



[A Closer Look at the Napier Commission]

By the 1870s there was considerable public criticism of the way the Highland crofting community were treated, and agitation started for the setting up of a Royal Commission of Inquiry to investigate the crofters' grievances.

When the government could no longer resist the demand for a Royal Commission, the Napier Commission was set up in March 1883 by the Home Secretary, Sir William Harcourt, of the second Gladstone ministry (1880-1885). Sir William had many years' experience of yachting in the Hebrides and he had come to regard the crofters with great affection.

The Commission consisted of the following six people: Lord Napier of Ettrick, Chairman, a Border landowner and retired diplomat. He was the only member of the Commission that was not connected with the Highlands; Sir Kenneth Mackenzie, 6th Baronet of Gairloch, also a landowner; Donald Cameron of Lochiel, M.P. for Inverness-shire, landowner and diplomat; Charles Fraser-Macintosh, M.P. for Inverness Burghs. He also owned lands near Inverness; Sheriff Alexander Nicolson, who was a native of Skye. Sheriff Nicolson helped to edit a new edition of the Gaelic bible along with a fellow member of the Commission, Professor Donald Mackinnon, who was the first Professor of Celtic at Edinburgh University. He was born and brought up on the Island of Colonsay and was helped with his education by Lord Colonsay, a judge of the Court of Session. The Secretary of the Royal Commission was Malcolm MacNeill, a civil servant. His father was Laird of the Island of Colonsay. Professor Mackinnon was therefore the only member not associated with land ownership.

The landowners were delighted with the composition of the Commission, but the Highlanders denounced it as one-sided, loaded with landed proprietors or sympathisers. Their remit was, 'to enquire into the condition of the crofters in the Highlands and Islands of Scotland, and all matters affecting the same or relating thereto'.

The Commission was authorised to examine, require the production of documents, and make whatever visits or inspections they found necessary. They set to work at once and took evidence from hundreds of people all over the Highlands and Islands. They interpreted their mandate in the broadest possible sense and conducted their hearings in a very fair and helpful manner. Witnesses were encouraged to speak frankly and the Commission sought and obtained assurances from the landowners' representatives that the witnesses would not be subjected to intimidation or discrimination.

The Commission used the naval yacht, 'Lively', on which the Commissioners and newspapermen were accommodated. After sittings in Skye, they crossed over to Barra and all the way up to Leverburgh (Obbe) in Harris before going out to St Kilda and back over to Loch Roag area in Lewis and round the Butt of Lewis on the way to Stornoway.

On the evening of 7th June 1883 the 'Lively' ran aground on a submerged reef near Chicken Rock at the approach to Stornoway harbour. Fortunately, the 'Mary Ann', of Glasgow, was passing with a cargo of herring and went to the rescue of the crew and passengers of the 'Lively'. There was no panic or any loss of life.

The 'North Star' replaced the 'Lively' and the Commissioners continued with their task which was finished in October 1883.

The report which came out in April 1884 pleased neither side. The crofters maintained strongly that it did not go nearly far enough and the landowners maintained that it went too far. The Commissioners felt that to grant security of tenure to the whole mass of poor tenants could not be seriously entertained: 'We have no hesitation in affirming that to grant at this moment to the whole mass of poor tenants in the Highlands and Islands fixity of tenure in their holdings, uncontrolled management of these holdings, and free sale of their tenant rights, goodwill and improvements, would be to perpetuate social evils of a dangerous character.'

Regarding what the Commissioners called 'the mass of poor tenants', it seems they were in favour of gradual amalgamation of the smaller land units to form larger agricultural units of reasonable size and 'gradually transfer and disperse this class of people.'

Meantime the Commissioners expressed the hope that 'the humanity of the landlords, and public opinion' might prevent these smaller tenants from being subjected either to arbitrary eviction or rack renting.

The Commission felt that protection should only be given to the larger crofters who paid an annual rent of £6 or more, provided that they were not in arrears with their rent. The protection they suggested was to take the form of a 30 year improving lease. Should the landlord fail to grant a lease, the crofter could make an application for an official lease to the sheriff, who would carry out an investigation.

The Commission acknowledged that these proposals would not extend to the vast majority of existing crofters because the rent of a great many crofters was under the £6 rental level:

We accept an evil to avoid a greater evil still. To invest the most humble and helpless class of agricultural tenants with immunities and rights which ought to go hand in hand with the expansive improvement of the dwellings and the soil, would tend to fix them in a condition from which they ought to be resolutely though gently withdrawn.

The Napier Commission consisted of landowners and even if they were moderate, well-meaning men of goodwill, nevertheless their background was one of vested interest in land ownership and therefore an acceptance of the existing order of the exclusive rights of the landowners in the land. They subscribed therefore to the usual landlord reasoning of the dispersal of the so-called surplus native population, and the creation of small farms, which hopefully, in time, would lead to more amalgamation and consolidation into larger farms and the inevitable gathering of more of that 'class' of rural people into the cities, as happened in the south.

The Commission was therefore unable to think boldly and comprehensively and produce long overdue radical recommendations genuinely designed to correct the obvious wrongs that were brought out very clearly in the evidence of crofters, landless cottars, and members of parliament, journalists, and ministers of religion, lawyers and others in all walks of life, throughout the seven crofting counties.

The Napier Commissioners missed a grand opportunity to propose meaningful reforms because they were afraid to upset the establishment and the status quo. They felt duty-bound to grant a few crumbs to the crofters, which would not, on their own, have satisfied the exasperated crofting community.

As might be expected, two of the Commissioners entered dissent for some of the mild proposals of the Commission. The two Highland lairds, Sir Kenneth Mackenzie and Cameron of Lochiel, dissented from the proposal to give legal status to crofting townships. Sir Kenneth's advice was to bring the whole system of crofting tenure to an end as quickly as possible, and replace it by a system of small farms. Cameron of Lochiel felt that the proper thing was to secure the co-operation of the landlords, who were in the best position to judge where, and how, crofts should be enlarged and what crofters should benefit. Lochiel was therefore happy enough to leave the crofter population at the mercy of the landlords.

Charles Fraser Macintosh entered dissent from the £6 minimum level of rent to qualify for protection under the leasing proposals, advocating instead the lower limit of £4 to enable more crofters to benefit from security through leasing.

The debate about the Napier Report raged on, with the crofters and their friends, both inside and outside parliament, demanding full security of tenure, fair rents and compensation etc for all crofters. The situation in the Highlands was on the boil, with a widespread rent strike, protest meetings and demonstrations etc.

The landlords suffered because they did not receive the rent on account of the crofters' rent strike, and even they were coming round to thinking that some palliative legislation would have to be put through in order to restore order in the Highlands.

In May 1885 the Gladstone Liberal Government introduced a Crofters' Bill into the House of Commons, but a few weeks later in June, the Liberal Government fell when the Irish Nationalists combined with the Conservatives in a snap vote against the Government.

Salisbury's Conservative Ministry which replaced the Liberals in 1885 held office only for a few months as a caretaker government, until the new electoral registers were ready. In the meantime the Government was long under pressure to extend the franchise, and as soon as that was done by the Franchise Act of 1884, giving the crofters the vote for the first time, they quickly flexed their muscles in a decisive way at the November 1885 election when the Ross and Cromarty (excluding Lewis) electorate increased nearly by 600% from 1,720 electors in 1880 to 10,265 in 1885 when the new Franchise Act took effect.

The extended suffrage meant that the age-old stranglehold of the landed gentry on the Highland parliamentary constituencies was at last broken. The five Highland constituencies were held in the early 1880s by landowning gentlemen, who between them were the owners or heirs of nearly 2,000,000 acres of land.

Four of the five pro-crofter parliamentary candidates for Highland constituencies were returned in 1885 as follows:

- Fraser Macintosh for Inverness-shire.
- Donald Macfarlane for Argyllshire.

- Dr Roderick Macdonald for Ross-shire.
- Dr Clark for Caithness.

But Angus Sutherland for Sutherlandshire did not succeed.

The November 1885 election brought Gladstone's third Liberal Ministry back to power with a majority of 86 seats over the Conservatives, while the Irish Nationalists held the balance with 86 seats. The new Liberal Government was sworn in, in January 1886, and not long after that the Crofters' Bill, which pleased no-one, not even the pro-crofter MPs, was introduced. It did however contain the three 'Fs' - fixity of tenure, fair rents, and free sale of improvements.

Gladstone decided to introduce an Irish Home Rule Bill and by so doing he split the Liberal party, and Gladstone went to the country after only about six months in office. It was during that short period in office that the third Gladstone administration passed the Crofters' Act in June 1886. It was on the last day of the session, just before parliament was prorogued, that the Bill received Royal Assent.

Salisbury's second Conservative ministry came to power in 1886.

Thus the Government and Parliament were finally, if reluctantly, persuaded to grant a measure of land reform that gave the Highland crofters partial, but very important, statutory protection for the first time. It is therefore easy to understand why the 1886 Crofters Act was popularly styled the Magna Carta of the Highlands.

In one very important respect Parliament disagreed with the Napier Commission and granted full security of tenure to the crofters. We see the practical results of the absence of the protection of the crofting legislation in Aberdeenshire which is outside the scope of the Crofters Act and where the numerous crofts that were there in 1886 were subsequently swallowed up into large farms and the rural population urbanised.

Considering the political philosophy and the delicate balance of the Westminster political parties in the 1880s, including the fact that there were a large element of Irish M.P.s there, who were sympathetic to the aspirations of the Scottish crofter population, one cannot help but wonder what would our Highland history be like if the Crofters Act of 1886 had not made it to the statute book at that critical moment.

The Napier Commission and the subsequent Crofters Act of 1886 marks a watershed in crofting history and the Highlands and Islands were never the same again.

Nevertheless the 1886 act did nothing for the numerous landless families, which were said to number at least 25% of the population of Lewis at that time. Land was the key element in the social structure as well as the economic survival of the crofting community, and without it, that 25% of the families in Lewis had no place in which to put down roots, and no place or work to go to, outwith Lewis.

That was why the crofters' war continued, and in 1887, the year after the Crofters Act, the people of Lochs staged that very successful demonstration known to history as the Park Deer Raid. That was followed by widespread land raiding in the Park Deer Forest in 1891 and imprisonment of the land raiders in Inverness. More about that later.

Gladstone's fourth Liberal Government was back in power in 1892-94 and set up yet another Royal Commission, known as the Brand, or Deer Forest, Commission, and that was followed by the setting up of the Congested District Board, by Salisbury's third Conservative Ministry in 1897. That agency was charged with the task of promoting the overall economic and agricultural development of the crofting communities.

The Congested District Board did a lot of useful work but it lacked finances and it had no powers of borrowing. Insofar as the land question in Lewis was concerned, the Board's activities were of little help.

In 1906 the Smallholders (Scotland) Bill was introduced by Campbell Bannerman's Liberal Government, but it was not until 1911 during the Asquith Liberal Ministry that it was passed.

Before the land settlement schemes prepared under the 1911 Act, which included a settlement scheme for Steinreway and Orinsay, could be implemented, the 1914-18 war started and after the war both the landlord and the authorities dragged their feet until, in sheer exasperation, the war-weary landless ex-servicemen were not prepared to wait any longer and took the law into their own hands in 1921 and land raiding occurred extensively throughout Lewis, including Park.

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