lord Justice Clerk, Lord Advocate, Solicitor-

General, and the Dean of the Faculty of Advocates, five sheriffs or ex-sheriffs and nine other persons. A paid secretary was also appointed by the Crown. The size of each County Board was determined by the General Board, but the members were nominated by the Commissioners of Supply and the magistrates of burghs; the sheriff was a member *ex officio*, and any member of the General Board could attend and advise, but not vote at, a County Board. Existing authorities were relieved of all obligations in respect of prisons and prisoners, and existing prisons were vested in the Boards, who were given full power of administration and management. A general prison, only taking prisoners sentenced to not less than six months, was established at Perth, one-third of the cost being borne by the State. A prison rate was authorised to be levied on the valued rent of land and the annual value of property and houses in counties, and on the annual value of property in burghs, the tenant having the right to deduct in the former case the whole, in the latter case one half, of the rate from his rent.

The Police Act gave an optional power to the Commis-^{2 & 3 Vic.}sioners of Supply to establish an efficient constabulary and^{c. 65.} maintain it by an additional assessment levied either as the Rogue Money or as the Prison Rate. The Commissioners appointed a Police Committee, who appointed a superintendent as head of the police and maintained a general supervision over the whole force. In counties which did not adopt this Act, the police force was represented by the sheriff's officers and the parish constables. The latter were men who followed their ordinary avocations, but received a retaining fee of one or two pounds a year and an additional sum when they were actually employed. This low rate of pay did not attract suitable men, and the parish constables were reported to be "generally a very dissipated class, and no use either for the prevention of crime or the detection of offenders." In 1852 there were no police in Orkney or Shetland, and the total force in the crofting counties was seventy-five. The county authorities seem to have regarded this as sufficient in normal times, but admitted that occurrences occasionally happened when it was quite inadequate for the preservation of peace, as, for example, during the Free Church Riots in 1843 and the Famine Riots of 1846. At election times the military had usually to be called in, which entailed a very considerable expense to the county.

*Select Com-
mittee on
Police, 1852,
q. 3945.*

Ibid., p. 118.

In 1857, when the optional powers of the previous Act<sup>THE ACT OF
1857.</sup> were made compulsory, the whole system was again recast,

20 & 21 Vic. so as to bring pressure from the central authorities on local authorities maintaining an inefficient force. This Act is now the principal Act. A County Police Committee, consisting of not more than fifteen nor less than three members, appointed by and from the Commissioners of Supply, together with the sheriff and lord-lieutenant, was constituted. Rules for the government, pay, clothing and necessaries of the force were formulated by the Home Secretary, who appointed an inspector to inspect and report on the state and efficiency of the police and police premises. On receipt of a satisfactory report, one fourth of the charge for pay and clothing was paid by the Treasury. Subject to the Home Secretary's approval, the Police Committee appoints a Chief Constable who may act for more than one county. A police assessment on lands and heritages is levied from the owners or occupiers, the latter being authorised to deduct it from their rent. The county may be divided into districts, each responsible for the upkeep and maintenance of its own force, and burghs could combine with the county. This Act does not apply to Orkney and Shetland.¹

LATER
LEGISLATION.

31 & 32 Vic.
c. 82.

40 & 41 Vic.
c. 53.

53 & 54 Vic.
c. 67.

In 1868 Rogue Money was abolished and the charges formerly met by it were thenceforward met by a county general assessment on owners. In 1877 the central government took over all the prisons and their management and cost. The Local Prison Boards were abolished and the General Board of Directors of Prisons was superseded by the Prison Commissioners. On the reconstruction of local government in 1889 the Standing Joint Committee (see p. 51) replaced the Police Committee of the Act of 1857, and all burghs with less than 7000 population (except Lerwick and Renfrew) came under the county police administration. An optional and somewhat ineffective power to grant superannuation allowances to constables was given in 1857, but in 1890 a compulsory system was introduced with the aid of an annual State subvention of £40,000, Orkney and Shetland being still excluded.

The police administration in the crofting counties has to meet the usual difficulties occasioned by small segregated communities living in comparatively inaccessible places; otherwise the only strain is at times of land agitation, and seasonally at the fishing centres when a normal population of, say, 1000 may be increased nine- or ten-fold for a period usually extending over six or eight weeks.

¹ According to the 1911 Census Returns, there are only six police in Orkney and twelve in Shetland.

HIGHLANDS AND ISLANDS OF SCOTLAND 339

The local administration of justice, formerly in the hands of the proprietors either as hereditary sheriffs or justices of the peace, is now mainly a charge of the sheriff. There is very little crime in the Highlands and Islands. The number of people in detention in the area on the census day of 1911 was forty-nine, viz. :—

LOCAL ADMINISTRATION
OF JUSTICE.

In H.M. Prisons—

	Male.	Female.	Total.
At Inverness	32	7	39
At Kirkwall	3	—	3
At Lerwick	1	—	1
At Stornoway	—	—	—

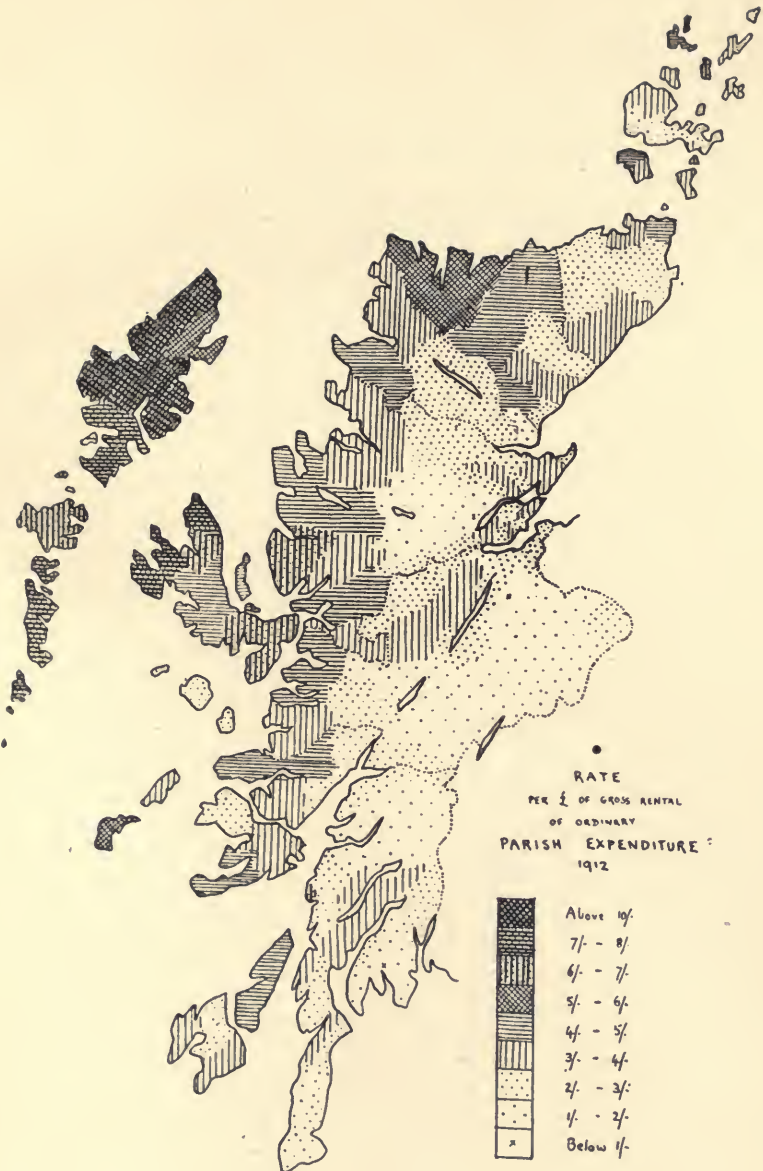
In Licensed Police Cells—

At Oban	3	1	4
At Dunoon	—	1	1
At Campbeltown	—	1	1
At Lochgilphead	—	—	—










The less infrequent cases in the courts are those concerned with small debts, the contravention of administrative laws such as the Education, Public Health, and Common Grazings Regulations Acts, and, in the towns and fishing centres, petty assaults and disorderly conduct. The effectual administration of justice is severely handicapped by its inaccessibility and costliness. In many districts it is not too much to say that the cost of redress is prohibitive to the majority of the people. The Circuit Courts must necessarily be held only at a few remote centres of population, and not frequently even there. Professional advice is difficult to obtain, since there are few law agents and little inducement for any to settle down and take up the work, more especially in the Gaelic-speaking north and west. In remote districts, where there is barely sufficient work for a single law agent, one of the disputing parties must be deprived of assistance except by correspondence. Where sufficient work exists for two agents, their intercourse with the few people of equal social standing and the power which such people usually have to influence the bestowal of official positions must make a strictly independent line of conduct very hard to attain. The experience and difficulties of an "opposition" agent are recorded in App. A. XLIV of the Napier Report. Probably the inaccessibility of justice is not very grievously felt since the people are not naturally litigious and their "regular conduct and simple social relations do not offer many occasions for an appeal to justice except in connection

Napier Report, p. 82.

with small debt summonses and claims for rent." These two exceptions have been partially met by the extension of small debt courts and the work of the Land Court (see p. 224). In serious cases connected with the land agitation, the crofters have, in the past, usually been able to obtain financial and legal aid from sympathisers outside the crofting counties.



●
 RATE
 PER £ OF GROSS RENTAL
 OF ORDINARY
 PARISH EXPENDITURE
 1912

	Above 10/-
	7/- - 8/-
	6/- - 7/-
	5/- - 6/-
	4/- - 5/-
	3/- - 4/-
	2/- - 3/-
	1/- - 2/-
	Below 1/-

PART V
FINANCE

PART V

FINANCE

The Local Taxation Account—County Councils : Control of Expenditure ; Control of Borrowing Power ; Income : Rates, Government Grants ; Expenditure—Parish Councils : Control of Expenditure ; Control of Borrowing Power ; Income : Rates, Government Grants ; Expenditure—School Boards : Control of Expenditure ; Control of Borrowing Power ; Income : The School Rate, Government Grants, Parliamentary Vote, Education Fund, District Education Fund—Secondary Education Committees : Control ; Income ; Expenditure.

ONE of the most important matters relating to the finance of local government is the degree and nature of State assistance. It is also one of the most difficult to present in a reasonably limited space. A few general remarks on State subventions are prefaced here in order to clear the ground somewhat for the detailed account of the finances of the various local bodies.

THE LOCAL
TAXATION
ACCOUNT.

The main channel by which State aid reaches the local authorities is the Local Taxation Account. Apart from that, help is given by direct annual parliamentary vote out of General Revenue for some minor objects like the erection and maintenance of Sheriff Court Houses, the maintenance of children in industrial and reformatory schools, the supply of vaccine lymph, and the contribution in lieu of rates on Government property. There is, too, the important direct vote for education, which is dealt with fully below. The State has also assisted by taking over since 1877 the Prisons Services and their cost, which, prior to 1835, fell entirely on the rates.

The grants paid through the Local Taxation Account have a long and complicated history. They originated as direct grants, but from 1888 the principle of assigning certain revenues has been adopted, and of the sums rendered available Scotland gets 11 per cent., representing the proportion which she contributed to the Imperial Exchequer in that year. Generally speaking, the needs of the English local authorities were considered, and then, as a matter of equity, the proportionate amount granted to Scotland without further ado.

Again, generally speaking, the grants were given on the principle of contributing to the cost of national, or preponderantly national, services locally administered ; and, therefore, it has been urged that they cannot equitably be

Sir T. Hunter : *Memo. on Government Grants*, 1914.

made to depend upon the question whether or to what extent the locality performing the service has a higher or lower rental in proportion to population than some other localities. However, alongside this general principle appears sometimes the idea of increasing the efficiency of the service, while the matter is further complicated by the desire of using the bestowal of grants as a means of readjusting the incidence of the financial burden on the various classes of the community.

J. H. Turner: As Mr. Turner remarks: "Not one important principle has been consistently kept in view in the haphazard growth of subventions"; and it is simpler to leave out the question of why State aid comes and pass on at once to the manner and amount of the assistance reaching the crofting counties. Though a few grants are given specially to our area, it is mainly when we come to the distribution of each grant that the motive of assisting specially necessitous areas appears. Even here there are difficulties. Sir Edward Hamilton, speaking more particularly of England, though the remark applies equally to Scotland, says, "the allocation of the money proceeds on no uniform or equitable principle. It has regard neither to the real needs of localities nor to their ability to meet them, and public funds are in part used for purely local purposes to which such funds cannot properly be applied." He also stated that it was impossible for any one not familiar with the maze of Local Taxation and Exchequer Contribution Accounts to trace the destination of the money assigned by the State in relief of local charges. Nevertheless, as far as possible, we will attempt to trace the amount of money which reached the crofting counties from the Local Taxation Account during the financial year ending March 31, 1913.

Final Report of Local Taxation Commission: England and Wales, 1901, p. 120.

SUMMARY OF PAYMENTS INTO AND OUT OF THE LOCAL TAXATION (SCOTLAND) ACCOUNT 1913

I. LOCAL TAXATION LICENCES AND ESTATE DUTY (Finance Acts 1894 and 1907)

	RECEIPTS			
	£	s. d.	£	s. d.
Licences ¹ . . .	395,370	0 11		
Estate Duty . . .	333,486	7 11		
	<hr/>		728,856	8 11

¹ These were the Licences on Vendors of Intoxicating Liquors, on Hawkers, Tobacconists, Auctioneers, and Pawnbrokers; the Establishment Licences on Carriages, Male Servants, and Armorial Bearings; and the Gun, Game, and Dog Licences.

PAYMENTS

	£	s.	d.
1. The Highlands and Islands Grant	10,000	0	0
2. Contribution to Cost of Roads	35,000	0	0
3. " " Pay and Clothing of Police	155,000	0	0
4. " " Parish Councils (Medical Relief)	19,964	16	11
5. " " " " (Pauper Lunatics)	114,945	10	0
6. Education (Scotland) Fund (Secondary Education Grant)	60,000	0	0
7. Contribution to Universities	30,000	0	0
8. " " Parish Councils (Relief of Rates)	50,000	0	0
9. Cattle : Pleuro-Pneumonia Account	14,400	0	0
10. Contribution to Counties, etc. (Relief of Rates)	209,362	0	0
11. Education (Scotland) Fund (Residue Grant)	25,027	4	1

NOTES ON THE DISTRIBUTION OF THE ABOVE GRANTS

1. A fixed stereotyped grant distributed among the crofting counties in proportion to the grants paid out of the Exchequer to the Commissioners of Supply and County Road Trustees of these counties in the year 1888.
2. A fixed grant distributed among all districts for road-rating purposes according to their expenditure on public roads. This grant was originally intended to meet one quarter the cost of maintenance of disturnpiked roads; but as the class of roads entitled to participate was widened and the expenditure grew, so the grant per £ has been steadily falling.
3. A fixed grant which, together with No. 20 below, is distributed according to the expenditure, subject to the police force being efficient and not excessive in numbers or cost. This grant, like No. 2, is steadily falling per £ of expenditure.
4. A fixed grant of £20,000, the first charge on which is half the cost of trained sick nursing in poorhouses, the remainder being distributed *pro rata* of the vouched expenditure on medical relief. This method is harsh on the crofting counties, where in certain areas outdoor relief is much commoner than indoor. The grant per £ of medical relief expenditure is also falling, having decreased from 9s. 6½*d.* in the £ in 1890 to 4s. 1¼*d.* in 1911. Of the total grant of about £13,000 available in 1911 for medical relief in Scotland, less than £3000 went to the Highlands and Islands.
5. A fixed grant of £115,500 distributed according to the expenditure on maintenance, not exceeding 8s. per head per week, of pauper lunatics. The rate was 11s. 7¼*d.* in 1892; 7s. 4*d.* in 1911.
- 6 and 11. The former fixed, the latter fluctuating (see p. 365).
8. A fixed grant distributed among Parish Councils, half on the basis of valuation and half on the basis of population.
- 7 and 9. The former fixed, the latter fluctuating, do not affect local authorities.
10. A fluctuating grant. It represents the Scottish equivalent grant (being $\frac{11}{80}$ of the English grant-in-aid of the cost of elementary education), less £25,000 of No. 5, and Nos. 6, 7, 8, and 9, which are prior charges. It is distributed among counties, burghs, and police burghs on the same principle as No. 8.

II. CUSTOMS AND EXCISE DUTIES : Surtaxes of *3d.* a barrel on beer and *6d.* a gallon on spirits (53 Vic. c. 8 and 53 & 54 Vic. c. 60).

RECEIPTS						
	£	s.	d.	£	s.	d.
Customs	19,077	0	2			
Excise	133,171	5	2			
				152,248	5	4

PAYMENTS						
	£	s.	d.	£	s.	d.
12. Police Superannuation	40,000	0	0			
13. Education (Scotland) Fund	40,000	0	0			
14. Medical Officers and Sanitary Inspectors	15,000	0	0			
15. Education (Scotland) Fund (Residue Grant)	57,248	5	4			

NOTES ON DISTRIBUTION

12. A fixed grant distributed as follows : each force receives a sum equal to (i) the rateable deductions made from the pay of constables; (ii) the expenditure on pensions during the year. The residue is allocated according to the number of efficient men in the respective forces. The grant is conditional on the efficiency of the force and the proper administration of the local pension fund.
- 13 and 15. The former fixed, the latter fluctuating (see p. 365).
14. A fixed grant distributed on the basis of the salaries and travelling expenses of the officers concerned. The rate per £ has fallen from 10s. $3\frac{1}{2}d.$ in 1891 to 5s. 10d. in 1911.

III. ESTATE DUTY (Agricultural Rates Act, 1896).

RECEIPTS						
	£	s.	d.			
From the Exchequer	182,116	16	11			
Being $\frac{11}{80}$ of the English grant; this latter representing half the rates on agricultural occupiers in England and Wales.						

PAYMENTS						
	£	s.	d.			
16. Burgh Land Tax Relief	7,989	19	10			
17. Board of Agriculture for Scotland	15,000	0	0			
18. Contribution to County and Parish Councils	159,262	14	1			

NOTES ON DISTRIBUTION

16. Represents the redemption of an old tax on burghs.
17. Is the former Congested Districts Board Grant, and cannot now be regarded as a subvention in relief of local taxation.
18. A grant which, with No. 19, represents approximately five-eighths of the rates of agricultural occupiers, and is distributed according to the estimated amount of the rates raised from agricultural occupiers in 1895-6.

IV. LOCAL TAXATION ACCOUNT (SCOTLAND) ACT, 1898.

In 1898 it was conceded that the sum payable to Scotland for the relief of agricultural rates should not be the fixed proportion, eleven-eightieths, of the English grant, but should be taken, as in England, at one-half of the total rates on agricultural land, whether levied from the owner or occupier. Scotland, therefore, became entitled to an additional sum of about £98,000. About £20,000 of this was needed to add to Grant No. 18 to make up the amount corresponding to five-eighths of the rates of agricultural occupiers; the residue became available for other purposes.

RECEIPTS

	£	s.	d.
From the Exchequer.	98,296	8	4

PAYMENTS

	£	s.	d.
19. Contribution to County and Parish Councils	20,000	0	0
20. " " Pay and Clothing of Police	25,000	0	0
21. Marine Superintendence	15,000	0	0
22. Education (Scotland) Fund (Residue Grant)	38,160	11	4

NOTES ON DISTRIBUTION

- 19. See No. 18.
- 20. See No. 3.
- 21. Paid to the Fishery Board and not, properly speaking, a subvention in relief of local taxation.
- 22. See p. 365.

In 1914 a Finance Bill was introduced, containing certain proposals for the reorganisation of grants conditional upon provision being made by Parliament for dividing the rateable value of land, so as to distinguish the value attributable to house buildings, or other improvements, and the value attributable to the land without them. The system of assigned revenues and fixed grants was to be abolished, and direct grants in respect of expenditure on semi-national services substituted. As these proposals were dropped from the Bill as passed, it is unnecessary to detail them here, but it is worth mentioning that the residue remaining after the grants had been paid, estimated at about £400,000, was to be distributed among local authorities under a scheme giving greater aid to areas in which, per head of the population, the expenditure on local services is excessive as compared with the valuation. This would have materially benefited the crofting counties.

Sir Thomas
Hunter :
*Memorandum
on Govern-
ment Grants,*
1914.

THE COUNTY COUNCIL

CONTROL OF
EXPENDI-
TURE.

The Finance Committee of the County Council present an estimate of the receipts and expenditure of the financial year at the October meeting of the Council. The year ends on May 15 and the accounts have to be made up and balanced in such form as the Secretary for Scotland may prescribe. These accounts are subject to audit by the County Auditor who reports to the Secretary. The latter has power to disallow and surcharge all illegal payments. The County Auditor is independent of the County Council, being appointed and removed, and his salary approved, by the Secretary for Scotland; but the money is actually paid from county funds.

8 Ed. VII,
c. 62.CONTROL OF
BORROWING
POWER.

Under the Act of 1889 a County Council may borrow money, with the written consent of the Standing Joint Committee, for certain specified purposes,¹ including aid in emigration or colonisation, on the security of any rate. This loan must be repaid within thirty years. Limited power is also granted for temporary advances from a bank in anticipation of rates. Additional facilities for borrowing were obtained by the Local Authorities Loans (Scotland) Acts, 1891 and 1893, under which local authorities, having statutory borrowing power, can create stock issuable at a price not lower than 95 per cent. and redeemable within sixty years, subject, however, to any amending regulations the Secretary for Scotland, with the tacit consent of Parliament, may prescribe. The stock and dividends thereon are a charge against the whole revenues of the Council, and in case of any deficiencies arising in repayment, the Council is authorised to levy a "guarantee" rate half on owners and half on occupiers. The chief purposes for which money has been borrowed are water supply, drainage, roads and bridges, and hospitals.

54 & 55 Vic.
c. 34.
56 Vic. c. 8.

The totals of the loans outstanding on May 15, 1912, are :—

	£
Argyll	54,486
Caithness	11,316 ²
Inverness	57,635
Orkney	35,220
Ross and Cromarty	29,519
Shetland	21,162
Sutherland	13,586
	£222,924

¹ Since increased by various Acts. ² Includes £10,821 for light railways.

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A total which is equivalent to £154 per £1000 gross rental, as against £191 for the rest of Scotland.

The main sources from which the county revenue is drawn are the land and heritages within the area. The rent of these is valued by the Assessor, who may be an officer of the Inland Revenue paid by the Treasury, and on this gross rental the rates are levied. Railways and canals are assessed by a special official appointed by the Crown on the recommendation of the Secretary for Scotland. Certain properties—as, *e. g.*, chapels, burial grounds—are exempt from rates, and occupiers of lands and heritages under the annual value of £4 may be exempted by the Council on the application of the occupier. The rule for rating is that all rates, except those levied wholly from owners before 1890,¹ shall be levied half from owners and half from occupiers, *i. e.* the same rate is levied on both classes. In the case of rates falling before 1890 on owners alone, an average for the ten years preceding 1889 was struck for each rate and each county; up to that average, owners alone continue to be rated; above, the rates are equally divided between owners and occupiers. The Agricultural Rates Act relieved agricultural occupiers from five-eighths of their rates. The county is the normal rateable unit, but the road and public health rates are levied from the districts.

INCOME.
RATES.

59 & 60 Vic.
c. 37.
1 Ed. VII,
c. 13.

GROSS RENTAL AND ORDINARY RECEIPTS OF CROFTING COUNTY COUNCILS FOR YEAR 1911-12

	Gross Rental as in Valuation Roll.	Ordinary Receipts.			
		Assessments.	Imperial Subventions.	Other Receipts.	Total.
	£	£	£	£	£
Argyll	462,528	40,187	16,923	2,922	60,032
Caithness	108,903	8,482	5,473	1,403	15,358
Inverness	369,245	30,915	13,926	853	45,694
Orkney	70,110	8,333	2,182	584	11,099
Ross and Cromarty	273,813	21,220	14,817	1,133	37,170
Shetland	63,823	5,699	2,550	562	8,811
Sutherland	95,624	12,849	4,779	603	18,231
Crofting Counties {					
Total	1,444,046	127,685	60,650	8,060	196,395
per £100 G.R.	100	8.84	4.20	0.55	13.60
Rest of Scotland {					
per £100 G.R.	100	7.47	1.75	0.84	10.07
Total	15,102,370	1,128,854	264,616	127,847	1,521,317

¹ These are County Police, Militia Storehouse, Registration of Voters, Lunatic Asylums, Sheriff Court House, and County General.

The chief facts brought out by the above figures are (1) that the activities of county councils, assuming equal efficiency, are more costly, in proportion to county resources, in the Highlands and Islands than in the rest of Scotland; (2) that this increased costliness is only partially borne by the inhabitants, a very considerable portion, nearly two-thirds, being met by Imperial subventions. It must be remembered that these are the figures for one year only, and it so happens that there were some large grants from the Road Board and from the Treasury which probably will not be maintained. The county rates have been rising steadily in recent years throughout Scotland, but it must also be noted that in the north-west the increase in the gross rental has been comparatively very slight, so that the increased costliness is becoming more marked.

		1895-6.	1911-12.	Increase per cent.
Crofting Counties	County Gross Rental . .	£ 1,373,132	£ 1,444,046	5.1
	Assessment	78,256	127,685	63.0
Rest of Scotland	County Gross Rental . .	12,114,533	15,102,370	24.6
	Assessment	607,383	1,128,854	85.8

AMOUNT OF ASSESSMENT PER £ OF COUNTY GROSS RENTAL

	1895-6.	1911-12.
Argyll	1 2	1 8 $\frac{3}{4}$
Caithness	1 0 $\frac{1}{4}$	1 6 $\frac{3}{4}$
Inverness	1 2 $\frac{3}{4}$	1 8
Orkney	1 11 $\frac{1}{2}$	2 4 $\frac{1}{2}$
Ross and Cromarty	10 $\frac{1}{4}$	1 6 $\frac{1}{2}$
Shetland	1 1 $\frac{3}{4}$	1 9 $\frac{1}{2}$
Sutherland	1 2	2 8 $\frac{1}{2}$
Crofting Counties	1 1 $\frac{3}{4}$	1 9 $\frac{1}{4}$
Rest of Scotland	1 0	1 6

GOVERNMENT
GRANTS.

The origin and purpose of Government grants to local authorities is so important, and their actual distribution so complex, that the matter is discussed elsewhere (see p. 345). Here is set out simply a statement of the sums which reached the County Councils in 1911-12.

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Grant	Argyll	Caithness	Inverness	Orkney	Ross and Cromarty	Shetland	Sutherland	
<i>From the Local Taxation (Scotland) Account—</i>								
	£	£	£	£	£	£	£	
1. Highlands and Islands	3089	952	2768	372	1859	204	754	: 52 & 53 Vic. c. 50.
2. Roads	1026	355	924	216	677	116	454	: 52 & 53 Vic. c. 50.
3. Police Pay and Clothing	2425	743	1909	—	1617	—	535	: 76 & 81 & 82 Vic. c. 54.
4. Medical Officers	406	124	413	63	323	73	125	: 53 & 54 Vic. c. 50.
5. "Equivalent"	2258	785	2463	693	2213	656	754	: 55 & 56 Vic. c. 51.
6. Agricultural Rates	2725	976	1958	754	1399	316	456	: 59 & 60 Vic. c. 37.
<i>From the Treasury—</i>								
7. Criminal Prosecutions.	73	34	115	—	59	—	32	
8. Erection and Maintenance of Sheriff Court Buildings	476	120	423	79	229	61	57	
9. Maintenance and Removal of Prisoners	135	89	49	—	27	—	5	
10. H. and I. Roads and Footpaths	—	—	1244	—	6337	1116	—	
11. H. and I. Piers and Boat-slips	—	294	185	—	50	—	—	
12. In lieu of Rates on Government Property	47	1	275	5	27	8	8	
13. From the Road Board	4263	1000	1200	—	—	—	1599	: 9 EA. VII. c.

Of the above Grants, 1, 10 and 11 are peculiar to the Highlands and Islands; 10, 11 and 13 fluctuate considerably from year to year; but the remainder—especially those from the Local Taxation Account—keep fairly steady. Orkney and Shetland are outwith the provisions of the Police Act, 1857 (see p. 338).

SUMMARY OF EXPENDITURE OF COUNTY COUNCILS FOR THE YEAR 1911-12 EXPENDITURE.

Service.	Crofting Counties.		Rest of Scotland.	
	Amount.	Percentage of Total Expenditure.	Percentage of Total Expenditure.	Amount.
	£			£
Watching, Prisons, and Police Stations	29,066	14.99	14.74	227,067
Lighting	409	.21	1.72	26,657
Scavenging	1,103	.56	1.96	30,340
Roads and Bridges	112,947	58.27	44.30	682,241
Weights and Measures Act	480	.24	.40	6,218
Sewers, Drains, etc.	1,401	.66	3.12	48,117
Hospitals	5,863	3.02	5.92	91,292
General Sanitary Operations	10,828	5.58	4.41	68,020
Valuation	1,288	.61	.35	5,514
Registration of Voters	1,358	.65	.74	11,473
Sheriff Court and County Buildings	2,967	1.53	.90	13,886
Diseases of Animals Act	1,422	.68	.44	6,787
Water Supply	8,012	4.13	10.13	156,032
Slaughter Houses	24	.01	.34	5,351
Private Improvement Expenses	—	—	.02	424
Technical Education	225	.11	.06	961
Reformatories and Industrial Schools	18	.01	.10	1,603
Light Railways	845	.43	.03	526
Salaries or Fees and Outlays of County Officials (so far as chargeable to County General Assessment)	2,183	1.12	.65	10,148
Salaries or Fees and Outlays of Procurators-Fiscal and Clerks of the Peace	1,736	.89	.83	12,885
General Purposes (so far as not allocated to other heads of Expenditure)	1,654	.85	1.49	23,078
Payments to other Local Authorities	7,503	3.87	5.81	89,541
All other Expenditure	2,492	1.28	1.41	21,809
Total	193,824	100	100	1,539,970

ORDINARY EXPENDITURE OF COUNTY COUNCILS FOR YEAR
ENDING MAY 15, 1912

County.	Gross Rental as in Valuation Roll.	Total Expenditure.	Expenditure per £ of Gross Rental.	
	£	£	s.	d.
Argyll	462,528	59,652	2	8-2
Caithness	108,903	15,287	2	9-6
Inverness	369,245	46,291	2	6-8
Orkney	70,110	10,084	2	10-5
Ross and Cromarty	273,813	36,631	2	8-1
Shetland	63,823	9,223	2	10-6
Sutherland	95,624	16,656	3	5-8
Crofting Counties	1,444,046	193,824	2	8-2
Rest of Scotland	15,102,370	1,539,970	2	0-4

THE PARISH COUNCIL

CONTROL OF
EXPENDI-
TURE.

57 & 58 Vic.
c. 58.

A Parish Council has the annual estimate of its receipts and expenditure submitted to it at a meeting which must be held in the month of July. All its receipts and payments must be made into or out of the general or special parish fund. The latter is fed by the special parish rate, with a maximum limit of sixpence, and devoted to the purposes for which additional powers were granted by the Act of 1894, viz. the provision and maintenance of offices and recreation grounds, the acquisition or leasing of land for allotments, and the repair and maintenance of all or any public ways (not being highways or footpaths at the side of a highway). The Local Government Board prescribe the form in which the accounts are to be kept and they appoint an auditor with powers similar, *mutatis mutandis*, to those of the County Council auditor except that the Board take the place of the Secretary for Scotland (see p. 350).

CONTROL OF
BORROWING
POWER.

The provisions controlling the borrowing powers of a Parish Council are somewhat complicated. They fall under three heads:—

- (1) Under the Local Government Act, 1894, the Council may borrow for (a) purchase of any land or the erection of any buildings, (b) for any permanent work or other thing, the cost of which, in the opinion of the Board, should be spread over a term of years. The work must, of course, be for an authorised purpose and the consent of the Board is necessary for the loan, which is raised on the security of the special parish rate and may be borrowed from the County Council. The Board determine the period of redemption subject to the

statutory limitation to a term not exceeding, in case (a) above, forty years, in case (b) thirty years.

- (2) Under the Poor Law Acts, for the purpose of erecting, enlarging, altering, or repairing a poorhouse, a Council may borrow on the security of the Poor Rate provided that the sum so borrowed shall not exceed three times the annual assessment for the poor and is repaid within thirty years. If the population of the parish exceed 100,000 greater powers are granted. 8 & 9 Vict. c. 83.
19 & 20 Vic. c. 117.
49 & 50 Vic. c. 51.
- (3) Under the Burials Act, a Council may borrow, on the security of the burial rate, for the purpose of providing and laying out a burial ground; the loan has to be repaid within twenty years. 18 & 19 Vic. c. 68.

For no purpose can a Parish Council raise a further loan, without the consent of the Local Government Board, when their outstanding loans exceed one-fifth of the assessable value of the lands and heritages within the parish. A return of all outstanding loans must be rendered annually to the Secretary for Scotland. 57 & 58 Vic. c. 58.

LOANS OUTSTANDING BY THE PARISH COUNCILS AT MAY 15, 1912

County.	Under Poor Law Acts.	Under Burial Acts.	Under L. G. Act, 1894.	Total.
Argyll	—	1892	—	1892
Caithness	—	437	—	437
Inverness	885	315	543	1743
Orkney	—	—	61	61
Ross and Cromarty	4924	1031	1195	7150
Shetland	1522	—	180	1702

These are quite insignificant amounts compared to the totals of the Lowland counties. It must be noted, however, that the debts of the Lewis parishes are heavy, having been incurred for the foolish erection of poorhouses (see p. 111); Barvas, Lochs, and Uig each having a debt of £836 and Stornoway £2352. Of the total parochial debt of Ross and Cromarty, under the Poor Law Acts, £4860 is outstanding from these four parishes and only £64 from the remaining twenty-nine parishes. Again, Stornoway is responsible for £900 of the £1031 outstanding under the Burial Acts.

The income of the Parish Council comes from the parish rates, which are not, like the county rates, levied on the gross rental, but on a net rental after allowing for certain statutory deductions. Each parish determines for its own area the amount of these deductions, which represent the "probable annual average cost of the repairs, insurance, and other expenses, if any, necessary to maintain such lands and

heritages in their actual state, and all rates, taxes, and public charges payable in respect of the same." These deductions vary considerably. In some cases a flat rate of deduction on all subjects is allowed, which, of course, has no other effect than that of increasing nominally the rate. Thus all the Shetland parishes allow 25 per cent. deduction; Lochs and Barvas in the Lews allow 45 per cent. By the Agricultural Rates, etc., Act of 1896 occupiers of lands and heritages used for agricultural or pastoral purposes only or as market gardens, orchards, or allotments are relieved of five-eighths of their rates. In a few parishes¹ a system of classification exists under which the rates levied on occupiers vary with reference to the class of the occupier. Such parishes are unaffected by the Act of 1896 unless the relief granted under the existing scheme to agricultural occupiers is less than that which would otherwise be afforded by the Act: in which case the scheme is suspended. Another difference between parish and county rates is, that while in counties the same rate is levied upon both owner and occupier, in parishes an equal aggregate sum, subject to the provisions of the 1896 Act, is taken from each class. The exemptions from payment of the poor rate are similar to those from the county rate (see p. 351).

ORDINARY RECEIPTS OF THE PARISH COUNCILS FOR 1911-12

	Assessments.			Government Grants.		Other Receipts.	Total.	
	Poor Rate.	Education Rate.	Other Rates. ²	From Local Taxation Account.	In lieu of Rates.			
	£	£	£	£	£	£	£	
Argyll	25,283	28,238	1,247	10,216	136	1,160	66,280	
Caithness	7,704	7,788	854	4,893	268	682	22,189	
Inverness	31,591	23,815	925	10,490	475	500	67,796	
Orkney	6,107	2,877	56	3,115	41	308	12,504	
Ross and Cromarty . . .	25,225	15,725	1,419	8,668	320	770	52,127	
Shetland	5,425	3,993	201	3,030	68	264	12,981	
Sutherland	7,211	6,318	510	2,660	6	415	17,120	
Total	108,546	88,754	5,212	43,072	1,314	4,099	250,997	
Crofting Counties	{ Amt. per £100 Gross Rental	{ 6·2	{ 5·1	{ ·3	{ 2·4	{ ·07	{ ·2	{ 14·4
Rest of Scotland	{ Amt. per £100 Gross Rental	{ 3·8	{ 5·09	{ ·1	{ ·8	{ ·06	{ ·2	{ 10·1
Total	1,193,354	1,593,286	54,146	252,759	13,136	68,966	3,175,647	

The Gross Rental of the parishes in the crofting counties was £1,737,928, in the rest of Scotland £31,245,237.

¹ About sixty, of which four are in the crofting counties.

² These are Registration of Births, etc., Burial Grounds, Valuation of Lands, Public Libraries, and the special Parish Rate under the 1894 Act.

HIGHLANDS AND ISLANDS OF SCOTLAND 357

Similar results are shown by these figures as by those of the County receipts; the activities of Parish Councils are more costly in the Highlands and Islands than in the rest of Scotland, and this increased costliness is partly borne by the State, to the extent approximately of one-third. It should be noted that the figures corroborate the statement made elsewhere that the expense of education is not now more onerous in the crofting counties than elsewhere; on the other hand, the poor rate very markedly is.

INCREASE IN PAROCHIAL GROSS RENTAL AND ASSESSMENTS

		1895-6.	1911-12.	Increase per cent.
Crofting Counties	Parochial Gross Rental	£ 1,628,224	£ 1,737,928	6·7
	Assessments	166,440	202,512	21·6
Rest of Scotland.	Parochial Gross Rental	23,435,451	31,245,237	33·3
	Assessments	1,415,137	2,840,786	100·7

AMOUNT OF ASSESSMENTS PER £ OF PAROCHIAL GROSS RENTAL

County.	Year.	Poor Rate.		Education Rate.		Other Rates.		Total.	
		s.	d.	s.	d.	d.	s.	d.	
Argyll	1895-6	10	8	0½	1 6½				
	1911-12	11	1 0¼	0½	1 11¾				
Caithness	1895-6	1 9¾	11	1½	2 10¼				
	1911-12	1 0½	1 0¾	1½	2 2¾				
Inverness	1895-6	1 2½	7¾	0½	1 10¾				
	1911-12	1 3¾	11¾	0½	2 4				
Orkney	1895-6	1 9¾	10¼	0¾	2 8¾				
	1911-12	1 5	8	0	2 1				
Ross and Cromarty	1895-6	1 3¾	7¼	1	2 0				
	1911-12	1 8	1 0¼	1	2 9¼				
Shetland	1895-6	3 2¼	1 0	1	4 3¼				
	1911-12	1 8½	1 3	0¾	3 0¼				
Sutherland	1895-6	1 7¼	1 0¼	0¾	2 8¼				
	1911-12	1 5¼	1 3	1½	2 9¾				
Crofting Counties	1895-6	1 3¼	8½	0¾	2 0½				
	1911-12	1 3	1 0¼	0¾	2 4				
Rest of Scotland	1895-6	7	7¼	0¼	1 2½				
	1911-12	9¼	1 0¼	0¼	1 9¾				

It would appear from the foregoing tables that while the parochial rates are increasing generally throughout Scotland, the increase is not so considerable in the crofting counties as it is elsewhere, while the comparatively heavier burden borne by the crofting counties remains about the same as sixteen years ago, owing to the greater increase of assessable value in the rest of Scotland. Other points of interest are (i) that the incidence of the education rate works out equally as between the two areas compared, (ii) that the poor rate in the crofting counties has actually shown a slight decrease and this decrease of the rate following the decline in pauperism (see p. 118) may be confidently expected to continue as the Old Age Pensions Act begins to have its full effect.

EXPENDITURE.

SUMMARY OF EXPENDITURE OF PARISH COUNCILS FOR THE YEAR 1911-12

I

Service.	Crofting Counties.		Rest of Scotland.	
	Amount.	Percentage of Total Expenditure.	Percentage of Total Expenditure.	Amount.
	£			£
Under Poor Law Acts	140,051	56·62	44·66	1,405,669
Under Education Act	96,547	39·03	52·0	1,636,491
Other Services	10,754	4·34	3·33	104,937
Total	247,352	100	100	3,147,097

II

County.	Gross Rental as in Valuation Roll.	Total Expenditure.	Expenditure per £ of Gross Rental.	
			s. d.	s. d.
	£	£		
Argyll	552,642	65,114	2	4·2
Caithness	146,843	21,700	2	11·4
Inverness	484,398	67,541	2	9·4 { M. 2 3·7 I. 6 3·6
Orkney	86,526	12,317	2	10·0
Ross and Cromarty	303,199	51,487	3	4·6 { M. 2 10·2 I. 7 7·9
Shetland	63,830	12,807	4	0·1
Sutherland	100,490	16,386	3	3·1
Crofting Counties	1,737,928	247,352	2	10·0
Rest of Scotland	31,245,237	3,147,097	2	0·1

M = Mainland Parishes. I = Insular Parishes.

GOVERNMENT GRANTS.

The Government Grants paid to Parish Councils in Scotland are six in number, apart from the Treasury contribution in lieu of rates on Government property. Of these six, two are not paid out of the Local Taxation Account. These two

in 1911-12 were £230 from the Congested Districts Board and £174 in aid of education in the poorhouses. The remaining four are the Medical Relief Grant of £20,000, the Pauper Lunacy Grant of £115,500, a £50,000 Grant in Relief of Rates, and the Agricultural Rates Grant (£109,628 to Parish Councils in 1911-12). The distribution of these Grants is dealt with above.

SCHOOL BOARDS

Every School Board has to appoint a Treasurer, whose duty it is to keep the accounts of the Board in the form prescribed by the Scotch Education Department and to make them up and balance them to May 15 of every year. Should any Treasurer fail to do this duty, he may be compelled to perform it by Order of the Court of Session on the petition and complaint of the Accountant of the Department. This Accountant, who is assisted by a subordinate staff of Local Auditors, examines these accounts and reports on them to the Department, who may disallow payments they consider illegal; and, if such payments are continued in any subsequent year, may petition either division of the Court of Session to declare the expenditure illegal and to surcharge the members concerned. Provision is also made for the publication of the accounts.

CONTROL OF EXPENDITURE. 35 & 36 Vic. c. 62.

8 Ed. VII, c. 63.

A School Board can borrow money, with the consent of the Department, for providing or enlarging a school-house and for any works of a permanent character proper to their educational functions. The loan is obtained on the security of the School Fund and School Rates, and must be repaid within fifty years. A temporary loan, such as a bank overdraft, is also permitted in the case of an adverse balance on the year's accounts, but a second loan of this character cannot be obtained until the former one is paid off. The liabilities of the School Boards of the crofting counties on May 15, 1912, were £327,481, their total income for the year 1911-12 was £311,028, as compared with £6,470,847 and £4,219,435 the corresponding figures for the rest of Scotland.

CONTROL OF BORROWING POWER.

The primary resource of the School Board is the School Fund, which consists of all parliamentary grants, money raised by loans, and certain casual receipts. Only if the School Fund is not sufficient to meet the expenditure, is the School Board empowered to require the local rating authority, the Parish Council, to levy a School Rate to meet the deficiency. Actually, the School Rate is one of the most important sources of income, and, in 1911-12, only one

INCOME : THE SCHOOL RATE.

School Board—Tenandry, in Perthshire—was in a position to forgo a rate, and this Board has no school under its charge. The School Rate is levied and collected in the same way as the Poor Rate and there is no statutory limit to its amount. The following table shows the income from rates of the School Boards of the crofting counties in 1911–12 and, as a comparison, of those of the rest of Scotland.

Area.	Amount of Rates Received.	Gross Rental as in Valuation Roll.	Average Rate.		Amount of Rates per head of Average Attendance (excluding Continuation Classes).
			Per £ of Gross Rental.	Per £ of Rateable Value.	
	£	£	d.	d.	£ s. d.
Argyll	30,655	554,460	13-26	{ M. 15-51 I. 17-68 }	3 4 2
Caithness	8,695	146,845	14-21	{ M. 14-21 I. 24-23 }	1*10 3
Inverness	25,404	481,112	12-67	{ M. 14-21 I. 24-23 }	2 2 3
Orkney	3,348	86,526	9-28	{ M. 14-73 I. 38-11 }	19 8
Ross and Cromarty . .	17,305	303,199	13-69	{ M. 14-73 I. 38-11 }	1 10 3
Shetland	4,459	63,830	16-76	{ M. 14-73 I. 38-11 }	1 7 11
Sutherland	6,677	100,490	14-75	{ M. 14-73 I. 38-11 }	2 7 8
Total of Crofting Counties	96,543	1,736,462	13-34	} 15-87 {	2 0 0
Total of Rest of Scotland	1,636,573	31,261,029	12-53		2 13 2

M. = Mainland. I. = Insular.

It must be remembered that the rates are not levied on the Gross Rental (see p. 355); the figure actually announced in the demand note is represented in the last but one column above, and in another form in the next table:—

PERCENTAGE OF SCHOOL BOARDS LEVYING CERTAIN RATES

Rate.	In the Crofting Counties.	In the Rest of Scotland.
Over 2s.	20-69	5-10
Over 1s. 9d. and below 2s.	9-77	6-12
Over 1s. 6d. and below 1s. 9d.	14-36	8-92
Over 1s. 6d.	44-82	20-14
Over 1s. 3d. and below 1s. 6d.	14-94	12-24
Over 1s. and below 1s. 3d.	18-96	17-85
Over 1s. and below 1s. 6d.	33-90	30-09
Over 9d. and below 1s.	9-77	20-53
Over 6d. and below 9d.	6-32	16-70
Below 6d.	1-72	7-14
Below 1s.	17-81	44-37
Classified	3-45	5-35

The foregoing tables show that the average amount of cash demanded for educational purposes from each ratepayer is less in the crofting counties than in the rest of Scotland, but, since in proportion to the average resources it is more, the burden of the smaller sum is more onerous. The additional severity of the burden cannot, however, be measured by the difference in the nominal rates, since their height is in many cases largely fictitious and is due to the statutory deductions (under section 37 of the Poor Law Act 1845, and the Agricultural Rates Act) from the gross valuation. Thus Lochs parish allows a deduction of 45 per cent. over all subjects, and the education rate is there 6s. 3½*d.*, whereas without such deduction it would only be 2s. 3½*d.*, the actual cash paid being, of course, the same in either case. It would seem, therefore, that, taking the crofting counties *as a whole*, the amount of money raised locally for education does not now impose a burden on the people very much heavier than that borne in other parts of Scotland, and the reason for this will be found in the following account of the distribution of the Government Grants.

Taking individual school districts, there is often an astonishing difference in the rates of adjacent districts, even when the local conditions are very similar. In the Shetland Islands all the local rating authorities allow a deduction of 25 per cent. over all subjects, and this uniformity simplifies a comparison of the incidence of the rates. There are twelve school districts in these Islands, and the minimum school rate for 1911–12 was 1s. 2*d.*, levied in Nesting, whose School Board supports six schools with an average aggregate attendance of 297 scholars, the gross valuation of the parish being £2372. The maximum rate was 3s. 11*d.*, levied in Dunrossness, having eight schools with 515 pupils and a gross valuation of £5329. Again, while some districts maintain a steady school rate, like Bressay, whose rate has been within a farthing of 1s. 8*d.* for the last four years, the rates of other districts fluctuate violently, like those of Delting, which for the last four years were 6s. 4*d.*, 8s., 4s., and 3s. 6*d.* Were there one School Board for the whole of the Shetland group, levying a uniform rate over the whole area, the burden of the rate would be equalised and the violent fluctuations would disappear. This consideration, which applies to other districts besides the Shetlands, provides one of the most powerful arguments of the advocates of a wider unit of area for educational administration.

Certain sums of money are placed by the authority of Parliament in the hands of the Scotch Education Department

GOVERNMENT
GRANTS.

for the purposes of public education. These sums are derived both—

- (1) from the Parliamentary Vote including such an item in the Finance Act of the year; and
- (2) from fixed charges on the Consolidated Fund.

The money from the Parliamentary Vote is distributed by the Scotch Education Department in accordance with the rules and conditions laid down in the Department's Code. The manner in which this sum is distributed is outlined below, but it must be remembered that the payment of the money is conditional on the compliance of the local authority with the Code requirements. The figures in square brackets are references to the articles of the code.

I.—Based on the average number of scholars in attendance, the sum mentioned being *per capita*.

(a) [147] The General Aid Grant in relief of fees of 12s.

(b) [19.B] For children under seven years of age :

A normal grant of 18s. liable to increase or decrease of 6*d.*

A grant of 1s. where infants are taught in a separate department by a special teacher.

A grant of 1s. where a Gaelic-speaking teacher is specially employed.

[19.B] For children between seven and ten years of age.

A normal grant of 20s. liable to increase or decrease of 6*d.*

A grant for efficient instruction in drawing of 1s. 6*d.*, which may be increased by 3*d.*

A grant of 1s. where a Gaelic-speaking teacher is specially employed.

[19.B] For children over ten years of age, for whom a grant is not otherwise claimed.

A normal grant of 22s. liable to increase or decrease of 6*d.*

A grant for efficient instruction in drawing of 1s. 9*d.*, which may be increased by 3*d.*

[21] For children over twelve years of age enrolled in Supplementary Classes.

A normal grant of 50s.

A grant of 12s. 6*d.* per 100 hours instruction in Experimental Science, and 8s. 4*d.* per 100 hours instruction in Manual Instruction, Domestic Science

or practical Agriculture, Horticulture, Dairying or Navigation.

(c) [20.1] Blind, deaf, or mute children.

For satisfactory instruction either in a day school or special institution a grant of three guineas; and, if such instruction includes manual work, an additional two guineas.

(d) [20.2] Defective or epileptic children.

If satisfactorily taught in special classes (limited to twenty pupils) the attendance of such class is counted for the purpose of the normal grant as fifty.

(e) [142] Higher Grade Department.

For children over twelve years of age, a normal grant of £2 10s. for the first year, £3 10s. for the second, and £4 10s. for the third; any of which may be increased by one-tenth, or diminished by one or more tenths.

[143] The grant for practical instruction as in the Supplementary Classes (21).

[149] A limited grant towards the salary of a foreign teacher of French or German.

(f) Continuation Classes.

A grant, per pupil per hour per week for a normal session of twenty weeks, which ranges according to the character of the work from 3s. 4d. upwards. This grant must not exceed three-quarters of the expenditure actually incurred, except in the crofting counties, where it may be as high as, but not higher than, seven-eighths.

A grant-in-aid of the provision of local scholarships.

(g) Secondary Schools.

For children over twelve who have passed a qualifying examination, a grant of £3.

For children over fifteen who have obtained the Intermediate Certificate, a grant of £5.

A limited grant towards the salary of a foreign teacher of French or German.

II.—Special Grants.

(a) [19.D] A grant of £10 or £15 to schools so isolated that the population within two miles by the nearest road is less than 300 or 200 souls respectively (see p. 156).

(b) [19.D] A grant of half the salary of teachers in side schools.

- (c) [19.B] A special attendance grant to the crofting counties,¹ when the average attendance lies between 75 and 80 per cent. of enrolled scholars of 3s., when it exceeds 80 per cent. of 4s., and that in respect of each school division. This scale was substituted by the code of 1911 for the scale as originally devised (see p. 158).
- (d) [22] A special grant to the crofting counties¹ of 6s. for each scholar over ten years of age, provided that the school staff includes a teacher—additional to the staff required for such school less thirty pupils—qualified to give instruction in higher subjects. This grant is the modern survival of the graduate grant (see p. 158).
- (e) [147] A special grant to the crofting counties¹ of an additional 10s. for each scholar in any higher grade department.

The extra grants (*c*, *d*, and *e*, above) paid to the crofting counties in 1911–12 amounted to £11,296 15s.

35 & 36 Vic.
c. 62.

- (f) A special grant to poorer districts. This is under Clause 67 of the Act of 1872, which reads: "Where in any parish or burgh a school rate of not less than 3*d.* in the £ on the rateable value of such parish or burgh shall be levied, and the whole produce of such rate is less than £20 or than 7*s.* 6*d.* per child of the number of children in average attendance at the public school provided by the School Boards in such parish or burgh, such School Board shall be entitled, in addition to the parliamentary grant in aid of public schools provided by them, to such further sum out of moneys provided by Parliament as will, together with the produce of the rate, make up the sum of £20 or 7*s.* 6*d.* for each such child."

60 & 61 Vic.
c. 62.

The above clause was amended by the Act of 1897, which enacts that "Section 67 shall have effect as if the sum of 7*s.* 6*d.* therein mentioned were increased by the sum of 4*d.* for every complete penny by which the school rate exceeded 3*d.*, but not beyond a maximum of 16*s.* 6*d.*"

The amount distributed under this grant in 1911–12 was £71,854 4*s.* 9*d.*, of which £12,392 2*s.* 10*d.* went to the crofting counties.

¹ Not available to Inverness Burgh.

Besides the grants from the parliamentary vote mentioned above, further sums reach the School Boards from the Education (Scotland) Fund. This Fund was constituted by the Act of 1908 and consists of moneys assigned by the Treasury to Scotland as a whole in consideration of corresponding demands which the sister countries make upon the National Exchequer. The sums are paid by the Treasury into the Local Taxation (Scotland) Account, and transferred from that account to the Education (Scotland) Fund. They consist of the following :—

THE EDUCATION FUND.

	Receipts for 1911-12.			
	£	s.	d.	
I. From the Customs and Excise Duties—				8 Ed. VII, c.
(a) A sum not exceeding £40,000	40,000	0	0	63, and 53 &
(b) Any residue of these duties after prior charges have been met	57,248	5	4	54 Vic. c. 60.
II. From the Local Taxation Licences and Estate Duty—				55 & 56
(a) A sum of £60,000	60,000	0	0	Vic. c. 51.
(b) Any residue after prior charges have been met	25,027	4	1	
III. From the Grant in Relief of Agricultural Rates—				61 & 62
Any residue after prior charges have been met	38,160	11	4	Vic. c. 56.
In addition to these sums from the Local Taxation (Scotland) Account, the Education Fund receives the balance of the sum voted by Parliament as a General Aid Grant, after the 12s. per scholar grant in relief of fees has been paid	295,600	0	0	

The first charge upon this Fund is for educational objects of national importance such as cannot be considered to be a proper charge upon the resources of any one district. Amongst these may be mentioned financial aid to universities, central institutions and training colleges, for the superannuation of teachers, and for the expenses in connection with the leaving certificate and the inspection and examination of secondary and intermediate schools. There is, moreover, included among these first charges one which can hardly be regarded as a general charge of national importance, but is, nevertheless, of great service to the Highlands and Islands. The charge referred to is that for providing for any other educational expenditure approved by the Department and set forth in minutes laid before Parliament. In this way the Department has a sort of emergency fund at its disposal, and this it uses to strengthen the finances of necessitous boards, or, perhaps it would be more correct to say, to patch up the financial structure where it shows signs of giving way. The claims of boards having a rate of over 1s. 6d. on nine-tenths of the total valuation are

considered, and the following table shows the amounts paid in 1911-12.

SPECIAL GRANTS PAID TO SCHOOL BOARDS UNDER SECTION 16(1)*f* of
1908 ACT

Area.	Total Amount Paid.			No. of School Boards receiving Special Grant.
	£	s.	d.	
Argyll	913	19	6	10
Caithness	424	6	10	2
Inverness	1488	14	7	11
Orkney	38	11	5	1
Ross and Cromarty	2842	12	3	5
Shetland	337	4	5	4
Sutherland	639	18	10	4
<hr/>				
Total for the Crofting Counties	6685	7	10	37
Total for Rest of Scotland	6586	17	9	23

The table from which the above figures are calculated is the most interesting one among the mass of financial statistics published by the Department. It shows exactly where the educational organisation, in spite of all the patching supplied by the extra grants, is giving way under the financial strain. The names of the same boards appear year after year in the table, and it is significant to find that those of all the thirteen boards involved in the 1888 crisis are included (see p. 158).

THE DIS-
TRICT EDUCA-
TION FUND.

The balance of the Fund after these first charges have been met is split up into thirty-eight separate funds, one for each Secondary Education Committee District, which is, in the north-west, almost exactly coincident with the county. The interesting point about this division is, that it is specially enacted that the scheme of allocation must be so framed by the Department as to give greater aid to those districts in which per head of the population the comparative expenditure for educational purposes is excessive, as compared with the valuation. Now the valuation per head of the rest of Scotland is to that of the crofting counties as 100 : 71, and, assuming that the cost of education is not excessive in the former area, the cost in the latter area should be comparatively in the same proportion. Actually the corresponding proportion for the cost of education per head is as 100 : 94. Thus the crofting counties were particularly intended to benefit by this clause, which seems to suggest that the distribution should vary directly as the population and cost of education and inversely as the valuation. The Department have been urged to adopt this as their basis of distribution, but have only proved willing to do so to a limited

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extent, at first distributing thus something less than one-third, but since 1911-12 adopting this basis for one-half; the remaining half being distributed according to population. As a result, in 1911-12 the crofting counties received £42,621 out of £352,525. Not all this money goes to the School Boards, but they can get the following:—

- (1) Grants intended to adjust more equitably the incidence of the cost of education; thus boards maintaining an intermediate or secondary school are repaid the cost of educating children resident outwith the School Board District, and may also obtain additional help.
- (2) A grant of one-half the cost of medical inspection.
- (3) Grants in aid of capital expenditure for certain specified services.

SUMMARY OF INCOME OF SCHOOL BOARDS FOR THE YEAR 1911-12 INCOME.

Source.	Crofting Counties.		Rest of Scotland.	
	Amount.	Percentage of Total Income.	Percentage of Total Income.	Amount.
Balance from previous year	£ 14,781	4·75	4·98	£ 210,454
<i>Grants—</i>				
From Parliamentary Vote	147,310	47·36	34·34	1,448,972
From Education (Scotland) Fund	25,677	8·24	6·27	264,759
Rates	96,543	31·04	38·78	1,636,573
Loans raised	14,490	4·65	11·19	472,240
Other Sources (Fees, Endowments, etc.)	12,227	3·93	4·40	186,437
Total	311,028	100	100	4,219,435

SUMMARY OF EXPENDITURE OF SCHOOL BOARDS FOR THE YEAR 1911-12 EXPENDITURE.

Service.	Crofting Counties.		Rest of Scotland.	
	Amount.	Percentage of Total Expenditure.	Percentage of Total Expenditure.	Amount.
Balance overdrawn on May 15, 1911	£ 25,448	8·09	4·05	£ 166,008
Administration	12,612	4·00	3·10	127,403
Salaries of Teachers	178,859	56·91	52·86	2,163,200
Maintenance of Schools	40,273	12·81	13·08	535,351
Repayment of Loans	17,639	5·61	7·20	294,775
Interest on Loans	10,584	3·36	5·41	221,746
<i>Capital Charges—</i>				
Purchase of Sites, and Erection, Enlargement, or Alteration of School Buildings	19,640	6·24	11·17	457,342
Other Expenses	9,215	2·91	3·06	126,123
Total	314,270	100·0	100·0	4,091,948

The expenditure of School Boards has been discussed in the section on Function, and the above figures call for little further comment. The largest overdrawn balances at the end of the previous year are found in the accounts of the School Boards supporting centre schools which provide intermediate or secondary education for a large number of children from outwith their own district. Amongst such Boards may be mentioned Inverness Burgh £3385, Campbelltown £2539, Lerwick £1965, Stornoway £1278, and Oban £1025. Expenses of administration include: election expenses, salaries of officials and legal expenses, all of which, from the nature of the Highlands and Islands, are bound to be proportionately higher there than in the rest of Scotland. Teachers' Salaries and Maintenance of Schools are the heaviest items. The higher proportion of the total expenditure going to teachers in the crofting counties does not mean they have higher average salaries (see p. 170); its explanation is rather to be found in the fact that the remaining items of expenditure are proportionately lower. In particular, this is notably the case with regard to capital charges for the purchase of sites and erection or enlargement of school buildings, for in the north-west with its decreasing population such expenditure is less needed than in the urban districts of the Lowlands. The liabilities of the School Boards of the crofting counties being less in proportion to their total income (see p. 359), either because of their credit being worse or because of the stricter vigilance of the Department, it follows that the amount going for repayment of, or interest on, loans will also be proportionately less. "Other expenses" include medical inspection, for which the amount is likely to show in future a considerable increase, since three of the crofting counties were in 1911-12 without approved schemes in full working.

SECONDARY EDUCATION COMMITTEES

CONTROL.

The Secondary Education Committee receives early in each financial year an estimate from the Department of the amount of the sum of money allocated to the Fund of its particular district, together with a statement of the claims made on that Fund by the direct grants to School Boards referred to above. The balance represents the approximate sum for which the Committee can budget. The Department, after they have approved of the Committee's scheme of distribution, pay over the money to the Committee, whose

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accounts are subsequently audited by the Department's Accountant.

In 1911-12 the Income of the Secondary Education Committees of the crofting counties amounted to £19,531, the whole amount coming from the Education Fund except for some insignificant amounts received from school managers for the services of the Committee's special teachers and £916 reimbursed by School Boards for medical inspection. The expenditure is shown below; fractions of a pound being omitted.

EXPENDITURE OF SECONDARY EDUCATION COMMITTEES, 1911-12

Service.	Crofting Counties.		Rest of Scotland.	
	Amount.	Percentage of Total Expenditure.	Percentage of Total Expenditure.	Amount.
Bursaries	£ 12,314	72.1	52.1	£ 60,195
Travelling Expenses and Maintenance of Teachers attending Special Classes for further Instruction	332	1.9	3.4	3,910
Medical Inspection	2,332	13.6	19.1	22,100
Salary, Travelling or other Expenses—				
Of Organiser of Instruction	—	—	2.8	3,277
Of Teachers of Special Subjects	808	4.7	13.7	15,883
Administration—				
Expenses of Committee	1,237	7.2	6.8	7,927
Other Expenses	42	0.2	1.7	2,110
Total	17,067	100.0	100.0	115,404

The most striking feature disclosed by this comparative table is that the Committees in the crofting counties spend not far short of three-quarters of their income on bursaries, while those of the rest of Scotland spend not much more than one-half. One reason for this is that the amount of the bursaries needs to be higher in the Highlands and Islands; travelling expenses are greater because of the longer distances, and maintenance is more expensive where the cost of living is dearer. Again, the people are generally poorer and so a proportionately greater number of bursaries is required. A third reason is that, in this area of thinly distributed population, the other services, on which money might be spent, become disproportionately expensive. To employ itinerant teachers of special subjects would involve heavy travelling expenses and much waste of time; to bring school teachers to some centre for further instruction would have the same result. It is not strange, therefore, that the committees believe the money can be most beneficially and

economically expended if devoted to bursaries, and the very small development of any other activities enables them to save the salary and expense of an organising official. Even so, it must not be considered that the amount devoted to bursaries is in these counties in any sense ample; evidence has already been submitted that it is inadequate. Moreover, it will become even more so. For reasons previously mentioned, the expenditure in the crofting counties on medical inspection must be in future years considerably increased, and, unless further State aid is forthcoming, this must entail an increase in the proportionate expenditure on this service, and hence a restriction in the amount available for bursaries. This is a serious danger, for, as a gentleman possessing great practical experience of the working of the secondary education system in the Hebrides has pointed out: "It is the bursary scheme that makes accessible to the remotest districts the instruction provided in the centre school; it is on its maintenance that the success of the Island secondary system depends." The same statement is true of the crofting counties generally. Presumably this new difficulty will be met in the usual way by another dole, in some form or another, from the national funds. If so, this brings up again the two questions for the purpose of throwing light on which this book is written. When we have an administrative system, adapted to the needs of the country at large, stretched to cover remote districts of quite different physical, social, and economic conditions, how far is it justifiably equitable to use national resources to patch up the consequent rents, and, even if it be defensible to tax one section of the nation for the benefit of another, can such a patchwork structure be regarded as satisfactory or stable?

Scotsman,
Jan. 20, 1913.

PART VI
CONCLUSION



PART VI

CONCLUSION

THE only merit claimed for this book is that it presents, in what is, it is hoped, a convenient form, a consecutive narrative of public administration in its various aspects in the crofting counties of Scotland, together with a description of the present administrative machinery, and statistics necessary for forming an opinion as to the financial position in the year before the commencement of the Great War. In essence the book is a précis of Government reports presented without any conscious partiality or bias and with no desire to prove or disprove anything.

If an attempt is now made to draw some conclusions from the facts narrated, with the special object of discovering whether the system of public administration is passably fit and suitable, it is made with diffidence and more with a desire to stimulate the interest of those more competent to weigh the evidence than with any idea of arrogantly distributing praise or blame or confidently urging specific reforms.

The questions to be decided seem to be three—

I.—Is the present system of public administration passably fit and suitable to the conditions of the Highlands and Islands?

II.—If not, can it be made so?

III.—Alternatively, can the conditions be so altered as to fit the system of administration?

I

The facts show that the main framework of the system of public administration was not designed with any reference to, or consideration of, the particular economic, social, or physical conditions of the Highlands and Islands. As a result the system is in some respects (A) too elaborate, (B) deficient, (C) confused, and (D) costly.

(A) The system is too elaborate in respect of the number of local authorities¹ as compared with the number of eligible

¹ It may be mentioned in this connection that one local authority—the Sea Fisheries District Committee, under the Sea Fisheries Regulation (Scotland) Act of 1895—has never yet been appointed anywhere in Scotland.

members and the general resources of the area. There is a shortage of supply of candidates for all the local authorities, and, to a certain extent, there must be reduplication of offices and staffs. In 1874 the Chamberlain of the Lews was Chairman of the Parochial Boards and of the School Boards of each of the four parishes in Lewis, Vice-Chairman of the Harbour Trustees, Deputy Chairman of the Road Trust, Chief Magistrate of Stornoway, a Justice of the Peace, a Commissioner of Supply and a Commissioner under the Income Tax Acts, Procurator-Fiscal of the island, legal adviser to each of the four parochial boards; besides being Director of the Stornoway Gas and Water Companies, Commanding Officer of the Local Volunteers, and a Notary Public. In 1909 the Convener of the County Council of Caithness was a landowner, who also held the Chairmanships of the County Road Board, of the District Lunacy Board, of the School Board of Bower, of the Thurso Combination Poorhouse Committee, of the Parish Council of Bower, and the Convener-ship of the Commissioners of Supply. Obviously nobody except a landowner would have the leisure for all this work, and many landowners are absentees. The same plurality of functions exists among the officials of the local authorities.

Brand Report,
p. lxxi.

*Napier Com-
mission :
Minutes of
Evidence,*
p. 507.

In 1888 the factor for five proprietors in Skye—a bank agent and solicitor in Portree—was Distributor of Stamps, Collector of Taxes, Clerk to the Portree and Snizort School Boards, a member of five other School Boards, and Collector to the Road Trustees. In 1909 a solicitor, probably the only one, in the Long Island district of Inverness-shire was Clerk to the Harris, North Uist, South Uist, and Barra Parish Councils; Clerk to the North Uist and Harris District Committees of the County Council; Collector of county rates for the four parishes, and of parish rates for Harris and Barra; Clerk and Treasurer of the Harris School Board, and district agricultural correspondent to the Board of Agriculture, besides being the factor of the South Harris Estate. Similar examples of plurality of function could be multiplied, but besides the result that able and willing persons are called upon to undertake several offices, another result is that the various local bodies do not differ very much in actual composition, and this leads to further difficulties. The Sanitary Authority (*i.e.* the District Committee) of Harris, for example, in 1908 was composed of practically the same members as the Parish Council of Harris. The Medical Officer considered that the houses erected by the Parish Council for paupers were “just a replica of the old mud-wall hovel we are striving to do away

*Poor Law
Commission,
1909: Minutes
of Evidence,*
Vol. VI,
pp. 550, 551.

with." He lodged a complaint with the sanitary authority, who were actually themselves the offenders. The insufficiency of candidates for the too numerous local authorities means, as has been pointed out above, plurality of function, long tenure of office, apathy of the electors, and uncontested elections. The only remedy provided hitherto is to substitute direct bureaucratic control in a more or less open form (see pp. 56 and 161).¹

Another important result of the over-elaboration of the system is its costliness, dealt with under "D" (p. 378).

(B) It may seem strange that an over-elaborate system should nevertheless be deficient, but it undoubtedly has been. Side by side with the normal sequence of School and Parish Boards, District Committees, County Councils, and Central Departments, and the ordinary Judicial Courts, additional authorities have been established to deal with urgent matters peculiar to the crofting counties. Thus we find attempts made to meet the deficiencies by the constitution of a new local authority, the Township Grazing Committee, elected *ad hoc* and with power to assess; new central authorities like the Congested Districts Board, the Crofters Commissioners, and the Crofters Colonisation Commissioners; and a new judicial body, the Land Court. These bodies came when the need for some such authority was too urgent to be disregarded; as soon as possible they are absorbed into the ordinary system. Thus, the Congested Districts Board is now masked as a sub-department of the Board of Agriculture for Scotland; the Crofters Colonisation Commissioners' functions exist in an atrophied form in the County Council's power to aid emigration; the Land Court has itself become a part of the general system; the Township Grazing Committees alone continue their egregious but necessary existence. Just recently another new authority has been thought necessary and a Highlands and Islands (Medical Service) Board has been constituted, while in 1917 a new authority has been recommended by the Royal Commission on Housing: the Majority suggesting a Joint Committee of the Local Government Board and the Board of Agriculture, the Minority favouring a semi-independent Board for the Outer Islands.

*Report of the
Royal Commission on
Housing in
Scotland,
1917, pp. 219,
442.*

(c) Now, this distinctively British way of meeting difficulties as they occur by one temporary expedient after another

¹ See also the *Minority Report of the Royal Commission on Housing, 1917*, and the comment of the *Majority*: "The substitute [for local administration] for the Outer Hebrides and Skye proposed by our colleagues is pure bureaucracy."— (*Op. cit.*, p. 219.)

leads also to confusion and overlapping. Consider, for example, the provision of harbour works. The general statutory machinery for this is provided by the Harbours, Docks, and Piers Act of 1847, and the General Pier and Harbour Act of 1861. These Acts were generally unsuitable to the Highlands and Islands chiefly because of the costly procedure. However, even before they were passed, an annual grant of £3000 was made to the Commissioners of the White Herring Fishery for the purpose of aiding the construction and repair of piers and harbours in Scotland and is still continued to their successors, the Fishery Board. When this was found inadequate and the lack of harbour and pier accommodation in the north-west was again forced on the attention of the State, the Western Highlands and Islands Works Act was passed in 1891 enabling County Councils to propose the construction of minor harbours, obtain Treasury grants, and become responsible for any excess of the cost and for the upkeep. On difficulties arising in the Orkneys and Shetlands, parishes there were given the power, either singly or in combination, to construct small harbours and piers. All these arrangements failing to provide adequately for the crofting counties, a new authority, the Congested Districts Board, was constituted in 1897 to assist special districts in the work. In 1909 the Development Commissioners were established with a general power to assist, *inter alia*, the construction of harbour works and piers throughout the kingdom. Thus, a locality in the crofting counties can be assisted in harbour works by one or more of the following: The Development Commissioners, the Fishery Board, the County Council, and the Board of Agriculture; and in the Orkneys and Shetlands by one or more of the Parish Councils also. It is not necessary to labour the disadvantages of such overlapping of functions: all the authorities have scanty funds at their disposal for this purpose; no one of them is too anxious to do work and spend money if another body will. The Fishery Board consider their funds should be spent in districts which have no special body to assist them and refer the Congested Districts (now the whole of the crofting counties) to their own special board, now superseded by the Board of Agriculture; this Board consider agriculture their special sphere and are not likely to spend much time or money or attention on small harbours in a scantily populated and restricted area; the County Councils and Parish Councils dislike the financial responsibility involved in the failure of the harbour to maintain itself; and the Development Com-

missioners would probably consider assistance to such minor works a frittering away of their resources.

Again, take the matter of housing. The District Committee of the County Council, if satisfied that a house is unfit for habitation, may make a closing order, which becomes operative after fourteen days, the owner having the right meanwhile to appeal to the sheriff. Notice is then served on the occupant, and, after a certain lapse of time, the house, if it has not meantime been rendered fit for habitation, may be demolished. Now, the cottar is regarded as the owner of his house, the crofter or landholder and the statutory small tenant are not. The landholder, however, has the obligation to maintain the building in repair, and if he fails to do so, can be removed. The proprietor is responsible for the maintenance of the house of the statutory small tenant, and the latter can apply to the Land Court to force the owner to put the dilapidated building in repair under penalty of having the statutory small tenant declared a landholder. Thus, in this case, both the Land Court and the District Committee have to judge the fitness of the dwelling for habitation and a different standard might conceivably arise. Furthermore, the Board of Agriculture can lend money to cottars and crofters for the improvement or rebuilding of dwelling-houses. It is worth mentioning also, that the public health services, not only in the crofting counties, but throughout the United Kingdom, are split among a number of various authorities. In many crofting districts there is but one medical officer, yet he is appointed in a variety of different ways by various authorities, and draws a meagre salary in dribblets from various public bodies. Moreover, so long as the Highlands and Islands have to put up with the same administrative system as suits the rest of the kingdom, confusion is always liable to occur. Legislation passed fails to accomplish its intention in the Highlands and Islands; special legislation is then passed for this area, perhaps constituting new machinery and granting additional powers to meet the peculiar needs and conditions. Later, fresh general legislation is passed conferring similar additional powers in a different manner. The Imperial Parliament forgets that one remote area has already got such powers and the necessary machinery for their exertion; consequently, legislative sanction exists for a dual executive in the Highlands and Islands, and it is left to the two sets of administrative authorities to squabble or to find their own way out of the difficulty. The Maternity Service (see p. 310) is a case in point.

*Report of the
Poor Law
Commission,
1909, p. 33.*

(D) Fourthly, there is the objection that the system is unnecessarily costly. Any system would be costly in the Highlands and Islands because of the difficulty of access and travel, and onerous because of the low rateable value. Lord Balfour of Burleigh quotes the cases of the parish of Temple in Midlothian, with a gross valuation of £44 per inhabitant, and of Barvas, with only 9s. per inhabitant, so that a penny rate produces nearly one hundred times as much per inhabitant in the former parish as in the latter.

EXPENDITURE OF COUNTY AND PARISH COUNCILS, 1911-12

	County.		Parish.		Total.	
	Per Inhabitant.	Per £ of Gross Valuation.	Per Inhabitant.	Per £ of Gross Valuation.	Per Inhabitant.	Per £ of Gross Valuation.
	Sh.	Sh.	Sh.	Sh.	Sh.	Sh.
Crofting Counties . .	11·3	2·68	14·4	2·84	25·7	5·52
Rest of Scotland . .	6·9	2·08	14·2	2·01	21·1	4·04

This table shows the comparative costliness of the services supposing them to be equally efficiently performed in both areas. Now, the system may be too costly to the State, to the locality, or to both. The money cost to the State is made up of: (1) the proper proportion of the establishment and administrative charges of the general central authorities, (2) the total expense of the special authorities for the crofting counties, (3) Government grants.

*Poor Law
Commission,
1909, Vol. VI,
App. CLIV.*

(1) Information is not available for the estimation of the first item, though it is easy to see that the proportionate cost of the activities of the Departments in the crofting counties must be large and is unnecessarily so. For, in the first place, the mere cost of travelling to and fro is considerable, both on account of the greater distance and of the time taken owing to the slowness of travel and delays by bad weather. In the second place, the present system involves the visits of an unnecessarily large number of inspectors. It seems absurd to think of the lunacy inspector, the general superintendent of the Local Government Board, the registration and vaccination inspector, the education inspector, county sanitary inspector, Board of Agriculture inspector, factory and workshop inspector, county medical officer, the Congested Districts Board's inspector, inspector of roads, food and drugs inspector, weights and measures inspector, poorhouse inspector, and

possibly others, all cruising about the islands to meet at, say, Fetlar parish in the Shetlands, the clerk and compulsory attendance officer of the School Board, the inspector of poor, the clerk, collector, medical officer, public vaccinator, registrar, and footpaths inspector of the Parish Council, the clerk, collector, road surveyor, medical officer of health, and sanitary inspector of the district, and discover if these latter are acting rightly by the 347 inhabitants of that parish, perhaps passing on the way the chief district medical officer of health and chief district sanitary inspector also having a look round. "There need be no doubt whatever," stated the clerk of the four Parish Councils of Harris to the Poor Law Commissioners of 1909, "that the numerous authorities, with many officials, acting under various statutes granting Local Government piecemeal, has resulted in an over-multiplication of authorities and officials and over-inspection, at greatly increased cost, and without receiving the highest efficiency possible, and it would be of the greatest possible value in every way, in rural districts, to have all local administration overhauled and placed under one authority, with one set of officials, and fewer inspectors." In substance, quite a sound remark.

*Poor Law
Commission,
1909, Vol. VI
App. CLIV,
§ 62.*

(2) With regard to the expense of the special authorities for the crofting counties, the Congested Districts Board received half a million pounds from State Funds. The only two special authorities now existing are the Township Grazing Committee, which is a local authority and self-supporting, and the Highlands and Islands (Medical Service) Board which receives £42,000 a year.

(3) As to Government Grants, reference to Part V will show that the crofting counties get a special grant of £10,000 a year and some preferential treatment in the distribution of the Education Grants. On the other hand, three grants are distributed to the disadvantage of the crofting counties; the two in relief of rates being distributed half on the basis of valuation, so that these counties with low valuations necessarily suffer, and the Medical Relief Grant being reduced by a first charge for trained sick nursing in poorhouses, little of which would accrue to the crofting counties. The distribution of the majority of grants according to expenditure, however much it may conduce to efficiency, is not one which helps overburdened districts in their efforts to keep the rates within manageable proportions.

It would appear, then, that over and above the considerable additional expense caused to the Central Departments by the difficulty of supervision and access in the Highlands and

Islands, this area is directly costing the State annually a sum of at least £63,000.¹

We come now to the costliness of the system to the locality. The following table disregards the somewhat unimportant rates levied by heritors for ecclesiastical purposes, and by District Fishery Boards, and the money raised by the Common Grazing Committees. The figures are obtained by adding the county and parish rates, estimated in each case as the quotient obtained by dividing the total assessment by the gross rental for the respective rating purposes.

AVERAGE RATES FOR ALL PURPOSES IN THE CROFTING COUNTIES

	1895-96.		1911-12.	
	s.	d.	s.	d.
Argyll	2	8½	3	8½
Caithness	3	10½	3	9½
Inverness	3	1½	4	0
Orkney	4	8½	4	5½
Ross and Cromarty	2	10½	4	3½
Shetland	5	5	4	9¼
Sutherland	3	10½	5	6
Crofting Counties	3	2½	4	1½
Rest of Scotland	2	2½	3	3½

It is not necessary to labour these figures further, because the greater burden which the crofting counties have to bear is well known and has already been admitted. The Vice-President of the Local Government Board for Scotland in his Report in 1895 on Local Taxation states that the counties most heavily rated for parochial purposes in 1856 were still the most heavily rated—the exceptional burden of local taxation having, so to speak, become hereditary,—and that these heavily rated counties were chiefly situated in the Highlands and Islands. He also found that the counties having the heaviest total burdens were almost invariably those of the Highlands and Islands, and summing up, states: “Local taxation burdens press very heavily on the Highland and Island counties, and abnormally high rates are borne by several individual areas in that district—more particularly the county of Shetland.” Now it will be seen that in 1911-12 Sutherland, Shetland, Orkney, Ross and Cromarty, and Inverness all had total rates exceeding 4s. in the £ of gross valuation. Sutherland, however, had that year a

Op. cit.,
p. xxxviii.

Ibid., p. xli.

Ibid., p. xlix.

¹ Highlands and Islands Grant, £10,000; Highlands and Islands (Medical Services) Board, £42,000; Special Education Grants (see p. 364), £11,296.

very high expenditure on roads, 66 per cent. of the total county expenditure going for that service. Ross and Cromarty's figure is swollen by the high rates in Lewis, and that of Inverness by those in the insular portion of the county. The areas, therefore, where the local rates are almost unbearably burdensome are, if Sutherland be omitted, the Long Island, Shetland, Orkney, and Skye. The main cause is the low rental.

GROSS RENTAL FOR PAROCHIAL PURPOSES PER HEAD OF POPULATION, 1911

	£	s.	d.
Harris, etc. ¹	1	4	1
Lewis	1	3	1
Orkney	3	6	9
Shetland	2	5	8
Skye	2	10	8
Rest of Crofting County Area	6	11	4
Rest of Scotland	7	1	5

To show the effect of this, a community of twenty-four families of five persons has on the average in the Rest of Scotland a gross rental of £848 10s. A penny rate levied on this produces £3 10s. To raise an equal sum from a community of the same size in Lewis the rate would need to be over sixpence. Or again, to take an extreme case, suppose there to be one pauper lunatic to every 400 persons in Scotland. The parish of Temple in Midlothian with a population of 363 will have one to maintain, Barvas with a population of 6954 will have seventeen. Taking the net annual cost of one pauper lunatic in an asylum as £20 on the rates, Temple must raise £20, Barvas £340. To do this the rate in Temple need only be a farthing in the £, while in Barvas it must be 2s. 4½d., one hundred and thirteen times as high. Of Barvas it was said in the Brand Report that the existing Poor Rates are higher than a considerable portion of the ratepayers can very well bear. This was in 1902, when the Poor Rate was nominally 9s. in the £. In 1911 it had risen to the extraordinary figure of 24s. 1d. Indeed, the most striking fact shown by the rate statistics is the appalling increase in the nominal rates of the Hebrides since the Crofters Commission was established: not, indeed, that the result can be entirely ascribed to the policy of breaking up farms and multiplying small holdings, but obviously the reduction of rent made by the Land Court must have its effect on the rates.

H. C. Papers
329 of 1905
and 181 of
1913.

¹ This term is used for the Inverness-shire portion of Long Island, viz. the four parishes of Harris, North Uist, South Uist, and Barra.

The following table exhibits this most alarming feature.

INCREASE OF NOMINAL RATES¹ IN HEBRIDEAN PARISHES

Parish.	Total Rates ² 1892-3.		Total Rates ² 1902-3.		Total Rates ² 1911-12.		Percentage In- crease of 1911-12 over 1892-3.			
	Owners.	Occu- piers.	Owners.	Occu- piers.	Owners.	Occu- piers.	Owners.	Occu- piers.		
	<i>s.</i>	<i>d.</i>	<i>s.</i>	<i>d.</i>	<i>s.</i>	<i>d.</i>	<i>s.</i>	<i>d.</i>		
Lewis	Barvas . .	4 9½	4 6	6 9½	6 6½	13 4	20 0	179-4	344-4	
	Lochs . .	4 1¼	3 10	6 11	6 8	14 4	16 5	249-2	328-2	
	Uig . .	2 8½	2 5½	5 8	5 5	10 6¾	12 9	287-0	418-6	
	Stornoway ³	2 5½	2 2	3 8½	3 5½	5 5½	5 11	123-0	173-0	
Harris	Barra . .	2 7¼	2 3¼	5 5½	6 5½	5 8¼	6 3¼	118-4	173-4	
	Harris . .	2 6¼	2 2¼	4 10	4 6	5 4½	5 8½	113-2	160-9	
	North Uist	4 6¼	4 2¼	4 9	4 7	4 7¼	4 2¼	—	1-8	
	South Uist	2 11¾	2 7¾	5 3½	6 0½	6 9¼	8 0	76-1	202-3	
Skye	Bracadale	1 10¾	1 6¾	3 1	3 1¾	3 6½	3 7½	86-8	132-0	
	Duirinish .	2 10	2 5¾	3 7	3 3¼	4 6½	4 10¾	60-0	97-4	
	Kilmuir . .	3 4¾	3 0¾	3 10½	3 10¼	4 4	4 3¼	27-6	39-4	
	Portree ³ . .	1 11¼	1 7¼	3 1¼	2 9¼	4 4½	4 3¼	125-8	145-4	
	Sleat . .	2 7½	2 3½	3 8	3 8¼	4 2½	4 1¼	60-3	80-9	
	Snizort . .	2 10¼	2 6	3 9½	3 11¼	4 3¼	4 9	48-1	90-0	
Strath . .	2 11½	2 7½	3 9	4 0½	4 7½	4 6¾	56-3	73-9		

¹ The nominal rate is the rate per £ on the net rental, *i. e.* the rental after the statutory deductions have been made. As these vary from parish to parish, the nominal rate does not serve for comparisons between parishes, but it may be used, as here, to compare increase or decrease of rate.

² Omitting Special District Rates.

³ Landward.

HIGHEST AND LOWEST RATED PARISHES IN THE ORKNEYS AND SHETLANDS, 1911-12

	Total Rates in 1892-3.		Total Rates in 1902-3.		Total Rates in 1911-12.		Percentage Increase of 1911-12 over 1892-3.	
	Owners.	Occu- piers.	Owners.	Occu- piers.	Owners.	Occu- piers.	Owners.	Occu- piers.
	<i>s.</i>	<i>d.</i>	<i>s.</i>	<i>d.</i>	<i>s.</i>	<i>d.</i>		
Orkney—								
Papa Westray	1 0½	10	2 9	4 0½	4 3½	6 0	312-0	620-0
Lady	2 8½	1 10½	3 4¾	2 1¾	2 10	1 2½	4-6	Decrease
Shetland—								
Walls	6 3¼	5 4½	6 7¼	8 0¼	7 8	9 1¼	22-2	70-1
Unst	3 2¾	2 9¼	3 0½	2 9	3 2	2 11¾	Decrease	7-5

The rates in the Orkneys vary greatly as between one small island parish and another. In 1912, Lady had a nominal poor rate on occupiers of 3*d.*, while Papa Westray, about sixteen miles off by sea, had a corresponding rate of 4*s.* 0½*d.* The occupiers in the latter parish paid no county rates in the first two periods, which partly accounts for the phenomenal figure of increase; also the rates fluctuate considerably, the following sequence of occupiers' rates occurring: 1*s.* 6½*d.*, 2*s.* 2*d.*, 1*s.* 8*d.*, 4*s.* 0½*d.*, for the four years ending 1903.

North Uist appears exceptional; this would seem due partly to the high rate already attained in 1892, and partly to an unusually efficient collection. *Fleming Report, 1906, p. xvi.*

Another point to consider is the incidence of the burden of the rates. All agricultural occupiers are relieved of five-eighths of their rates under the Act of 1896. Crofters of holdings under £4 annual rent can be exempted from all payment of rates. In 1906 only 83 out of 3034 crofts on the Valuation Roll of Lewis were rented above £4.¹ In 1912 there were 1175 cottar or squatter families, 757 of whom had begun occupancy since 1886. These people pay neither rent to the State nor rates to the collector, but in a majority of cases the cottar helps the crofter with his rent and in a few cases with his rates. It appears, then, that the burden of the rates on the crofting population is much less than might at first be supposed. Those who do not get total exemption on the ground of poverty have to provide three-eighths of the occupiers' rates on a reduced fair rent, and are sometimes able to obtain contributions from the squatters or cottars on their crofts. It is on the comparatively few non-agricultural occupiers and on the landowners that the rates press most grievously. Even if the Agricultural Rates Act were not in operation there would be little relief to the proprietor, for he has always to pay half the total amount to be raised for the most burdensome—*i.e.* the parish rates. A proprietor who found that the parish rates were becoming too onerous, because of the massing of poor persons on his estate, could either get rid of some of the people or pass part of the burden on to them by way of an increase of rent. In the crofting counties neither remedy is available; the people cannot be moved because of their security of tenure, nor can their rent be raised since it is legally a fixed fair rent. What State interference has really done in these districts is to change a possibility of the people being rack-rented into a possibility of the landowners being rack-rated.

Royal Commission on Housing in Scotland, 1917, p. 222.

It should be mentioned also that the position of neither the cottar nor the squatter is equitable. The squatter, paying neither rent nor rates, bears no part whatever of the burden. The cottar, if he pays a rent to the estate for the site of his house, a piece of garden ground, and a cow's grass,

¹ "There are now 3100 statutory crofters (*i. e.* landholders) in Lewis, their rent averaging about 30s. 9d. A census in 1908 gives 1103 houses and 5733 people belonging to the cottar class, and about 300 houses and 1514 people of the squatter class."—*Royal Commission on Housing in Scotland, 1917, p. 212.*

is rated as the owner and occupier, being treated in fact as a feuar, and has to bear the intolerable burden of rates, often over 30s. in the £. On the other hand, the cottar who is not on the estate books, but is an illegal sub-tenant of a crofter, pays nothing or only whatever small sum the crofter can get from him. Thus the rating system fosters and encourages the irregular settlement of the people and the continued subdivision of the crofts.

II

One comes, I think, to the conclusion that while the present system of public administration may be excellent for Lowland Scotland, and is tolerable for the mainland of the Highlands, it is not tolerable for the Orkneys, Shetlands, the Long Island, or Skye, because of the cost and over-elaboration. If one compares these districts with Iceland, an island far more prosperous with no obvious advantage in natural conditions or geographical situation, the unnecessary cost and over-elaboration becomes even more apparent. Now, Iceland has had its own constitution and administration since 1874. It has also "home rule" in the popular sense, the legislative power being vested in the Althing, consisting of thirty-four members elected by popular suffrage and six nominated by the Sovereign. The head of the executive is a Minister resident in the island. There are not wanting signs of a movement in the United Kingdom for "home rule all round," whereby the Imperial Parliament's work will be lightened of much which is essentially local legislation and provincial sub-legislatures or councils and provincial executives will be established. Mr. F. T. Cooper, K.C., in an address to the Aberdeen Juridical Society, on "Suggested Developments of the Local Government Act," advocated the establishment of provincial councils, and asked if it was right, fair, or reasonable to burden the Highlands and Islands with the same elaborate system of local government which was necessary in the richer and more populous Lowlands. "If Scotland," he continues, "were divided into provinces, the whole of the crofting counties could have a separate and simplified form of local government." Commenting on this, the *Scotsman*, in a leading article, agreed that "special account would always have to be taken of the necessity of special treatment of the Highlands and Islands, neither the social nor the economic conditions of which are suited for, or indeed can support, the elaborate system of local government which at present

Mr. Samuel :
Address to
the British
Association,
1912.

Scotsman,
Jan. 10, 1914.

weighs upon the region and constitutes not the least difficult among its many administrative and financial problems.”

The deconcentration of the legislative¹ and executive functions will, however, probably be some time in coming, and meantime the difficulties in the Islands are intolerable. The essential need is for simpler machinery and less cost. What appears to be wanted is a single local authority to manage the purely local matters like the schools (as school managers, not as the School Board), the common grazings, the upkeep of piers, boatslips, and footpaths. A limited power to levy a rate for all these objects except the school should be given. Above this authority, which could be the Parish Council, though the Township Committee of the Napier Report is better,² would come a district authority, which would undertake the public health (sanitary and medical) services, the poor law, lunacy, educational, highway, and police administration, financial control and general supervision, and the fostering of economic development. Generally speaking, the district authority would levy uniform rates throughout the area. This district authority should be the County Councils of Orkney and of Shetland, and two new councils for Skye and the Long Island, that for the last named possibly working in two divisions with periodical joint sittings. The officials of these bodies should be a few well-paid men of general capacity rather than a number of under-paid specialists. The entire medical service should be a public one. By representation or otherwise, the local knowledge of the Township Committees should be made available to the council. It would not be beyond the capabilities of Parliament to draft the necessary adjustment of relations for, and to give the legislative sanction to, a scheme of this sort, and it might be made possible for any of the mainland Highland Counties to apply to come under the scheme.

There remains the matter of the relationship between the central authorities and the local. If the Government wish to continue to send round the numerous inspectors, the financial cost falls on the State, not on the Islands. It would seem,

¹ The question of a separate sub-legislature for the Highlands and Islands does not come into the scope of this book. The minute numerical representation of Highland interests in Parliament has been remarked on (p. 36), and is about to be further reduced. It would easily be possible to make a list of the blunders by the legislature—the “foolish and futile legislation” to which Mr. Asquith referred—through ignorance of the local conditions (see, for example, p. 196, and footnote, p. 284).

² Burgh Councils would, and “Special Districts” if necessary could, continue to exist.

however, to be more economical and not necessarily conducive to less efficiency if a new Department of the Islands was established under the Secretary for Scotland with a small specially trained inspectorate. It would be the particular work of this Department to act in the Islands for all the central authorities with due regard to uniformity of administration, but with discretionary power to abstain from any harmful rigidity. Such a Department, entirely devoted to the interests of the Islands, would gradually acquire that complete and special knowledge of their needs and conditions which leads to intelligent and sympathetic administration. Now, the scheme of Township Committee, District Council, and Department of the Islands is more than a mere fancy structure. It is rather the natural form which the administrative bodies would take or do, indeed, even now actually tend to take. The Township Constable, as a non-statutory executive officer acting in collaboration with the Estate Factor, and in the interests of the township, appeared long before the Napier Commissioners recommended the township as an administrative unit. The Legislature, shy of this new authority unknown to them or the general structure of local government, tried to disregard it, but within five years found themselves obliged to constitute Common Grazings Committees, which are now general. The reduction in the number of local authorities tends in practice to be accomplished in a clumsy manner by the various authorities being composed of nearly the same persons, so that the School Board, the Parish Council, and even the District Committee, are often practically the same bodies under different names. Objection may be raised to the abolition here suggested of the District Committees, who have done a great deal of good work; but if Sutherland and Caithness can manage without subdivision into districts, the four smaller areas should be able to. There are, of course, difficulties of intercommunication between the islands, but these are experienced already, and the substitution of one intermediate authority would render the necessary journeys fewer, even if, in some cases, it made them slightly longer. Moreover, the long journeys of the County Councillors to the present county centres at Dornoch, Inverness, and Oban or Dunoon, would be abolished. It is well known that there is a considerable divergency between the interests of the eastern parts of the counties of Ross and Inverness and those of the insular portions. Nor is the suggestion of separate authorities for Skye and the Long Island a new one. In the days when the sheriff was a more

important administrative officer than he is now, we find the Commissioners on the State of the British Fisheries reporting in 1785: "We recommend the erecting the great and populous islands of Skye, Lewis, and Shetland into three new and separate sheriffdoms which would contribute much to the ease and relief of the inhabitants." Indeed, many of the separate commissions for Lewis, detailed below, would not have been necessary if a local authority of the status of a county council had existed; and it is very significant that the Secretary for Scotland, in 1902, asked the proprietor to form a committee representative of all the various interests in the island, with the object of securing co-operation among the local authorities and for the purpose of giving information to those who were concerned and arranging with him the scheme of general policy. Normally such a conference would have been held with the County Council, and it is a clear indication that a local council is necessary that such an anomalous committee should have been temporarily established. The committee sent in a long and interesting report, but, owing to a change of Government, the report was not very sympathetically received, being in fact acknowledged, with strong comments on the expensiveness of the proposals, not by the new Secretary for Scotland, but by one of his assistants. The suggested new Department for the Islands has been foreshadowed in all the various extraordinary boards set up because the central departments have not the complete knowledge of the peculiar conditions and needs of these districts and cannot spare the time to get it or to attend fully to the administration. Their main work is, and must necessarily be, concerned with the great population in the Lowlands. It seems better to have one permanent general department for the Islands than to have a succession of boards like the Crofters Commission, Crofters Colonisation Commission, the Congested Districts Board, the Medical Services (Highlands and Islands) Board, and the recently suggested Board or Committee for Housing. Especially is this so, because there are features in the social and economic conditions of the Islands which cause the various activities of the administrative authorities to be far more mutually dependent than is generally the case. The intricacy of the problems is a strong argument for single authorities: local, intermediate, and central. The co-operation of the local authorities is indispensable—and can best be obtained by concentrating the functions in one authority—but the co-ordination of the work of the departments is quite as

*Sixth Report
of the Con-
gested Dis-
tricts Board,
App. pp. 6-
25.*

important. The conflict of interests and the waste of effort involved when two or three central authorities are independently at work on schemes of amelioration affecting the spheres of several local authorities can be considerable.

Finally, the suggested structure of Township Committee, District Council, and Department of the Islands, obtains strong support from a consideration of the conflicting recommendations of the Majority and Minority Reports of the latest Commission, that on Housing in Scotland, 1917. The Majority Report seems at first to be utterly opposed to such a structure. "We are convinced," they say, "that it is not good that the crofting districts should be segregated in administration from the rest of the country." This is, of course, the old fetish that the same system of administration must cover all parts of the country no matter how ill-adapted and unsuitable it may be to some outlying area of different physical and economic conditions. They think it important "to deal with the whole problem on lines which would extend, develop, and improve an already well-tried system both of local and central administration rather than introduce a new system [*i. e.* the Minority's], which at the best presents no obvious probability of success, and which, if it failed, would leave matters worse than before." The usual British preference for patching old machinery rather than scrapping it! But one is aghast at any possibility of further extension and development of the already over-elaborate and costly structure. "The more," they continue, "their special problems can be seen as varieties of the general problems of administration confronting public authorities, the more surely and sagaciously are they likely to be handled." As, for example, one supposes, the establishment of Poorhouses in the Outer Hebrides. Or what variety of the general problem is the peculiar and fundamental problem of the squatter and cottar population? Is the squatter to be regarded as a permanently located tramp, or the cottar as a lodger with a preference for bivouacking in the garden rather than sleeping in the spare room? If so, the only general problem the latter has presented would seem to be in connection with the franchise, which universal suffrage has now solved. "Further, unless public money is to be used to pay salaries on an unjustifiably lavish scale, it is not to be expected that a small *ad hoc* body will be able to command anything like the same administrative ability as larger departments." There is no reason why the salaries paid should not be adequate and justifiable, and a special

*Report of the
Royal Commission on
Housing in
Scotland,
1917, p. 220.*

department would at least have saved the expenses of the staffing of all the extraordinary boards and the compensation paid to the officials on the abolition of these boards. There have been many men of high administrative ability, such as W. A. Peterkin in Poor Law, J. L. Robertson in Education, whose services could have been commanded as members of a department at a salary little higher than they were getting as officials of the central authority, and similar men could be found to-day. Even supposing the administrative ability available were somewhat less, the deficiency is more than counterbalanced by the accumulated experience which the department would obtain in its single devotion to the area. Indeed, the Majority seem well aware of the disadvantages accruing from the fact that the present central authorities must necessarily have their attention diverted and distracted by many and more important matters. They, therefore, recommend a special effort in the crofting counties for ten years by all central departments, and state that the Board of Agriculture has not yet adopted a systematic and positive policy.

But the Majority seem to be objecting not so much to a Department of the Islands, such as here suggested, but to the Outer Islands Board of the Minority. Now, the Minority have no hopes of a satisfactory solution of the urgent problems unless there is a definite breach with the past; and consider that in the interests of prompt and vigorous administration the separation of the islands from the mainland for the particular purpose (*i. e.* housing reform) is fully justified, and they propose a new Board for the Outer Islands. The Majority propose a Joint Committee of the Board of Agriculture and the Local Government Board; and the Minority very clearly point out the grave disadvantages which attach to dual responsibility and divided control as well as to distance from the scene of action. They claim that "neither the Congested Districts Board nor the Board of Agriculture has been distinguished by promptitude in decision or action where the Outer Islands are concerned, and if the latter had to consult the Local Government Board at every turn, there would be no hope of rapid progress . . . we foresee an interminable vista of official correspondence, not tending to rapid or effective action." Their own Board of the Outer Islands was to be empowered to carry through all details—once the main features of the yearly programme had been approved by the Board of Agriculture and the Secretary for Scotland—without reference at every point to

*Report of the
Royal Commission on
Housing in
Scotland,
1917, p. 440.*

Ibid., p. 442.

Ibid., p. 447.

*Report of the
Royal Commission on
Housing in
Scotland,
1917, p. 445.*

Edinburgh or London. They contemplate the partial supersession, by the Board, of the district committee and other local authorities, but emphasise very strongly the importance of dealing with the township as an administrative unit. The Board, however, was only to be a temporary one for the Outer Islands, whereas the Majority's Joint Committee was to be permanent and for the whole of the crofting counties.

It will be seen that the Department for the Islands advocated in this book¹ combines the advantages and avoids the disadvantages possessed by both the Outer Islands Board and the Joint Committee. As a special authority for the area it would lead to the prompt and vigorous action—not only for ten years in Housing Reform, but for all time in all matters—so much desired by the Minority, without usurping the proper functions of the local and intermediate authorities and without introducing a system of administration unconformable to that of the country generally. It would not be one of a number of extraordinary boards endowed temporarily with abnormal powers to bring about “veritable revolutions,” but a single responsible board with nothing to prevent or distract them from working out and following a “systematic and positive policy,” and able to co-ordinate all administrative action. Assuming the members were wisely selected, the board would have the experience of a joint committee of all departments without the weakness of such a body, since it would be responsible to Parliament directly through the Secretary for Scotland. Furthermore, in the event of a general deconcentration of the executive of the British Isles in the form of provincial councils and departments, it would both serve the present purpose of an experiment and be able to be embodied in the new structure without any material alteration.

Whether some such simplification of the machinery is undertaken or not, State financial assistance to these districts remains increasingly necessary. It is admitted by all that the State should contribute to national, or preponderatingly national, services locally administered, and there is a general agreement that the present absurd system of nominally assigned revenues and haphazard allocation should be reformed. The most suitable scheme of distribution yet

¹ It may be of interest to state that the paragraphs suggesting the overhauling of local administration in the Islands were written before the publication of the *Report of the Royal Commission on Housing in Scotland*.

advocated is that of Lord Balfour of Burleigh, who desired that, while the total State aid should not exceed half the expenditure, regard should be paid to the ability of the various districts to meet their obligations in respect of national services. He devised a sliding scale for a Poor Law Grant by which the smaller per inhabitant the assessable value and the expenditure, the greater would be the proportion of State aid received, the idea being to afford special assistance to poorer parishes without encouraging extravagance. The same principle was applied in varying ways to other grants, and there is no doubt the crofting counties would benefit materially by its adoption.

Poor Law Commission, 1909, Report on Scotland. Separate Recommendation, pp. 31-34

Supposing, however, that the simplification of the machinery, and the adoption of some such principle as Lord Balfour's for the distribution of State aid, still left the burden of the rates in the crofting counties very heavy—as they well might, considering the low rateable value and the unavoidable expensiveness of administration in an archipelago such as the Hebrides—one comes to the interesting question: Is the State to continue its aid, and if so, on what grounds? By the hypothesis the burden of national services has been equalised; if the people are unable to live in such numbers on these islands and pay for a certain standard of services of public utility, is the Government to make good the deficiency, to allow the standard to be lowered, or to endeavour to put the people in a position to maintain the standard?

III

We may dismiss at once the possibilities of the difficulties being met by allowing the standard of the public services to be lowered. The State would never deliberately adopt and avow a policy by which in any one part of the kingdom the poor and the lunatic should be less well-cared for, the children worse educated, the police less efficient, or the roads worse kept than elsewhere. The Government, therefore, must either subsidise the people or improve their position, or possibly do both. The first really serious attempt of the State to improve permanently the economic position of the crofting population dates, if we omit the abortive efforts at establishing fishing villages, from the appointment of the Napier Commission in 1883. It was followed by a series of subordinate special inquiries, the whole sequence being as follows.

1883. The Royal Commission to inquire into the condition of the crofters and cottars in the Highlands and Islands of Scotland. This, besides being the parent of all the subsequent inquiries, resulted immediately in the Crofters Holdings Act of 1886, the appointment of the Crofters Commissioners and the First Land Court, and of the Crofters Colonisation Commissioners, and financial assistance in relief of rates and for Education.
1891. Walpole Commission to discover what industries could best be fostered and how. This resulted in the Highlands and Islands Works Act in 1891, financial aid to the fishermen, the extension of rail, road, and steamer communication, and in 1897 the appointment of the Congested Districts Board.
1892. Deer Forest Commission to discover what land not already held by crofters was suitable for crofting occupation or small farms. This resulted in the land purchase and land settlement schemes of the Congested Districts Board.
1912. The Medical Services (Highlands and Islands) Committee, which resulted in the £42,000 Grant and the Medical Services (Highlands and Islands) Board. The same year the Scottish Small Landholders Act carried on and extended the Crofters Holdings Act.
1914. Professor Scott's Report on Home Industries in the Highlands and Islands.
1917. The Royal Commission on Housing in Scotland, which, unlike many general commissions, devoted considerable attention to the crofting counties and advocated a State subvention of £500,000 towards housing and water supply in the crofting counties and a special central body to administer the grant.

Parallel with this series, and supplementary thereto, were several special inquiries into the conditions in Lewis:—

1888. Fraser Report on the Cottar Population of the Lews.
1902. Brand Report on the Social Condition of the People of Lewis.
1903. Report of the Lewis Local Committee.
1905. Dittmar Report on the Sanitary Condition of the Lews.
1906. Maxwell Report on Rating and the general financial position in the Outer Hebrides.

What has been achieved by these comprehensive inquiries and the resultant legislation? In the decade from 1878-88, the crofters were disturbed and restless, the population was congested, the crofts of a size insufficient to provide sustenance for a family, squatters and cottars were numerous in the Hebrides, rates were high, local authorities harassed and, in some cases, unwilling to carry on their work, the fishing industry was desultory and undeveloped. Now, much has been accomplished; road communication is better, and there have been rail extensions to the western coast; the crofter has a secure tenure and a lower rent; housing conditions are no longer everywhere deplorably bad; a State pension has replaced the pauper's dole to the aged. The burden of the crofters of that period has been lightened at the expense partly of the State, partly of the landowner and, to a certain extent, of the non-agricultural occupier. If one could add that time alone is needed for the establishment of the Highlands and Islands on a sound self-supporting economic basis capable of bearing the weight of the cost of the public services necessary to our standard of civilisation and comfort, all would be well. But, if it is doubtful whether this can be said of the mainland of the Highlands, it is certain that it cannot be said of the Islands. To-day (1914), rates are higher than they have ever been and continue to increase; the fishing industry of the western coast has—very far from taking any part in the phenomenal development and success of the east coast fishery—stagnated and, if anything, declined. More serious still, the inadequate minute holdings, from which the Napier Commissioners hoped to have the people, “firmly but gently” withdrawn, still exist in very large numbers and the population remains congested. Ar-rears of rent, both on private and State-owned property, continue to accumulate, though the Land Court is busy cancelling them and reducing and re-reducing the rents. The crofters refuse to purchase their holdings, and State purchase has not been a success. Meantime the owners have their income reduced on the one hand by the Land Court and on the other by the increasing rates. Some, at least, are finding it impossible to afford to live on their estates, nor can they get rid of them by selling, since none, not even the State, is willing to buy. There are more landless cottars and squatters in Lewis to-day than ever before, and the population continues to increase. Every effort to prevent squatting has failed, but after all the opprobrium cast on landowners for past evictions it is strange to find

Sixth Report of the Congested Districts Board, 1904, p. 25.

the Government more or less openly urging eviction. "It lies," wrote the Secretary for Scotland to the Proprietor of Lewis in 1904, "first with the Estate to prevent squatting and subdivision, which is illegal under the Crofters Holding Acts of 1886, and which renders any crofter who permits it on his croft liable to be removed and to lose the advantage secured to him by that Statute. . . . I feel it impossible to speak too urgently on the pressing necessity of stopping the growth of this evil and of instituting a systematic effort to gradually reduce its proportions." Now, if a cottar or squatter goes and puts up a hut on a croft or the common grazing land, the only way to remedy matters is to institute proceedings for removal against him in the sheriff court, and thereafter eject the man and demolish the building. So long as the hut was not put up in violation of an interdict, the squatter can claim compensation for it. The owner, therefore, has all the very considerable expense of the judicial proceedings, the obligation to pay compensation to the man, with no real benefit, since the man will not leave the estate and must live in some building somewhere. Moreover, the most rudimentary sense of justice would oblige an owner to take similar proceedings against all offenders if he took action against one. Imagine the outcry if the proprietor of the Lews began to evict the 1175 cottar and squatter families and the crofters who had permitted the squatting! The evil cannot be dealt with in this way.

Report of the Crofters Commission, 1910, p. xxv.

H.C. Paper 91 of 1908, p. 29.

The fact is, that all the benefits conferred on the people of the Islands since 1886 will only solve the difficulties of the situation if the holding of a crofter is sufficiently large to provide, together, perhaps, with subsidiary fishing and the casual wages of labour where work is obtainable, sustenance for his family. What the minimum size of a croft should be must vary somewhat according to the situation and the relative fertility of the land, but the estimate of the Napier Commission was 10 acres of arable and 277½ acres of pasture, and they refused to recommend any assistance to crofters rented below £6, with the deliberate intention of resolutely withdrawing the poorer people from the occupation of such small crofts. These people were not to be endowed—though, as a matter of fact, they afterwards were by the Act—with any formal security against eviction or excessive rents; they "ought either to pass as crofters to new holdings of a higher value, or take their position among the cottars as labourers, mechanics, or fishermen, with a cottage and an allotment, or migrate to other seats of labour here, or

Napier Report, p. 101.

Ibid., p. 39.

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emigrate to other countries." Yet few crofts in Lewis are rented above £6 to-day; while the average size of *all* agricultural holdings in Lewis is 6·6 acres, in Skye 7·2.

AGRICULTURAL HOLDINGS IN THE CROFTING COUNTIES, 1912

Board of Agriculture for Scotland : Agricultural Statistics for 1912, Vol. I. Pt. I. Table 12.

	No. of Holdings.	Above 1 and not exceeding 5 acres.		Above 5 and not exceeding 15 acres.		Average size of holdings. Acres.
		No.	Percentage of Total.	No.	Percentage of Total.	
Argyll	3253	1095	33·6	713	21·9	40·2
Caithness	2716	590	21·7	1029	37·8	41·0
Inverness	7299	2787	38·1	— ¹	—	20·5
Orkney	3322	448	13·4	959	28·8	32·6
Ross and Cromarty	6967	3483	49·9	— ¹	—	20·1
Shetland	3550	793	21·7	2021	56·9	14·3
Sutherland	2544	1499	58·9	775	30·4	12·3
Harris	2383	565	23·7	— ¹	—	19·2
Lewis	3166	1741	54·9	— ¹	—	6·6
Skye	2205	1391	63·0	— ¹	—	7·2
S.W. and W. District of Ross and Cromarty	1369	1052	76·8	256	18·7	5·9

¹ Figures not available.

The average size of holdings in all Scotland was 62·1 acres, *Ibid.*, p. 11. in the crofting counties 24 acres.

It is quite clear from these figures that the object of providing adequate crofts aimed at by the Napier Commissioners, the Congested Districts Board, and the Acts of 1886 and 1911, is far from being accomplished in many parts of the Highlands and Islands. With every allowance made for the improvements in agriculture and stock brought about by the Congested Districts Board and its successor, the objects can only be accomplished by continuing to take more land for the crofters or by having fewer people on the land. These are the two main policies: (1) the breaking-up of small farms and paring round of deer forests for small holdings; and (2) emigration. The two policies are not mutually exclusive, but it may be noted that, whereas the success of the second does not make the first any more difficult to carry out, the success of the first does, *pro tanto*, make the second more difficult, since it increases the unwillingness of the people to emigrate.

With regard to the first policy, the co-operation of the landowner and the State, and the State purchase of land, have both been tried, and, while bringing some alleviation to the crofting community, have not been successful in the main object of establishing the people on a sound economic

basis. The crofters and cottars in the Islands generally, and in certain parts of the mainland, remain dependent partly on the State and partly on the landowner and non-agricultural occupier, with every prospect of becoming more so. Without abandoning these methods, the State compulsion of the landowner to provide more land for crofts is now being tried. It may be as well to point out that this compulsion cannot be defended on the ground of justice or with any notion of recompensing the crofters for past injustice. The landowners to whom compulsion would be applied are not in the majority of cases even the descendants of those who were in possession of the land when the evictions took place. Moreover, the estates where, either by eviction or by some such interference with natural rights as the prohibition of a tenant's marriage without the landlord's consent, population was kept down, would be those where to-day there is less congestion, less need of land, or of compulsion to provide it. On the other hand, where the landowner refrained from eviction, permitted the people to subdivide lots, and assisted them by providing work and wages, the population multiplied and has become congested. The case that somebody owes the crofters something is stronger against the State than against the present landowners.

Sir J. F. Stephen :
Liberty, Equality, Fraternity,
2nd ed. p. 54.
D.G. Ritchie:
Principles of State Interference, p. 109.

However, State compulsion on the landowners is not necessarily a wrong policy even if it involves some injustice to them. Following Stephen and Ritchie, it can be defended when the object aimed at is good, but only if the proposed means will attain it without doing more harm than is compensated by the benefit of the attainment. Now the proposed means cannot attain the object in the Lews, and this fact has again and again been brought to the notice of the Government.¹ It is very doubtful if it could in Skye,

¹ "The people's views are naturally founded on imperfect knowledge of the actual capacity of the land to realise their aspirations, and when their wishes are brought to the test of figures, it becomes evident that in Skye and the Long Island they could not be satisfied even by dividing among them the large farms and forests. We believe that a condition in some degrees similar exists on certain parts of the mainland."—(*Napier Report*, p. 101.) "If the whole area of the Lews were transferred to the people, they are destitute of capital wherewith to utilise it, and, assuming the necessary capital to be provided, but a few years must witness a recurrence of the present difficulty in an aggravated form. A reduction of the population here is no new proposal; it has been advised, in point of fact, by all who have made themselves familiar with the circumstances of this property since 1836."—(*Fraser Report on the Cottar Population of the Lews*, 1888.) "Were the whole forest and farm lands in the Island of Lewis made available for crofters in some form or other, this step, while it

Harris, Shetland, Sutherland, and several other parts of the north-west. In other parts of the crofting counties it has a reasonable chance of success, and here the question of cost has to be considered. There are distinct limits to the degree to which the burden can be thrown on the landowners, quite apart from the vaguer limits imposed by a sense of justice. If the rent received from an estate does not yield a surplus over the owner's rates and estate expenses sufficient to return a reasonable interest on the purchase money, the prospect seems to be that owners will sell to cut their losses. The purchase of the estates by wealthy men with a desire to figure as landowners is still possible, though the constant interference of the State with what are usually regarded as proprietary rights, and what are treated as such elsewhere, must deter many from offering to purchase while it influences many to sell. In fact, any idea of supporting the crofting population with the earnings in China, the Colonies, or elsewhere of a succession of wealthy owners is far less likely than it ever was. A stable economic condition can only be attained when the holdings are large enough to maintain a crofter's family, when the rents are so reduced as to leave the normal margin of profit to the labour on the croft after allowing for expenses and rates, and when the purchase price of the estate has by reselling become so lowered as to admit these rents returning, after allowing for owner's rates and estate expenditure, the normal rate of interest on the purchase money. The Board of Agriculture is extending the holdings; the Land Court is reducing the rents and, as rates go up, will presumably continue to reduce them. The only thing necessary is for the landowners to lose their capital, a process which is being accomplished whether they sell or not.

Now, with regard to the justice of this: the theory of rent which allots to the occupier a normal return for his labour

might allay or mitigate the more serious evils arising from the existing condition of matters, would not effect a permanent remedy, and would only relieve the urgency for a limited number of years."—(*Deer Forest Commission Report*, 1892, p. xxiv.) "If the remaining farms in Lewis and the deer forests were taken for holdings even then not all those who should, if possible, be accommodated would get holdings, and if they did, the remedy would be merely a temporary palliative, not a permanent adjustment."—(*Brand Report*, 1902, p. civ.) "It is hopeless to look for a satisfactory and complete settlement of the existing acute and widespread congestion by any schemes of settlement within the Lews itself."—(THE SECRETARY FOR SCOTLAND, vide *Sixth Report of the Congested Districts Board*, 1904, p. 25.)

presupposes that he does not apply his labour to a bare rock, but applies it to the best advantage both with regard to the quality and quantity of the soil. If the crofting community determine to continue labouring on land which yields them a less return than they could get outwith the Highlands or even Britain, is it fair that the landowner must give up, from what would be the proper economic rent of the land for a different use, a sufficient sum to support them? The only answer to this is, that it is not fair, but it may be in the interest of the State to retain the people. It is no answer to say that the landlords rack-rented the people before and are now called upon to return their ill-gotten gains. If any landlords rack-rented the crofters they were not generally the ancestors of the present owners; moreover, when the ill-gotten gains have been returned, is it proposed to put up the rents to a higher figure? The position taken up by some people that the land belongs to the State, would, if accepted, lead to State compensation to landowners who have been permitted to sink their capital in the purchase of land on the understanding that they would be free to use it for whatever purpose they thought best. The best defence for those who seek a solution of the difficulties by a continuous reduction of rent is, to urge that the landowners suffer through their own fault, that they paid too much for the land and should have foreseen long ago—what, by the way, the intelligence of the State as represented by the Government only seemed to realise in 1886—that the use of the land for sporting purposes or large farms would not continue to be allowed while there was a congested and partly landless crofting population.

It remains to make out the case for the retention of the people, which is also the refutation of the wisdom of the second policy—Emigration—advocated. It is not necessary to say much: the case is ably and convincingly stated in the final paragraphs of the Napier Report. “The crofting and cottar population of the Highlands and Islands, small though it be, is a nursery of good workers and good citizens for the whole Empire. In this respect the stock is exceptionally valuable. By sound physical constitution, native intelligence, and good moral training, it is particularly fitted to recruit the people of our industrial centres, who without such help from wholesome sources in rural districts would degenerate under the bad influences of bad lodging, unhealthy occupations, and enervating habits. It cannot be indifferent to the whole nation, constituted as the nation now is, to possess within its borders a people, hardy, skilful,

intelligent, and prolific, as an overflowing fountain of renovating life." Allusion is also made to the value of the fishing population as a naval reserve: "They constitute a natural basis for the naval defence of the country, a sort of defence which cannot be extemporised, and the value of which in possible emergencies can hardly be overrated. The dispersion of the fishing population would be a loss which could scarcely be repaired. It would be difficult to replace them by another race of equal ability and worth." If any one ever doubted the value of the crofting population before 1914, he is probably converted by now. The voluntary recruits from Lewis were so exceptionally large a proportion of the able-bodied men that a special royal message of appreciation was sent to the district. Now, the emphasis of these remarks is on the potential value of the croft-bred people; it is not that if they live all their lives and die on their little crofts they are of such great value to the State; in fact, it must be admitted that in such circumstances their own existence has little benefit for the State. The value of the district is, in short, as a nursery, that men and women bred on the small crofts of the Highlands and Islands should bring the hardihood, strength, skill, intelligence, and moral worth which they there acquire¹ to wider fields where they may have full scope to earn their own reward and full opportunity to add to the general welfare of the State. If this fact were realised, and it seems to me obvious, it would provide a basis for a reasonable and consistent policy. Looking back over the past century, we see the main efforts have been directed to stimulating the fishing industry and endeavouring to support a surplus population by Government works, by financial assistance, and by land legislation, alternating with the almost exactly opposite policy of eviction and emigration.² Nothing of all this aims directly at the efficient use of the district as a nursery: indeed the very measures one would have expected to have been taken were the very last actually to commend themselves to the Government.

Op. cit.,
p. 109.

¹ Full testimony is borne to this fact by many writers; it is sufficiently well established to render quotation and authorities superfluous. The frequent accusation of laziness has been as frequently refuted, among others by Telford.—(*Third Report on the Coasts and Central Highlands of Scotland*, 1803, App. p. 80.) Doubtless periods of idleness do occur, but this is the almost inevitable result of the nature of the only two industries, crofting and fishing, and the general lack of other employment.

² Contrast also the legislation since 1886 for the purpose of the compulsory enlargement of holdings with the Royal Commission on Housing's recommendation (*Report*, 1917, p. 225) that the proprietors in the Outer Hebrides, if willing, or alternatively the Board of Agriculture, should resume portions of the common grazings for new holdings for cottars.

Housing was deplorably bad till the end of the nineteenth century and still is in many parts of the Islands. The Medical Service has been quite inadequate, and it was only in 1914 that any effort was made by the State to consider the special needs of the Highlands and Islands in this all-important respect. Education, it is true, has had more consideration, but the difficulties of the two languages and of providing secondary education to the remoter districts have been clumsily handled.

What, then, is required? Firstly, a clear conception that the value of the area as a nursery is the basis of State policy. Secondly, that State aid should on these grounds be given to maintain the crofting population in that degree of comfort and well-being which best serves this end. Thirdly, that such aid should be given as economically as possible. It follows from the second postulate that State aid should be drawn from the general resources of the State and not from a particular class. I hold that it follows from the third postulate that the whole structure of local government should be overhauled and simplified, and that State aid should be especially directed towards assistance in better housing and sanitation, in providing an entirely adequate public medical service, in rendering education available to all to the extent to which they are capable of benefiting by it and without the loss incurred by prolonged absence from their homes under no adequate care, and in setting up some machinery for assisting those leaving their homes for wider fields, so as to minimise the hardship, loneliness, and insecurity of their first plunge into strange and initially difficult conditions of life. With adequate attention to the last point, it would not be impossible to reach a stage where three out of the normal five children of the crofter's family would migrate to the industrial centres of Britain or the even more promising fields of the Oversea Dominions, thus stopping the subdivision of crofts which has been the most effective cause of the present difficulties. Certain areas, like Lewis, would, however, have first to be drained of the surplus population before any new policy could have a fair start. Migration or emigration, under the most generous conditions and State direction, are the only remedies, but no time is more suitable than the present, when of those who left for the battle-front only too many require no further consideration than the honour due to their service and the payment of the debt due to their sacrifice.

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