

The Times Newspaper's Summary of the Report of the Napier Commission

Transcribed by Keith Dash

The Times, 29 April 1884.

The Report of the Crofters' Commission, which was issued yesterday, has been awaited with keen interest on both sides of the Border. Its contents will not disappoint expectation, so far at least as the information it conveys and its literary presentment are concerned, though no doubt its specific recommendations will be warmly canvassed in Scotland and will give rise to very active differences of opinion.

By some the proposals of the Commissioners, which constitute, it must be admitted, a very significant invasion of the principle of *laissez faire*, will be considered a mischievous and unwarrantable interference with the rights of property and the natural operation of economic laws, while others will probably regard them as disappointing, inadequate, and half-hearted. For the present, however, we are not directly concerned with these opposing views. It is important, in the first place, to ascertain what the recommendations of the Commissioners are, and what are the *data* on which they are founded; their critical examination may be left for the most part to a future occasion.

The main Report, extending to 111 pages, is signed by all the Commissioners; to this three of their number append separate Memoranda in which their dissent from particular portions of the general Report is recorded. The Report is divided into six leading subdivisions dealing respectively with the subjects of Land, Fisheries and Communications, Education, Justice, Deer Forests and Game, and Emigration. To these subdivisions is prefixed a general introduction in which the condition of the Scottish crofters and cottars is described and its history traced, and the Report ends with a few concluding paragraphs in which the Commissioners endeavour, not without success, to "anticipate an objection based upon general principles of public policy, which might be urged on the part of that school of economists, who, in dealing with social distresses, prefer to contemplate the operation of natural causes and tendencies, rather than the action of artificial remedies".

After an examination of the ideal picture of the former condition of the Highland crofters which is enshrined in the imagination of a large portion of the people themselves, the Commissioners proceed to give their own account of the crofters' actual condition. The conclusion they draw is that "the average amount of moral and material welfare is as great now as at any previous period, and the poorest class were never so well protected against the extremities of human suffering". They frankly avow, however, that this statement of opinion is not likely to satisfy fully those whom it concerns, and it must be acknowledged that it is likely to supply a powerful argument to all who may be disposed to criticize their recommendations unfavourably. But notwithstanding the favourable conclusion as to the general condition of the crofters at which the Commissioners have arrived, they contend that there are certain definite points in respect of which remedial treatment is both practicable and desirable. "The population", they say, "belonging to the class of

crofters and cottars engaged in agricultural and pastoral pursuits, in addition to the evils attached to an unproductive soil, high elevations, and a variable and boisterous climate, suffer from several causes of indigence, discouragement, and irritation, which are subject to remedial treatment. These may be enumerated as follows :- Undue contraction of the area of holdings; undue extension of the area of holdings; insecurity of tenure; want of compensation for improvements; high rents; defective communications; withdrawal of the soil in connection with the purposes of sport. To these we may add, as contributing in our opinion to the depressed condition of the people, defects in education, defects in the machinery of justice, and want of facilities for emigration. The fishing population, who are largely intermixed and identified with the farming class, share the same complaints, and have their own peculiar disabilities in the exercise of their hazardous calling, which may be summarized under the ensuing heads:- Want of harbours, piers, boat-shelters, and landing places; inability to purchase boats and tackle adapted for distant and deep-sea fishing; difficulty of access to the great markets of consumption; defective postal and telegraphic intercourse".

For a population admitted to be in a condition of moral and material welfare as great now as at any former period it must be acknowledged that this is a somewhat startling catalogue of defects and disabilities. The evils alleged to exist obviously fall into two different categories, those which arise from the progress of economical changes intensified in their effects by the co-existence of an unfavourable condition of land tenure, and those which are more or less inseparable from the prevalent poverty of the population and its consequent want of enterprise. For the latter class of evils it may be said broadly that the principle remedy suggested by the Commissioners is that of State assistance, such as the remission of excessive education rates in poor and backward districts, loans for the development of fishing industries, and subventions in aid of emigration. This portion of the Report, together with that which deals with the administration of justice and the question of deer forests and game will keep for subsequent examination. We shall find on the present occasion sufficient to engage our attention in the remarks and recommendations of the Commissioners on the subject of land and its tenure.

"The principal matter of dissatisfaction" says the Report, "in connection with the occupancy of land, urged on our notice in almost every district with the utmost vehemence and with the greatest consensus of authority, is the restriction in the area of holdings". This fact is illustrated by some startling statistics. The parish of Farr in Sutherlandshire has, for instance, a gross rental of £10,337, £3,845 of which is made up by a few non-agricultural holdings, by £2,500 paid by four shooting tenants, and by £1,095 paid by six fishing tenants. The rent of land proper is thus reduced to £6,492, of which seven tenants pay no less than £5,810. There is left only a rental of £682, which is paid by 293 crofters and cottars, no one of whom pays over £10 in rent, and 128 of whom pay under £2. "While the highest croft", says the Report, "pays £7 16s., the lowest farm stands for £290; and while 293 small occupiers represent an aggregate rental of £682, a single pastoral farmer, who is not resident, holds lands of the aggregate annual value of £1,688, in addition to which he has a shooting tenancy of £200 per annum, and an angling tenancy of £100". It must be acknowledged that this discloses an economical condition scarcely consistent with agrarian content and social sensibility.

The large holdings tend to increase in size, while those of the crofters and cottars are correspondingly restricted. The Commissioners trace the economical progress of this disquieting tendency, and show that if it proceeds unchecked its consequences cannot but be serious. The remedy they propose is nothing less than a rehabilitation and expansion of the "township", or Highland village community. "The Highland 'township', of which much has recently been said and written, has never possessed any corporate existence in the law of Scotland. It has been, as far as the law is concerned, simply a farm or part of a farm, occupied in common or in division by several tenants. In former times in almost every case, it comprised both arable and pasture lands used in common; the arable area was redistributed at stated periods among the tenants, in virtue of regulations indigenous to the country, the mountain pasture being grazed indiscriminately by the live stock of the tenants, with or without a limitation of the number allotted to each. The separate appropriation of the arable lands was, however, only effective between seed time and harvest, for in winter the fugitive features of individual occupancy were effaced, and the promiscuous herd ranged at large over the naked area of arable and pasture, blended in a common desolation".

This is the agrarian unit which the Commissioners propose in effect to restore and expand. They propose that all inhabited places containing three or more agricultural holdings, possessing the use of common pasture land, or which have within a certain period, say of forty years, enjoyed such use, and generally all places containing three or more agricultural holdings known as townships by the custom of the country and estate management, should be registered as crofters' townships. The townships thus registered would thenceforward be endowed with all the rights belonging to the *status* of a crofters' township, and these rights, say the Commissioners, should be settled with a view to conservation, improvement, and extension. To this end certain provisions are suggested. As to the future expansion of the township, the Commissioners hope that in most cases it would be effected by amicable arrangement with the proprietor. But in default of such arrangement they propose that the occupiers in an existing township should have the right to claim from the proprietor an enlargement of the existing township in regard to arable land and common pasture, in virtue of a resolution adopted by not less than two-thirds of the occupiers, and to record their claim with the sheriff-clerk of the county in which the township is situated. In case the proprietor should not within the period of one year from the presentation of the claim come to a voluntary settlement with the occupiers the sheriff-substitute should investigate the claim, and if well founded he should record the township as an "overcrowded township". In this case the proprietor should be held liable to grant to the existing township an increase of arable land or hill pasture on certain conditions, among which are that the value of the land so assigned should not amount to more than one-third of the annual agricultural value of the holding from which it is taken, the rent of such land should be paid by valuation, and when an existing township has been enlarged by the assignment of additional land such land should become an integral part of the township and be subject to all the regulations affecting the same.

To enable proprietors to form new townships with Government aid they should be entitled to demand the advance of a sum not exceeding £100 for £10 annual value in each new holding for the purposes of constructing dwelling-houses and farm offices and a substantial boundary fence of stone. The new township should have all the

rights and obligations attached to existing townships so far as is consistent with the stipulations made.

Such are the main features of the plan suggested by the Commissioners, of which we have necessarily given only an abridged outline.

The case of the individual occupier is next considered, and the Commissioners decline to recommend any settlement analogous to the Irish "Three F's". But they propose to give every occupier in a township not in arrears of rent and paying £6 or more annual rent the right to make application to the proprietor for an improving lease of his holding. If after this application is made and duly recorded the proprietor and occupier fail to adjust by agreement the terms of the lease, the occupier will be entitled to claim from the sheriff-substitute the benefit of an official improving lease, and, subject to certain conditions, this application would be granted as a matter of course, the fair rent being determined by a simple form of arbitration.

Finally, provisions are suggested whereby crofters and cottars paying less than £6 rent, but not in possession of leases, may be protected from arbitrary and sudden eviction and secured compensation for such improvements as they may have made in their holdings at their own expense.

For the present we abstain from detailed criticism on these novel, elaborate, and comprehensive proposals of the Commissioners. It will inevitably be held by many, as it is by SIR KENNETH MACKENZIE in his appended Memorandum, "that the recognition of township units, conferring a legal status on village communities, would go far to confirm and perpetuate the poverty which, as has been pointed out in the Report, forms the burden of contemporary literature devoted to the social condition of the Highlands and Islands at all periods". On the other hand, it cannot be denied that, in the words of the concluding portion of the Report, "the severance of the labouring classes from the benefits and enjoyments of property (certainly one of the elements of civilization, morality, and public order), and their precarious and dangerous condition as dependent on capital and mere recipients of wages, is a question which engages the reflection of those who reason, and those who govern". The Commissioners have endeavored to reconcile these two conflicting views, and whatever may be thought of the practical success of their attempt, their suggestions are at least entitled to patient and attentive consideration.

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