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Electric Scotland's Weekly Newsletter for December 15th, 2017

To see what we've added to the Electric Scotland site view our What's New page at:

<http://www.electricscotland.com/whatsnew.htm>

To see what we've added to the Electric Canadian site view our What's New page at:

<http://www.electriccanadian.com/whatsnew.htm>

For the latest news from Scotland see our ScotNews feed at:

<http://www.electricscotland.com/>

Electric Scotland News

We've had around 2 feet of snow this week. This is the largest fall of snow I've seen here in many years. Luckily I have a chap that can be counted on to turn up and clear the snow for me.

Have now added a new site search engine to replace our Google one.

This comes from a commercial agreement with FreeFind. It will likely take a week to get it all organised properly. I am looking to offer search facilities that offer the choice of searching pdf files or not. They tell me it is taking 2 days to fully index the sites so I am arranging to have the sites re-indexed each Thursday so by the weekend the indexing should be fully up to date. Where the old search box was in our header you'll now find a link saying "Search just our sites by using our customised search engine". And if you click that link you will go to a dedicated site search page.

Scottish News from this weeks newspapers

Note that this is a selection and more can be read in our ScotNews feed on our index page where we list news from the past 1-2 weeks. I am partly doing this to build an archive of modern news from and about Scotland as all the newsletters are archived and also indexed on Google and other search engines. I might also add that in newspapers such as the Guardian, Scotsman, Courier, etc. you will find many comments which can be just as interesting as the news story itself and of course you can also add your own comments if you wish.

Pupils design app to encourage children to go outdoors

Two high school pupils have created an app designed to encourage children to enjoy the outdoors more often.

Read more at:

<http://www.bbc.com/news/uk-scotland-highlands-islands-42280132>

19th century St Andrews golf legend Jamie Anderson

The American producer of the recently released movie Tommy's Honour which told the story of legendary St Andrews golfer Tommy Morris has welcomed news that another 19th century golfing legend and contemporary of Morris is finally getting recognition.

Read more at:

<https://www.thecourier.co.uk/fp/news/local/fife/558652/american-film-producer-tell-story-forgotten-19th-century-st-andrews-golf-legend-jamie-anderson/>

The pre-school solution to our productivity problem

Around 162 million of the world's under-fives are stunted

Read more at:

<https://capx.co/the-pre-school-solution-to-our-productivity-problem>

Scottish classroom left in tears as 20th teacher in four years quits

The extent of the teacher recruitment crisis facing Scotland has been revealed as parents have told how a class of eight-year-old children have had 20 different teachers since starting school.

Read more at:

<https://www.scotsman.com/news/education/scottish-classroom-left-in-tears-as-20th-teacher-in-four-years-quits-1-4635242>

The Scots who fought in the battle for Jerusalem

At noon on 11 December 1917, British commander General Allenby marched in to Jerusalem after overthrowing the Ottoman Empire and becoming the first Christian to control the Holy City in 730 years.

Read more at:

<http://www.bbc.com/news/uk-scotland-42263779>

Brexit: the case retaining the EEA

If the UK is set on having only an FTA with the EU then it is seeking a relationship governed by a particular set of WTO rules.

Read more at:

<http://peterjnorth.blogspot.ca/2017/12/brexit-case-retaining-eea.html>

Doctors accuse Scottish Government of nationalising general practice

A group of GPs from the Highlands have accused the Scottish Government and the British Medical Association of nationalising general practice in all but name through the new contract document.

Read more at:

<https://www.scotsman.com/news/uk/doctors-accuse-scottish-government-of-nationalising-general-practice-1-4635164>

Glasgow effect photographer wins award

A photographer has won an award for her project exploring life in Glasgow.

Read more at:

<http://www.bbc.com/news/uk-scotland-glasgow-west-42323006>

Glasgow's east end orchard

The east end of Glasgow is hardly synonymous with fruit trees and apple picking

Read more at:

<http://www.bbc.com/news/uk-scotland-42270200>

Look out LA - chef bringing Scotch pies to Hollywood

Meet the Hollywood chef who is introducing the humble Scotch Pie to La La Land.

Read more at:

<https://www.thecourier.co.uk/fp/news/local/perth-kinross/561888/look-out-la-chef-bringing-scotch-pies-to-hollywood/>

MSPs agree to shelve Named Person plans

The Scottish Government's controversial scheme to appoint a named person to every child in Scotland was last night dealt a further blow when MSPs formally agreed to park the legislation.

Read more at:

<https://www.scotsman.com/news/politics/msps-agree-to-shelve-named-person-plans-1-4638787>

The UK's opportunity to re-invigorate our trading relationship with the Commonwealth

The Commonwealth is a truly global organisation, encompassing states and citizens from every corner of the earth.

Read more at:

<http://brexitcentral.com/uks-opportunity-re-invigorate-trading-relationship-commonwealth/>

Brexit brings us closer to making Churchill's world vision a reality

Though we rightly revel in our Brexit victory, we must remember that leaving the European Union is a battle, not a war.

Read more at:

<http://brexitcentral.com/brexit-brings-us-closer-making-churchills-world-vision-reality/>

Scottish income tax changes unveiled

The Scottish government has announced income tax changes that will see higher earners pay more than elsewhere in the UK - and lower earners pay less.

Read more at:

<http://www.bbc.com/news/uk-scotland-scotland-politics-42358522>

Canada snubs Boeing in fighter jet deal with Australia

Canada is looking to purchase an interim fleet of used fighter jets from Australia until it can replace its own ageing CF-18s fighter jets.

Read more at:

<http://www.bbc.com/news/world-us-canada-42285745>

Electric Canadian

Debt to Income ratio in Canada is now 171%. That means for every \$1 of income Canadians owe \$1.71. The other issue is that there is a skill mismatch which is affecting young Canadians meaning that the education system is not turning out people with the skills needed to fill vacancies.

Industrial Canada

Added volume 11 which you can read at:

<http://www.electriccanadian.com/transport/industrial/index.htm>

Ungava

Added three books to do with Ungava and Labrador which I've added as links to the foot of our page on Ungava within our Lumber section at:

<http://www.electriccanadian.com/transport/lumber/america/chapter24.htm>

Cunard Steamship Company

Found half a dozen wee books about the Cunard Steamship Company which you can read at:

<http://www.electriccanadian.com/transport/cunard.htm>

A Journal of Voyages and Travels in the Interior of North America

Between the 47th and 58th Degrees of N. Lat., extending from Montreal nearly to the Pacific, a Distance of about 5,000 Miles including an account of the Principle Occurrences during a residence of Nineteen Years in different parts of the country by Daniel Williams Harmon, a Partner in the Northwest Company (1903) (pdf) which you can read at:

<http://www.electriccanadian.com/pioneering/journalofvoyages02.pdf>

Letters of a Pioneer

By Alexander Ross which you can read at:

<http://www.electriccanadian.com/history/canada/AlexanderRoss.pdf>

Conrad Black

I've always had a lot of time for Conrad Black and so as he writes from Canada on a number of issues of interest from around the world I'm intending to include links to his writings for you to view.

The Palestinians should take what they can get while they can

<http://www.conradblack.com/1355/the-palestinians-should-take-what-they-can-get>

Electric Scotland

Memoirs of the Lord Viscount Dundee and the Highland Clans

With an Account of his officers after they went to France together with The Massacre of Glenco by an Officer of the Army.

You can read this at: <http://www.electricscotland.com/history/articles/memoirslordviscount.pdf>

Beth's Newfangled Family Tree

Got in the January 2018 issue section 2 which you can read at:

<http://www.electricscotland.com/bnft/index.htm>

A Critical Essay on the Ancient Inhabitants of the Northern Parts of Britain or Scotland
Containing an account of the Romans, of the Britains betwixt the Walls, of the Caledonians or Picts, and Particularly of the Scots with
an Appendix of Ancient Manuscript pieces by Thomas Innes, M.A., (1879)

You can read this at: <http://www.electricscotland.com/history/articles/acriticalessay.pdf>

Scottish Independence

Did a video about Scottish Independence which I added to that thread in our community which you can view at:
<http://www.electricscotland.org/showthread.php/5208-Should-Scotland-be-an-Independent-country>

Records of a Family of Engineers

By Robert Louis Stevenson (1912)

This provides lots of information on individual Stevenson's which you can read at:

<http://www.electricscotland.com/webclans/stoz/stevens.html>

Memoirs of the old Highlander, Serjeant D. MacLeod

Second Edition with additions (pdf) which you can read at:

<http://www.electricscotland.com/history/scotreg/donaldmacleod.pdf>

Family and Genealogical Sketches

By Rev. Thomas Sinton, FSA Scot (1911). including Campbell, Steward, Chriton, MacPhail, etc. Also includes old Gaelic poetry.

You can read this at: <http://www.electricscotland.com/history/articles/familysketches.pdf>

Robert Burns Lives!

Edited by Frank Shaw

A Neglected Source for Burns Manuscripts? Some Old Guides for Autograph Collectors by Patrick Scott

During the mid-1960s, while taking notes in a senior theology class at Southeastern Baptist Theological Seminary, the class was asked to write a minister's name on a sheet of paper who we thought was the best Southern Baptist minister in our huge denomination and to turn it in as we left class for a discussion during our next session. The professor made no bones about his opinion during the discussion and explicitly said that it would not be the minister of one of the larger churches with memberships in the thousands. He felt it would be the pastor of a small congregation that numbered far less than that. Needless to say, the class of would-be ministers was dumbfounded. His explanation was plain and simple as he explained to us that there is no way a minister, no matter how gifted a speaker, could nurture a church with such large members. I have changed my mind over the years as I was for the guy with the large congregation. As I have matured over the years and have become the owner of facilities caring for the elderly, one should greatly consider a smaller congregation nurtured by only one person.

So my question to you is, who is the greatest writer among those who have shared their work - articles, sermons, notes, or book chapters - with us over the years in Robert Burns Lives! I will not ask you to send me their names because I am now older than the professor was at the time he gave us that very brief assignment, and my mind is prone to wander from time to time and I will more than likely pick someone before these eyes shut for good.

I come to today's guest writer with a lot of enthusiasm because he has shared with us many times his beliefs regarding many subjects but has never left us empty hearted. He is, of course, Dr. Patrick Scott, retired professor at the University of South Carolina who is probably busier now than when he was teaching. You are really in for a treat with this article as Patrick shows his talent in the piece of work at hand today. (FRS 12.14.17)

You can read this at: http://www.electricscotland.com/familytree/frank/burns_lives260.htm

The Story

There seems to be confusion as to what remaining in the Single Market means and so this analysis is what Lawyers for Britain says on the matter.

Costly EU demands on regulatory alignment could prevent us securing trade deals elsewhere

By Martin Howe QC

Our government on our behalf is offering to pay the EU around €45-50 billion of money that we don't legally owe, to submit to our courts and our Parliament being overruled by a wholly foreign court after we have left the EU, and to commit to keep our regulation in agriculture and possibly other fields "aligned" with the EU in order to resolve the Irish border issue. This is all so that we can reach the nirvana of having not a actual trade deal, but just talks about a trade deal.

The terms about the post-exit jurisdiction over us of the Luxembourg Court will be the subject of a separate briefing shortly.

It is clear that we do not legally owe these vast sums to the EU. Indeed it is probable that in law we have a net credit in our favour (as per this analysis (<https://lawyersforbritain.us12.list-manage.com/track/click?u=a9707b22ede3a8894eaa0bcef&id=f0b3ca14ed&e=fe2b69fbc2>) of the UK's potential financial liabilities by myself and Charlie Elphicke MP).

The fact that we do not owe the money does not necessarily mean that it is wrong to agree to pay some money. I would advise a client as part of a settlement to agree to pay money that is not owed, if the overall benefits of a settlement, including the benefit of achieving a harmonious and beneficial future relationship with the other party, were sufficient to warrant the payment.

But if you are going to agree to pay a large sum of money that you do not owe, you need to look carefully at what is the value of the benefit you will get in return. The benefit is supposed to be the trade agreement that we will negotiate with the EU once we move on to the stage of actually talking to them about our future relationship. But no one has actually looked at what the EU will realistically offer in the way of a trade agreement, and demonstrated that it would really be worth €40-45 billion, or indeed that it would be worth paying any money at all for what will be on offer.

Open or closed free trade agreement?

The key question about any trade deal with the EU is whether it will be open or closed. An open trade agreement is one which allows goods and services to be exported between the parties if they satisfy certain standards, but does not restrict the right of either party to allow in goods and services from third countries. The most that an "open" trade agreement should say about goods and services from third countries is that if they are let in on easier terms than laid down in the trade agreement, then exporters from the other party to the trade agreement should also have the right to export their goods and services on those easier terms (a "most favoured nation" or MFN clause).

By contrast, a closed trade agreement will specify that goods and services that meet a certain standard may be traded between the parties, but will prohibit the parties from allowing in goods and services from third countries which do not meet that standard. While such an agreement will facilitate trade between the parties, it does so at the cost of restricting trade with third countries and preventing the importation of goods and services from outside which are cheaper or better than those available within. This is particularly so where the standards adopted are artificial and really designed to shield domestic producers from competition rather than being truly necessary to safeguard the interests of consumers.

The paradigm example of a "closed" trade agreement is the EU's internal market (the actual accurate Treaty name for what is often referred to as the "single" market). That is based on harmonising detailed and prescriptive rules and regulations for all kinds of goods and services. While this assists in facilitating free trade between countries within the internal market, it does so at the expense of driving up costs, and more importantly it restricts trade with third countries whose exporters are required to comply with the rules. In addition, and unlike a closed free trade agreement where the common standards are mutually agreed, a country which joins the EU internal market from outside must submit to the EU unilaterally imposing changes and further rules on it with which it must comply.

These features of a closed trade agreement restrict unilateral trade liberalisation, but more importantly will render it difficult or sometimes impossible to conclude beneficial trade agreements with third countries. For example, you may be unable to offer a third country access to your own market for its insurance companies on the basis of home country regulation, because you are bound to apply a prescriptive set of rules under the trade agreement to any insurer who does business on your market. The third country will then be most unwilling to agree a trade deal under which your insurers can access their market on the basis of home country regulation.

The government rightly rejects seeking continued UK membership of the EU internal market for this reason, as well as for the reason that internal market membership would necessarily also involve continued free movement of persons.

So what will be on offer from the EU under a free trade agreement which gives preferential access to the internal market? A lot of light was cast on this question by a lecture given by Michel Barnier on 20th November 2017 (emphasis added):

"The UK will, of course, have access to the Single Market. But this is different from being part of the Single Market. And a good deal on our future relationship should facilitate this access as much as possible. And avoid a situation where trade would happen under the WTO rules for goods and services. To achieve this, there is a third key: we need to ensure a level playing field between us. This

will not be easy. For the first time ever in trade talks, the challenge will be to limit divergence of rules rather than maximise convergence. There will be no ambitious partnership without common ground in fair competition, state aid, tax dumping, food safety, social and environmental standards. It is not only about rules or laws. It is about societal choices – for health, food standards, our environment and financial stability. The UK has chosen to leave the EU. Does it want to stay close to the European model or does it want to gradually move away from it?"

He went on to link these issues to the ratification of the UK's future partnership with the EU. Those who choose to ignore these comments do so at their peril. It is clear that the EU will not be willing to conclude a free trade agreement with the UK unless we accept wide ranging obligations across our own internal market, and also necessarily as regards imports from third countries. Of particular significance are the references to "food safety" and "food standards".

The EU has no legitimate interest in the food standards of food eaten by UK consumers after we have left the EU. The references to these issues are pure protectionism: to lock in the highly profitable UK food market for EU producers and to exclude competition from outside. We are a net food importing nation with a strong interest in having low food prices – which would be of particular benefit to the many low-income families who voted Leave. Our consumers have spent the last 45 years paying prices for food inflated well above world levels, with the benefits of our captive market going mainly to EU producers outside the UK.

It is obvious that the EU want to maintain this situation as far as possible and will ruthlessly use a free trade agreement with the UK as a lever to achieve that objective. If we accede to such restrictions, the problem is not just that our consumers will carry on paying well over the odds for their food for the long term future. It will also severely damage or destroy the prospects of concluding free trade agreements with major trading partners, such as the USA and Australia, both of whom have very important agricultural export interests.

The Irish border issue is not about the peace process - it is about Ireland's wish to maintain exports into a protected UK market

This is what the row over the Irish border is about. The Irish government present this as being about concern for the Northern Irish peace process. It is nothing of the kind. Both the Irish government and their EU27 backers are cynically exploiting that issue as a lever to drive the UK to agree to follow EU agriculture rules after we have left, in order that Irish and other EU27 producers can continue to exclude competition from the rest of the world from the lucrative UK food import market.

That the UK government has agreed to "maintain full alignment" with EU Internal Market and Customs rules as a condition of accessing talks on trade is sheer madness. The "spin" seems to be that as a result of the intervention by the DUP, the actual scope of this commitment (i.e. which Internal Market and Customs Union rules, and what exactly "alignment" means) has been rendered so ambiguous and unclear that, like Humpty-Dumpty, the UK can declare that these words mean what the UK says they mean, neither more nor less - and that what they mean is very little.

This is a dangerous game. Let us quote the actual paragraph in the Phase 1 Agreement:

"49. The United Kingdom remains committed to protecting North-South cooperation and to its guarantee of avoiding a hard border. Any future arrangements must be compatible with these overarching requirements. The United Kingdom's intention is to achieve these objectives through the overall EU-UK relationship. Should this not be possible, the United Kingdom will propose specific solutions to address the unique circumstances of the island of Ireland. In the absence of agreed solutions, the United Kingdom will maintain full alignment with those rules of the Internal Market and the Customs Union which, now or in the future, support North-South cooperation, the all-island economy and the protection of the 1998 Agreement."

There is no doubt that the EU will insist that this means what they want it to mean, which is that the UK has unconditionally accepted a wide ranging obligation to keep our regulations on agricultural and other goods in line with EU regulations and also to keep external tariffs in line - otherwise what can the reference to the Customs Union possibly mean? They will insist on such terms being inserted into any free trade agreement on offer to us, and we will have gravely undermined our negotiating ability to avoid the imposition of such terms.

It is obvious that the EU will use the same tactic of forcing the UK up against the clock which has worked so brilliantly in causing the negotiating collapse by the UK which led to the Phase 1 agreement. They will push the trade negotiations to late 2018, and say that a trade agreement, and the promised but not legally secured transition period, will only be available to the UK if we accept their terms for a free trade deal however unpalatable to us.

The End Game: a Vassal-State Brexit without the benefits of either 'Leave' or 'Remain'

The referendum campaign involved two opposed visions for Britain's future. Under the first, favoured by the Remainers, the UK would stay in the European Union, participate in its councils, and -- to the extent possible -- seek to shape its future development in line

with the UK's interests.

Under the second vision, favoured by the Leavers, the UK would leave the European Union and take back control of its laws, borders and money, and would trade with the world outside the restrictive constraints of the EU's customs union and common commercial policy.

Each of these visions is internally consistent, and has its pros and cons. The British people however voted decisively against the first and in favour of the second vision.

But where we stand today, we are in grave danger that neither vision will be achieved. Instead, we are in peril that a third scenario will come about, one not favoured by either side. That is for the UK to cease its formal membership of the EU, thereby losing its vote on EU laws, and its ability to influence -- or if necessary veto -- future Treaty changes. But at the same time we would remain subject to continued EU control of our tariffs and external trade policy, and continued EU control of a huge range of market-related internal laws.

We would have changed our relationship with the European Union from being a Member State into being a Vassal State: a mere rule taker who must comply with laws devised, interpreted and enforced by foreigners and by foreign institutions. This would have the gravest economic and political consequences.

The economic consequence is that it would make it impossible for us to benefit from the freedoms which we will enjoy as a result of leaving the European Union. We would be unable to reduce the very high duties and non-tariff barriers which the EU's policies oblige us to impose on basics such as food and clothing. We would be severely hampered or prevented from concluding free trade agreements with non-EU markets.

Such a vassal-state Brexit would inevitably lead to Brexit being dubbed a failure, when the truth would be that Brexit had never been tried.

But the political consequences would be even more dire. Such an outcome would be - and would be seen to be - a clear betrayal of the promise made to all who voted in the referendum that their decision would be implemented. There could be nothing more corrosive to the already strained trust of millions of people in our political system, or more likely to produce an explosion of frustrated anger

Can we escape the trap?

Far from it being worth paying the money in the Phase 1 agreement in order to reach a beneficial free trade agreement with the EU, it is increasingly and glaringly clear that the only free trade agreements on offer from the EU are likely to be ones which it would be worth paying good money not to belong to. And it seems that in order just to reach the stage of having talks with the EU about future trade that are likely to prove worthless, our government is willing to compromise the independence of our courts and the sovereignty of our Parliament over our laws, and to give a commitment about aligning our regulation with the EU's which - even if unclear - will endure even no trade agreement is reached.

The only possible escape from the deep trap which we have dug for ourselves is to prepare actively for a no-deal exit in March 2019, and to be willing to execute that plan if the EU insists (as it will) on terms in a trade agreement which interfere with our ability to trade independently of the EU.

With best regards,

Lawyer for Britain

And that's it for this week and I hope you all have a great weekend.

Alastair