

## A MENACE TO SMALL LANDHOLDERS

(To the Editor of LAND VALUES.)

SIR,—The recent report of the Board of Agriculture for Scotland for last year contains on page 12 this remarkable passage:

In the case of the Middlebank settlement in Perthshire, where eleven full-sized holdings were created by the Board in 1914, the estate was recently exposed for sale by public auction. The holders would have preferred to continue as tenants under the Small Landholders (Scotland) Acts, but rather than risk the possibility of losing holdings with which they were fully satisfied, in almost every case they bought the subjects.

When the Scottish Estimates were under discussion on July 4, I asked for an explanation of this statement, observing that if the small landholders had the security of tenure that they were commonly supposed to have, they must have been induced to purchase under a misapprehension as to their rights; and that if the fact of the estate being sold could prejudice their position, their tenure was less secure than the framers of the Acts had intended—adding that the question went to the root of small landholders' security of tenure, and pressing for a reply.

The reply was given by the Solicitor-General for Scotland in these terms, quoted from the "Official Report":

The Solicitor-General for Scotland (Mr. Morison): The point raised by the hon. Member for Tradeston (Mr. Dundas White) is one of some importance, but I think it may be dealt with in a very few sentences. I quite agree that the passage in the Report of the Board of Agriculture is rather elliptical on this particular topic, but I can assure him that the tenure is protective. It can only be ended in one of two ways. Either it may be renounced by the small landowners, or the tenure may be ended in exceptional circumstances by the resumption of the holding by the landlord. Section 18 deals with the former and Section 19 with the latter of these two ways. When the proprietor comes to sell his estate he, of course, is not limited in the way in which he proposes to put it up to auction. But, as in the Middlebank case, he had chosen to put it in twelve separate holdings, he might have had twelve purchasers, and each would have had the right under Section 19 of the Statute to go to the Land Court and say that he wished to have this particular holding for his own personal occupation, and the particular tenure on the estate would have been ended in accordance with Section 19 of the Statute. That is a risk which the Middlebank small-holders wish to avoid.

Mr. Dundas White: Do I understand that, in conformity with Section 19 of the Act, if the landowner should sell land which is in small holdings in small lots, the tenure of the small-holder may be jeopardised?

Mr. Morison: I think that is so. Under Section 19 the particular occupier may have his tenure jeopardised because of the operation of Section 19 of the Statute. But this is all subject to the order of the Land Court. That is the particular explanation, and I can assure my hon. friend it is only the tenure that gives rise to this difficulty.

Here are the terms of Section 19 of the Act of 1911 to which he referred:

Without prejudice to the generality of the power to authorise resumption by the landlord for some reasonable purpose having relation to the good of the holding or of the estate, conferred by Section 2 of the Act of 1886, the feuing of land, or the occupation by a landlord for the purpose of personally residing thereon of a holding, being his only landed estate, or the protection of an ancient monument or other object of historical or archaeological interest from destruction or injury, shall respectively be deemed a reasonable purpose as aforesaid.

This provision was never intended to enable the landlord to endanger the position of the small landholders on his estate, by selling it in small lots to what may be called the faggot-landlords, so that each of them, as landlord of one small holding, might apply to the Land Court to authorise

the "resumption" of that small holding from the sitting small landholder on the ground that he as landlord wanted it "for the purpose of personally residing thereon" as "his only landed estate"; so that the small landholders may have to purchase "rather than risk the possibility of losing holdings with which they were fully satisfied," even though "they would have preferred to remain as tenants under the Small Landholders (Scotland) Act"—to quote the words of the Board's report in the case mentioned. The passage in the report is not only "rather elliptical" (as the Solicitor-General said), but the only comment which the Board make on this new menace to small landholders is—"The fact that the holders were in a position to adopt this course in the short period which elapsed since the constitution of the holdings is evidence of the success of the scheme." As Dominie Sampson would have said, "Pro-di-gi-ous!"

On July 11 I put a further question on the matter to Mr. Munro, the Secretary for Scotland, who replied:

My attention has been called to the matter to which my hon. and learned friend refers. I am considering the legal position, in consultation with my advisers. I cannot at the moment make any statement regarding legislation.

Such is the present position. It is to be hoped that something will be done, and done speedily, to amend the law. It is true that resumption can be effected only under an Order made at the discretion of the Land Court and on such conditions as to compensation, &c., as it thinks fit, after an application by the landlord for resumption "for some reasonable purpose," but the provision in Section 19 of the Act of 1911 that "the occupation by a landlord for the purpose of personally residing thereon of a holding, being his only landed estate," is to be deemed "a reasonable purpose," and the circumstance of the Middlebank case, as stated by the Board and explained by the Solicitor-General for Scotland, indicate a new danger to the small landholders' security of tenure, which ought to be remedied.

JAMES DUNDAS WHITE.

House of Commons, July 17, 1918.

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