

THE BAN ON INTENSIVE CULTURE

It is a commonplace that small holdings are most economically successful when a system of intensive culture is practised, as is done in some parts of this country and in many parts of the Continent. It may be surprising therefore to learn that under the existing law smallholders, and certainly the numerous class of statutory small tenants, may be prevented from applying the holding to the most profitable uses.

In the case of *Bishop v. Johnson* (decided in the Sheriff Court and confirmed in the Court of Session), a statutory small tenant who had converted his holding of $3\frac{1}{2}$ acres into a market garden was ordained to restore his holding to the ordinary agricultural uses as a farm!

In the case of *Grewar v. Moncur's Curator* the tenant had, at very considerable expense, converted 10 acres of ordinary agricultural land into land specially prepared for the growth of raspberries, and had planted the whole land with raspberry bushes. The Land Court repelled the objection that the holding was a market garden, held that the greater part of the permanent improvements upon the holding had been provided by the tenant, and declared that he was a landholder. But the Court of Session held that the holding was a market garden, and that it was therefore excluded from the Small Landholders Acts by Sec. 26 (3) (d) of the Act of 1911, which expressly excepts market gardens. Grewar was expressly permitted in his lease to cultivate fruit and vegetables, but it was also stipulated and agreed that the land was not let as a market garden. The result was that the holding was entitled neither to the benefits of the Small Landholders Acts nor to the market garden provisions of the Agricultural Holdings Act!

And here is a further absurdity which appears from the decision in *Grewar's* case. If at the date when a holding becomes subject to the 1911 Act it is cultivated as a market garden, or perhaps as a fruit farm simply, it would be excluded from the Act. Once a landholder's holding comes under the Act, however, he is entitled to use the whole of it, under Sec. 10 (1) of the 1911 Act, "for horticulture or for any purpose of husbandry, including the keeping or breeding of live stock, poultry, or bees, and the growth of fruit, vegetables, and the like." It is one of the anomalies of the Act that this section does not apply to statutory small tenants!

The result is that a smallholder who, by expenditure of labour and capital, adapts his holding to intensive culture is liable to find himself excluded from the Acts and exposed to a system which rents a tenant upon his own improvements—a result fatal to industry and initiative. Is it not time that an amendment of the law should be made, stating clearly that holdings cultivated under methods of intensive culture should be entitled to the benefits of the Smallholders Acts as if they were ordinary agricultural holdings?

The Scottish Smallholder, 1st October, 1917.

We reprint the above article from our contemporary, the SCOTTISH SMALLHOLDER, to which the public are indebted for this exposure of these glaring defects in the Small Landholders (Scotland) Act, 1911. Both cases were referred to in the last Report of the Scottish Land Court, and this article will enable many people to realise how grave are the defects of this legislation. Nor can it be said that they were unexpected, because the resulting situation, described in the concluding paragraph of the article, was anticipated when the Bill was

being considered at Report stage in the House of Commons on 17th November, 1912. Here is the record from the Official Parliamentary Debates (House of Commons), vol. 31, pp. 752-4. It may be added that the subsection moved by Mr. Scott Dickson (now Lord Scott Dickson) became Subsection (6) of Section 32 of the Act. We give the record as it stands:

MR. SCOTT DICKSON: I beg to move at the end of Subsection (4) to insert:

(5) Notwithstanding anything contained in this or any other Act the expression "Lessee," in Section 4 of the Lands Valuation (Scotland) Amendment Act, 1895, shall include a landholder in the same way and to the same effect as if a landholder was a lessee holding under a lease or agreement the stipulated duration of which is twenty-one years or under from the date of entry under the same.

MR. URE: I propose to accept this Amendment. Hon. Members will probably be aware that under the existing practice the crofter is not rated upon his improvements. It is now an open question and exceedingly doubtful. The effect of it will be to make quite clear that crofters in the proper sense of the word shall enjoy the security of tenure, and be placed in exactly the same position the tenant farmer occupies under lease of less than twenty-one years' duration, and be liberated from obligations upon improvements which they have effected on their holdings for agricultural purposes.

MR. DUNDAS WHITE: I think this is a very important Amendment, because it brings in at a very late stage of the Bill an Amendment of the rating system, a matter which, I think, deserves very careful consideration. I agree with what has been said as to there being some doubt as to the absolute certainty of the practice which now exists as to the crofter being rated on improvements which he has effected. At the same time, that practice has continued for something like thirty years, and has never been seriously challenged. I doubt whether it could be effectively challenged. There is a question whether the crofter is under the 1895 Valuation Act or not, and that question is to be decided against him. There has been some talk of agricultural improvements. What are agricultural improvements? If by agricultural improvements we mean that sort of improvements which are covered by the term "cultivation" in Clause 10, I should certainly support the Amendment. If, on the other hand, it is not meant to cover that form of cultivation, a very serious difficulty arises. We understand that under this measure intensive cultivation may be developed by smallholders. Assume that a crofter in the neighbourhood of a town, in order to cultivate fruit and vegetables, puts up a glass-house. At present he is not rated on that. Is that an agricultural improvement? In ordinary language it would be called a horticultural, and not an agricultural, improvement. It was to avoid that very difficulty that in Clause 10 the word "cultivation" was used, and it was expressly provided that "the expression 'cultivate' in this Section shall include the use of a holding for horticulture or for any purposes of husbandry, inclusive of the keeping or breeding of livestock, poultry, or bees, and the growth of fruit, vegetables, and the like." The crofter at present is not rated on these things, and following the analogy of existing practice, which has never been challenged, I hold that he should not be rated on them after the passing of this Bill. I hope, therefore, the right hon. and learned Member will be willing to agree to an Amendment which I shall subsequently move, "and the expression 'agricultural purposes' in that Section shall include the purposes of cultivation specified in Section 10 of this Act." Incidentally I may refer to a point raised by the hon. Baronet opposite. This certainly seems to me a rating change. It seems to bring under the provisions of the 1895 Act people who are not there already. That is a further reason why I am sorry it was not brought forward at an earlier stage. Whether the House accepts this Amendment or not should turn on the question of what is meant by agricultural purposes, and whether "agricultural purposes" is to have the same meaning as the purposes of cultivation referred to in Clause 10.

Mr. MORTON: I think we ought to be told by the Lord Advocate whether this Amendment, if carried, will in any way affect existing assessments. If so, it will be very unfair that it should be sprung upon us at the last moment without our being able to consult our constituents. The object may be to increase the assessments of everybody, and to get them into trouble as far as possible. If this Amendment becomes law, what will be the exact position of existing crofters and future landholders?

Mr. URE made an observation which was inaudible in the Press Gallery.

Amendment agreed to.

Mr. DUNDAS WHITE: I beg to move, after the words last added, to insert the words "and the expression 'agricultural purposes' in that Section shall include the purposes of cultivation specified in Section 10 of this Act." I have already given the reasons for this Amendment.

Mr. WEDGWOOD: I beg to second the Amendment.

Mr. URE: This Amendment, if effective, would certainly alter the Valuation Law and the rating. Accordingly, it is impossible for me to accept it.

Question: "That those words be there inserted," put, and negatived.

It will be seen that Mr. Ure (now Lord Strathclyde), in accepting the amendment of Mr. Scott Dickson, spoke of it as making clear that the benefit of not being rated on his improvements would apply to "crofters in the proper sense of the word." The present circumstances show how desirable it is to get rid of this limitation, to define the expression "agricultural purposes" in the 1895 Act as proposed in the Amendment that was negatived, and to unrate and untax agricultural improvements generally.

In the death of Sir William P. Byles, M.P. for North Salford, which took place at his home in London on October 17th, in his 79th year, the Land Values Group in the House of Commons has lost a faithful adherent. Sir William was ever an outspoken Radical, imbued with a conviction that the land question was at the bottom of all other questions. Twenty years ago he presided over a land values conference at Bradford, when he declared:

He would attempt no eulogy on Henry George, but he could not utter the name without reverence, nor without acknowledgment of the debt that he owed to that writer for enlightenment and for inspiration. How many persons could truly say that the reading of Henry George's great book had marked an epoch in their lives and altered their angle of vision to all economic questions, and social and industrial problems? And what was the solution he had taught them? That the bounties of nature were the heritage of all; that artificial arrangements which reserved them for the few must inevitably result, as they had resulted, in the impoverishment of the many; that we must return to a policy which, while it secured to the individual the product of his own ingenuity or labour, should deny to him the ownership of the land on which, and out of which, all men lived, and which he could neither create nor destroy, diminish or increase.

As best he knew how Sir William lived up to this principle. He was out for the land for the people and kept this in view even when he busied himself with other causes and Parliamentary duties. We gladly acknowledge his steadfastness and extend to Lady Byles our sincerest sympathy.

A NEW CONSTITUTION FOR THE LABOUR PARTY

The National Executive of the Labour Party have issued a draft of a new Constitution to be considered at the Party Conference to be held at Nottingham, January, 1918. The objects of the party are defined:

NATIONAL

(a) To organise and maintain in Parliament and in the country a political Labour Party, and to ensure the establishment of a local Labour Party in every county constituency and every Parliamentary Borough, with suitable divisional organisation in the separate constituencies of divided boroughs.

(b) To co-operate with the Parliamentary Committee of the Trades Union Congress or other kindred organisations in joint political or other action in harmony with the party constitution and standing orders.

(c) To give effect as far as may be practicable to the principles from time to time approved by the Party Conference.

(d) To secure for the producers by hand or by brain the full fruits of their industry, and the most equitable distribution thereof that may be possible upon the basis of the common ownership of the means of production, and the best obtainable system of popular administration and control of each industry or service.

(e) Generally to promote the political, social, and economic emancipation of the people, and more particularly of those who depend directly upon their own exertions by hand or by brain for the means of life.

INTER-DOMINION

(f) To co-operate with the Labour organisations in the Dominions and Dependencies with a view to promoting the purposes of the party, and to take common action for the promotion of a higher standard of social and economic life for the working population of the respective countries.

INTERNATIONAL

(g) To co-operate with the Labour organisations in other countries, and to assist in organising a federation of nations for the maintenance of freedom and peace, and for the establishment of suitable machinery for the adjustment and settlement of international disputes, conciliation or judicial arbitration, and for such international legislation as may be practicable.

The proposed programme of the party states: It shall be the duty of the Party Conference to decide from time to time what specific proposals of legislative, financial, administrative reform shall receive the general support of the party, and be promoted as occasion may present itself by the National Executive and the Parliamentary Labour Party.

It shall be the duty of the National Executive prior to every General Election to define the principal issues for that election which in the judgment of the National Executive should be made the special party programme for that particular election campaign. Every Labour candidate shall at that General Election include in his election address the special issues thus defined, and give them prominence in his candidature, whilst remaining free to include in addition any other proposals not inconsistent therewith, and to discuss any other subjects at his own discretion.

In an informing article on the subject appearing in the SUNDAY OBSERVER (London), October 21st, Mr. Sidney Webb writes:

The proposal to reorganise the Labour Party, formulated by its National Executive, and circulated to the constituent societies for their consideration, may well prove an event of far-reaching political importance. Instead of a sectional and somewhat narrow group, what is aimed at is now a national Party, open to anyone of the sixteen million electors agreeing with the Party programme.

More important, however, than any of these changes in the constitution is the change of spirit that has inspired them. The Labour Party, which has never been formally restricted to manual-working wage-earners, is now to be publicly thrown open to all workers "by hand or by brain." Its declared object is to be, not merely the