



The Origin and Development of Crofting Land Tenure

The crofting system of land tenure, as practised in the seven crofting counties of the Highlands and Islands of Scotland during the last 250 years, is based on the Highland clan system, which preceded it.

Under the clan system of land tenure, the land within the area occupied by a clan, belonged to the clan as a whole collectively and the sword of the clan defended it. The Clan Chief had no exclusive rights in the clan lands but the clan gave him nominal control of the land for administration purposes on behalf of the clan.

The clan system was a social system organised on military lines. At the head of the clan structure was the Clan Chief who was regarded as the supreme commander, both in military as well as land management. At the next level of command, as it were, was the tacksman or middleman class, which might be compared to an Officer Corps. Then there were the smallholders or the equivalent to ordinary soldiers - the crofter class.

In managing the land, the Clan Chief leased large areas of land on a long term basis to tacksmen (very often as a reward for military services). The tacksmen in turn sublet most of their land to smallholders (crofters) on a year-to-year basis. These smallholders lived on the tack (farm) and the tacks eventually became the forerunners of the present crofter villages.

Under the clan system of land management known as the 'runrig' land tenure, no part of the inbye arable land of the tack was ever held permanently by an individual smallholder. One third of the land of the tack was reallocated annually and in that way the whole of the arable land of the tack changed hands or rotated every three years, thus: - A meeting of tack shareholders was called together with representatives of the estate or tacksman, and having decided on the portion of arable land to be put under green crop in the coming season, they divided it into shares according to the number of smallholders on the tack. Thereupon they cast lots to see which portion of arable land fell to each family, hence the designation 'lot' for crofts.

In that way the old Celtic society of the Highlands and Islands of Scotland functioned effectively as a unified social and military system for centuries, but by the 18th century there was political and economic forces at work in the Highlands over which the common people had no control, because their voice was never heard in Parliament and the principle of common ownership of the land (a basic resource) was gradually eroded over a long period and feudalism was imposed on the clan society by a King and unrepresentative Parliament composed mainly of landed and vested interests.

The initial success of the Jacobite rising of 1745 alarmed Central Government and they resolved to destroy the traditional clan society. A regime of killings, imprisonment and deportation as well as disarming and suppressing Highland culture, language, bagpipe music and tartan dress was aimed at what the establishment regarded as civilising the Highland people. Under that pressure the old social order in the Highlands disintegrated and the Clan Chiefs were encouraged to assume full control of the clan lands as private landowners.

The clansmen were bitterly disappointed by these unexpected events, particularly the behaviour of their leaders, the Clan Chiefs, whom they trusted.

These changes in Highland society introduced a new class division of privileged and servile. Gone forever was the sense of kinship and loyalty to a patriarchal leader. In its place came the Highland clearances and private land ownership.

Having gained control of the land, the new Highland landowners felt that the next step should be to reform the tenurial system whereby the small tenantry (crofters) would in future hold their land tenure direct from the landlord without the necessity of tacksmen or middlemen. They, the tacksmen, were dismissed and many of them emigrated to North America.