



[Overview of the History of Crofting]

The change from the old runrig system of communal land tenure to the crofting system of tenure is said to have started in Argyll as early as the 1770s and to begin with, crofts were of a size that might provide a comfortable living for a family.

In due course the crofting system of tenure was generally adopted by all Highland landowners as a feature of their so-called improvement programmes. That enabled them to bring the smallholder population directly under their own tenorial control, and move them at will, in order to clear large areas of land for the creation of commercial sheep farms.

The crofting system of tenure was first introduced into Lewis by the Seaforth proprietor about 1814 and the district of Pairc was first lotted about 1818-19. The word croft was not in common usage until about the beginning of the 19th century and until the passing of the first Crofters Act in 1886 there was no separate legislation governing crofting. In the eyes of the law a crofter was therefore an agricultural tenant in occupation of a piece of land owned by a landlord on a year to year basis.

Until 1886 the landlord was therefore entitled to terminate the crofter's tenancy at the end of any year and recover possession of the land, together with any buildings and other permanent improvements that might have been on the croft. The tenant had no claim on the landlord for compensation for improvements. That is why crofters were unable to build good permanent homes for their families and once they got security of tenure in 1886 they began to build good substantial houses at once.

The main features of the 1886 Crofters Act were, first and foremost, security of tenure for all those who were tenants of crofts at that time, irrespective of how small the croft was. The only conditions of tenancy of a crofter were that he should pay his rent regularly. That he should not assign his tenancy, or allow the croft and buildings to deteriorate, and that he should not sub-divide his croft without the landlord's consent, and that he should not become bankrupt.

A Crofters Commission was established under the Act comprising of three members in order to administer the Act. One of whom should be a Gaelic speaker, and one an advocate of the Scottish Bar of not less than 10 years standing. This body had the dual purpose of executive duties as a Crofters Commission and quasi judicial functions as a Land Court. Some of the other provisions of this act were as follows: the right of judicially determined fair rent on application to the Land Court by either the landlord or the crofter. Once the Land Court fixed the croft rent, it would stand for seven years unless altered by mutual agreement.

The right of the crofter to claim compensation from his landlord for the permanent improvements which were considered suitable to the croft and which were carried out, or paid for by the crofter or his predecessors on the croft, should he renounce the croft or was removed from it.

These were the three basic elements in the first Crofters Act and the Irish, in their own Land Act of 1881, referred to them as the three 'Fs'. Fixity of tenure - Fair rents - Free sale of improvements. The 1886 Act also conferred on the crofter the right to bequeath his croft to a member of his family as well as the right to cut peats and gather seaweed etc. The 1886 Crofters Act was a watershed in crofting history and the dispirited crofters showed a remarkable spirit of hope, confidence and activity after the passing of the Act when they came to appreciate that they had achieved security of tenure and they got the feeling of being able to look at their fellow mortals in the face without fear or favour.

The Act applied to the seven crofting counties of Argyllshire, Inverness-shire, Ross and Cromarty, Sutherland, Caithness, Orkney and Shetland.

The first Crofters Commission were empowered to take account of arrears of rent due by a crofter and authorised to cancel such arrears in whole or in part, at their discretion. The Commission were also authorised to enlarge crofts where there was suitable land available, but subject to certain restrictive conditions.

As a result of the provision for compulsory enlargement of holdings in the 1886 Act the Crofters Commission received 4364 applications for enlargements of holdings between 1886 and 1912 when the first Crofters Commission was abolished. During that time, the Commission as a Land Court received 22,111 applications to fix fair rents, most of them during the first five years. The court was also given powers to cancel arrears of rent and

the final report of the Crofters Commission show that the number of applications to fix fair rents in Ross and Cromarty (including leases) was 6039. The old rent amounted to £17,295 and the fair rents only amounted to £12,549, a reduction of £4,746 as well as cancellation of £42,575 of rent arrears.

The common grazing of a highland township is a very important feature of the crofting structure, yet the 1886 Crofters Act made no provision for its administration. Under the runrig system there was a village official called a constable who was elected from among their own number and a ground officer who was appointed by the landlord or his factor. That arrangement ensured consultation at township level.

The omission to provide for the administration of the common grazings in the 1886 Crofters Act was rectified in a Crofters Act of 1891 when statutory provision was made for the appointment of a Grazing Committee in each township, in order to make and administer regulations for the proper administration of the common grazings. In their final report in 1912 the first Crofters Commission admitted that their greatest source of trouble had been the management of the common grazings.

The 1886 Act only applied to those in the crofting counties who had land of their own at that time. There was therefore a large body of opinion that regarded the act as only a step in the right direction. The main complaint against the act was that it failed to tackle the injustices perpetrated upon generations of crofters who were cleared from their land in order to make way for commercial sheep farming and sporting deer parks.

The government was expected to take steps to break up these farms and deer parks and the landless crofter families were bitterly disappointed when they realised that there was no provision in the act for new landholdings. That meant that the act did nothing to relieve the desperate land and housing problems of about 25% of the 30,000 population of Lewis as well as the thousands of other landless and homeless people in the seven crofting counties. Furthermore the overcrowding situation was steadily getting worse.

The landless cottars' hope of relief by Parliamentary action was now gone and past experience had taught them not to expect any sympathy or justice from the greedy landlords. It was a depressing time for the deprived landless cottars, no land and no work in the severe economic depression of the 1880s and being forced to live in a barn on their parents' land holdings without hope of ever being relieved except by disregarding the unjust manmade land laws and raiding the former crofter townships now under sheep, and staking out crofts for themselves. That was the background story of the troubles that broke out in Lochs immediately after the 1886 Act when the crofters' struggle for land continued for the next 40 or 50 years. The first move was to stage the famous Park deer raid which attracted much favourable publicity in 1887. That was followed by extensive land raids in the Park Deer Forest in 1891, which, as we shall see later, only resulted in temporary lodgings for the deprived land raiders in Inverness prison. The land league began to decline for several reasons, among them the diminishing support by the crofter who had land, and now had security of tenure.

In 1892 the 4th Gladstone administration came to power and appointed another Royal Commission, known as the Brand, or Deer Forest Commission, whose remit was to find out how much of the land in the crofting counties which were then being used for sporting purposes, or grazing by non-crofters which might be advantageously occupied by crofters. The commission reported in 1895 stating the acreage of both arable and grazing land available.

Following that report Salisbury's 3rd conservative ministry set up the Congested District Board in 1897, with powers to acquire land by purchase or gift and sub-divide it among crofters and cottars in the congested districts for the purpose of cultivation or grazing. The Congested District Board did a lot of useful work, yet it lacked capital to tackle the land problem properly.

The Small Landholders Bill was introduced to Parliament in 1906 by a Liberal administration, and for five years it was being discussed on and off until it was finally passed by the Asquith Liberal administration as the Smallholders (Scotland) Act 1911. That Act discontinued the Congested District Board and transferred the powers of the Board to a new Board of Agriculture for Scotland which was established under the same Act. The Crofters Commission was also discontinued by the 1911 Act and in its place a new Land Court was created.

The principle of compulsory powers to acquire land for the erection of new crofter resettlement schemes was hotly debated for a long time and particularly since the failure of the 1886 Crofters Act to restore to the landless cottars the land from which they and their forefathers were forcibly removed. The 1911 Act established this most important principle and therefore the numerous landless families throughout the Highlands and Islands were suddenly given new hope as they looked forward to the time when the sheep farms and deer forests were broken up and new crofter communities were established in their place, where the landless cottars would be able for the first time in their lives to build decent permanent homes for themselves.

Among the first resettlement schemes scheduled under the 1911 Act were Steimreway and Orinsay in Park, but before the Board of Agriculture could carry out any of the resettlement schemes under the Act the 1914 war started and the landless cottar Royal Naval Reservists of Park and elsewhere who were to be settled under the schemes were called up and all the resettlement schemes were shelved for the duration of the war.

The landless cottars fought and many of them died in a terrible war, but they felt they were fighting for something because they looked forward to the time when they were reunited with their loved ones in a land of peace and plenty, but more particularly they looked forward to acquiring a few acres of land under the terms of the 1911 Act which they could, for the first time ever call their own.

In 1918 Lord Leverhulme bought the Island of Lewis and although he was a completely different kind of landlord he made the big mistake of fiercely resisting any land resettlement schemes in Lewis, even although the Lloyd George Liberal Conservative coalition Government enacted the Land Settlement (Scotland) Act of 1919 conferring on the Board of Agriculture additional powers to that of the 1911 Act to acquire land by agreement or compulsion in order to that of the 1911 Act to re-settle landless cottars and ex-servicemen.

When the ex-servicemen returned home after the war and discovered that the pre war and war time promises of land re-settlement schemes were no longer on they felt exasperated and land raiding broke out extensively in Lewis in 1920.

The Leverhulme Schemes failed in the early 1920s and the herring fishing was in recession, all of which resulted in high unemployment and mass emigration took place. In April 1923 the Canadian Pacific Vessel 'Metagama' sailed with 300 emigrants and one year later the 'Marloch' sailed with 290 more, followed a few weeks later by the 'Canada' with 270, making a total of 860 young men and women emigrants in the flower of their youth. The 1920s and 1930s were hard times of mass unemployment and a serious decline in the herring fishing industry, which was the main auxiliary industry that went hand in hand with crofting in the Islands in particular.

Fortunately from 1934 onwards the Harris Tweed Industry revived, principally because the 'Orb' Harris Tweed Trademark was amended to include within its definition Hebridean mill spun yarn as well as hand spun yarn. One very important feature of the new definition of 'Orb' stamped Harris Tweed was that it provided for the tweed to be continued to be woven, 'at the Islander's homes'. In this way the weaving of Harris Tweed remained diversified throughout the rural areas of the Western Isles, and without doubt that helped to sustain the rural population as the industry expanded under the impetus of the amended 'Orb' mark.

The clouds of war were again gathering in the 1930s and before the decade ended, yet another world war was upon us and the Islanders responded dutifully despite their strong feeling of being neglected by their country.

During the war years the herring fishing revived slightly and the returning ex-servicemen after the war felt hopeful, but after a short while the herring industry declined again. The post-war years saw a raging public debate about crofting with people calling for better use of land resources in the crofting counties including the re-organisation and revival of decaying and depopulated townships in the more remote crofting areas.

That debate was stimulated by the 'West Highland Survey' carried out by a team established in 1944 under the leadership of Dr F. Fraser Darling. The results of the survey were published in a book under the title 'West Highland Survey' in 1955. That public debate led to the next landmark in the crofting calendar, when a labour government set up the Taylor Commission of enquiry in 1951 with a remit to review crofting conditions in the Highlands and Islands with special reference to the secure establishment of a smallholding population, making full use of agriculture resources and deriving the maximum economic benefit there from.

The Taylor Commission consisted of eleven members, two of whom were crofters, Robert M. Macleod from Carloway and Mrs Margaret H. Macpherson from Skye.

The Taylor Report came out in 1954 and it contained major recommendations. It was followed by the 'Crofters (Scotland) Act of 1955' which was ended by a Conservative administration, and gave effect to some of these recommendations. A new Crofters Commission was established under the 1955 Act which was endowed with financial and executive powers and is responsible to the Secretary of State for Scotland. It was charged with the duties of reorganising, developing and regulating crofting.

It also controls the re-letting and transfer of crofts and has power to dispossess absentee crofters and re-let their crofts in the crofting interest. It also administers a scheme of land improvement grants etc. The Act also defined the powers and duties of grazing committees in more specific terms, including the keeping of a record of all money transactions as well as a minute book etc. After a few years an amended Act, which contains some very important provisions, was passed in 1961.

Finally we have the controversial Crofters Reform (Scotland) Act of 1976, which among several important changes introduced a new principle in crofting land tenure, whereby a crofter has the option to purchase the inbye land of his croft and become the owner of his croft land, rather than a tenant. That change is popularly referred to as owner-occupier, but in fact as owner of his croft he is actually a landlord and because such crofts remain within the crofting law, the Crofters Commission could force the owner occupier to put a tenant on his croft. A recent Land Court decision relating to a croft in Skye clarified some obscure aspects of the 1976 Act. The provision for creating new crofts was withdrawn in the 1976 Crofting Act, by repealing the relative provision of section 2 of subsection 1 of the 1961 Act. There were other Acts of Parliament passed over the years that affect crofting, but perhaps the four main crofting Acts are 1886, 1911, 1955 and 1976.

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