

The Land Raiding of 1891

In April 1891 various national newspapers carried reports of a fresh outbreak of discontent and land raiding in Lewis. A Glasgow Herald correspondent reporting an interview with one of the recognised leaders of the Lewis crofters stated that the new outbreak of land raiding was a manifestation of the exasperation of the landless families who were forced to squat in poor housing conditions on the land of their relatives, without hope of any change in their conditions of living, so long as they endured their deprivation patiently.

It was also stated that there was a new plan of campaign, carefully drawn up, and involving a movement of landless cottar heads of families who were thoroughly in earnest and quite prepared to face jail, if necessary.

The campaign was expected to spread from Lochs to other areas on the Island, such as Barvas, Galson and the Parish of Uig, which was the home of large sheep farms and deer forests, as well as the ruins of nearly 40 cleared crofter townships.

The exasperation of the landless families was aggravated as a result of several bitter disappointments in the 1880s. First there was Lady Matheson's refusal to take advantage of the favourable opportunity at the end of the lease of the Park Sheep Farm in 1883, to grant the numerous applications and petitions from landless cottars for new land holdings in the former crofting townships of Southern Park, to enable the indigenous people to earn their living on the Island of their birth. Instead of considering the deprivation of the landless cottars sympathetically, the proprietor converted the whole area of 42,000 acres of the vacant Park Sheep Farm into an unproductive sporting deer park in 1886, the very year of the First Crofters Act.

The second disappointment suffered by landless families in the 1880s was when they realised that there was no provision in the First Crofters Act of 1886 for new crofter land holdings by breaking up at least some of the large sheep farms and deer parks in order to restore the land from which they, and their forebears, were unjustly evicted.

The third disappointment suffered by the landless families was when they finally realised that the hope raised in the minds of the people at the time of the successful demonstration of the famous Park Deer Raid of 1887, by what they took to be a more sympathetic attitude by the Government, was dashed when schemes were considered for the improvement of the conditions of the people who were recognised at the time of the Park Deer Raid to be suffering from chronic poverty, but nothing practical was done except a half-hearted attempt by the Government to promote a small scheme of emigration.

Furthermore, the people had a deep-rooted feeling that in offering them inducements to leave the Country; the Government was acting, not for the benefit of the people, but in order to relieve the estates from an awkward position.

That belief was confirmed in their minds by the fact that a very large part of the Island was in the hands of big commercial sheep farmers and sportsmen.

The land raiding in Park began in March 1891 when 18 men from Crossbost sailed to Orinsay with the intention of resettling there, as one of the townships from which some of themselves as well as their forebears were forcibly evicted about 48 years earlier, when estate officials drowned their fires on the hearths.

On arrival in Orinsay the land raiders roofed three of the least ruinous of the former crofter houses with spars and divots and sails, but they were unfortunate from the outset because the weather deteriorated steadily to blizzard conditions the day after their landing. The floors of the bothies became a quagmire and the only seats they had were cold stones. The following are the names of the 18 land raiders who sailed from Crossbost:

Donald Macinnes	5 Crossbost	son of Alex	aged 48 years
Donald Macmillan	6 Crossbost	son of Angus	aged 40 years
Donald Macaulay	7 Crossbost	son of Norman	aged 40 years
Neil MacLean	10 Crossbost	son of Lachlan	aged 46 years
Malcolm Macleod	13 Crossbost	son of Malcolm	aged 42 years
Donald Macleod	13 Crossbost	son of Malcolm	aged 50 years
John Mackenzie	18 Crossbost	son of Neil	aged 45 years
John Mackenzie	20 Crossbost	son of Murdo	aged 62 years
Murdo Macdonald	22 Crossbost		aged 42 years
Donald Macdonald	23 Crossbost	son of James	aged 31 years
Roderick Kennedy	23 Crossbost	son of Murdo	aged 48 years
John Mackenzie	24 Crossbost	son of Donald	aged 37 years
Malcolm Mackenzie	26 Crossbost	son of Alex	aged 49 years
Malcolm Macdonald	? Crossbost	son of Alex	aged 49 years

Roderick Macleod	13 Ranish	son of John	aged 51 years
Alexander Macleod	? Ranish	son of John	aged 45 years
John Mackenzie	27 Ranish		aged 42 years
Murdo Morrison	22 Leurbost	son of John	aged 28 years

Donald Macmillan, 6 Crossbost, and Malcolm Mackenzie, 26 Crossbost, were two of the raiders involved in the Park Deer Raid in 1887 and they were tried in Edinburgh and acquitted. John Mackenzie, 20 Crossbost, was married to a sister of Roderick Martin, the grazing tenant of Orinsay and Steimreway.

A Glasgow Herald correspondent reported on 1st April 1891 that 10 men from Gravir, followed by 10 men from Calbost, arrived in Steimreway, which is a mile or two south of Orinsay. Bothies were prepared there and portions of the land were tilled.

A few days later the Sheriff, in a report, stated that 11 men from Cromore entered the Park Deer Forest at a place called Stromas. They went ashore and dug the land but returned to their boat for shelter.

The Police Superintendent at Stornoway, in a report to the Chief Constable at Dingwall, on 4th April 1891, stated that 8 men from Cromore entered the Park Deer Forest at 'Scaladale', and they began to turn the ground.

Behind the scenes there was feverish activity going on with telegrams going back and forth between Stornoway on the one hand and the Secretary of State for Scotland, the Admiralty, and the Chief Constable at Dingwall etc. Sheriff Jamieson raised the question of whether the Admiralty should undertake special service in the Isles.

Another telegram showed that the Admiralty was consulted as to the possibility of a gunboat and 50 marines being available to the Sheriff if the Steimreway and Orinsay land raiders offered resistance.

On the 9th April 1891 twelve of the Lochs land raiders implicated in the land raids upon the grazing farm of Orinsay/Steimreway were tried on a criminal charge under the Trespass Scotland Act 1865 at the Sheriff Court in Stornoway, before Sheriff Principal Jamieson. Six of the men indicted were concerned in the raid upon Orinsay and six upon Steimreway, but the libel in each individual case was given out separately, although the terms in the whole were identical, except that of the Steimreway alleged offence was on a different date to that of Orinsay. Great interest was manifested in the trial, and the Court House was crowded all day.

Friends to represent the accused prevailed upon Mr Kenneth Macdonald, Solicitor, Inverness, who was retained for the defence, failed to put in an appearance and Donald MacRae, former Head Teacher at Balallan and now employed in Lewis as an Agent for the Land League. Mr John Ross, joint Procurator Fiscal, appeared on behalf of the Crown. The names of the twelve accused men were as follows:

Donald Macmillan	6 Crossbost	son of Angus	aged 40 years
Donald Macdonald	23 Crossbost	son of James	aged 31 years
John Mackenzie	24 Crossbost	son of Donald	aged 37 years
Malcolm Mackenzie	26 Crossbost	son of Alex	aged 49 years
John Mackenzie	27 Ranish	son of Alex	aged 42 years
John Morrison	? Leurbost	son of John	
Donald MacIannan	18 Marvig	son of Alastair	
Kenneth Mackay	7 Calbost	son of Malcolm	
Donald Mackenzie	12 Calbost	son of Donald	
Robert Macmillan	? Gravir	son of Murdo	
Kenneth Macphail	? Gravir		
Alan Macaskill	? Gravir	son of Donald	

At the outset Mr MacRae intimated preliminary objections to the whole case. In the first place he held that the case should be prosecuted by the Fiscal, Mr William Ross, in person, and not by John Ross, who was Lady Matheson's Law Agent and also private agent for Roderick Martin, the tenant of the disputed land consisting of 4,000 acres at a rent of £50 - leased for a period of 19 years from 1883.

The second objection was that, taking into account the whole circumstances, which have occurred within the past few weeks in Lewis, it was apparent that collusion existed between the Crown Officials and the Estate in the matter. As was well known interim interdicts, at the insistence of Lady Matheson, had been granted against the men, and along with that, and simultaneously, there had been sprung upon them these actions for trespass, on behalf of the Fiscal. The Sheriff repelled both pleas as being really groundless.

The charge against each individual was similar, that he on the 24th March 1891 and subsequent days did occupy land in the Parish of Lochs, known as Orinsay or Steimreway, without permission from Dame Mary Jane Matheson, or Roderick Martin, farmer of Crobeg the legal occupier of the land, contrary to the Trespass Scotland Act 1865, whereby the accused rendered himself liable to a penalty not exceeding £1, or to imprisonment for any period, not exceeding 14 days.

For the defence Donald Macmillan, Crossbost, who was himself one of the parties to the indictment was first put forward, and his evidence went to show that the people of Crossbost and neighbouring townships were in a very destitute condition, owing in a great measure, to congestion and overcrowding. Knowing the special facilities afforded for fishing in Loch Shell and the nature of the soil in Orinsay where their forefathers had been settled, they made up their minds to go forward and occupy it.

Their object was not alone to prosecute the fishing, but also to cultivate the land for the support of themselves and their families. He was a married man with seven children and he squatted on his father's croft. His parents were born in Eishken, within sight of Orinsay, where they lived before eviction. Some of the men who went to Orinsay were very poor, said Mr Macmillan, so poor that they had neither food nor blankets to take along with them when they left.

Donald Macmillan, Crossbost, an old man of 76 years said he was born in Orinsay and was in his 20s when his father's family had been removed. The crofters then were not so numerous and consequently they were much more comfortable. Because of the overcrowded conditions we now live in, two of my own family are squatters and one of them is involved in the present charge.

Roderick Martin, farmer of Crobeg, who said he was the grazing tenant of Orinsay and Steimreway for the past 8 years, said he felt that there was something amiss and he made enquiries and eventually he proceeded to Orinsay across the hills where he found 18 men busy roofing some of the former crofter houses.

Addressing the accused at length, the Sheriff concluded by saying he found them all guilty and the next point to be considered was, as to the sentence, and in connection with it, he was obliged to conclude that theirs was an aggravated case. He endeavoured to discover some circumstances in their favour but could find none.

It had been alleged that they had a perfect right to these lands because their ancestors lived there fifty years ago, but even in common law that was absurd, even if it might be true that some of their ancestors were settled there, and had been removed. They were squatters without being able to plead that they were heirs to the Orinsay and Steimreway men at all. Last of all they said they were very poor, there was no work for them and no land. His Lordship thought this was a very foolish and mischievous way of speaking.

It was a very serious offence, for it was nothing better than robbery, because Mr Martin paid rent for that land and they tried to take it by force. They could not plead ignorance; the Superintendent of Police asked them to leave but they refused. His Lordship felt that it was his duty to impose the full penalty allowed by the Act, namely 14 days imprisonment without the option of a fine. There was not enough room for them in Stornoway Prison, so they served their sentences in Inverness.

The trial of the second batch of 15 land raiders took place at Stornoway Sheriff Court on 15th April 1891 before Sheriff Jamieson. Mr John Ross, Procurator Fiscal Depute, prosecuted and Mr Donald MacRae, former Head Teacher at Balallan, appeared for the accused.

John Macleod, Calbost (John's son), was charged with having on 31st March and following days occupied or encamped on lands at Steimreway without permission, contrary to the Trespass Scotland Act 1865.

The Sheriff asked the accused to plead and the Court Interpreter, having translated the charge and the Sheriff's question in Gaelic, the accused replied in that language, that he wished Mr MacRae to speak for him.

Mr MacRae said that after the painful and tedious trial of last Thursday, and his Lordship's interpretation of the Act of Parliament under which the accused on that occasion were indicted, the whole of the men who were to appear before his Lordship had resolved to plead guilty, and therefore, at this stage, he thought it would facilitate the public business, if the whole of the cases were taken together.

The Sheriff agreed, and Mr MacRae's intention was to lay before the Sheriff and the public a statement of the men's grievance and plead for mitigation. He rose and said he would crave his Lordship's permission to make a short statement in mitigation of sentence, as short and tersely as he could.

The Sheriff interposed, saying that he wished in the first place to ask a question or two before that. The accused was again interrogated when he pleaded guilty, and the following others were brought forward and each pled guilty to a similar charge, some of them encamping on Orinsay and others on Steimreway.

John Macleod	Calbost	John's son
Angus Morrison	Calbost	John's son
Malcolm Macdonald	Gravir	Roderick's son
John Matheson	Gravir	John's son
John Mackenzie	Crossbost	Neil's son
Neil Maclean	Crossbost	Lachlan's son
Angus Macphail	Gravir	Donald's son
Kenneth Macphail	Gravir	Donald's son
John Campbell	Gravir	Donald's son
Donald Macinnes	Crossbost	Alexander's son
Malcolm Macleod	Crossbost	Malcolm's son
Donald Macaulay	Crossbost	Norman's son
Roderick Kennedy	Crossbost	Murdo's son
Alexander Macleod	Ranish	John's son
Andrew Matheson	Gravir	Murdo's son

Then the Deputy Fiscal formally moved for sentence on each of the men and the Sheriff, addressing the men, said that as they pled guilty to the offence he was prepared to let them off altogether for this time, but on condition that they would give him their word of honour that they would not go back to the lands in Orinsay and Steimreway, except to take away their spades and other belongings.

Each man was then questioned, and six of them declined to make a stipulated promise. The Sheriff then dismissed the other nine men with an admonition.

Mr Donald MacRae then addressed the Court on behalf of the men. He said it was a very sad and affecting sight to see large numbers of men brought to a court on a charge of this kind. He thought it carried a very serious lesson with it and raised questions of the utmost importance. He would like to correct statements, which appeared in the Press, and which were calculated to prejudice the best interests of the accused and all others similarly situated.

It was said that these men were egged on to commit acts of lawlessness by unscrupulous agitators and that this movement on the Island was brought about by political intriguing and wire pulling.

He wished to deny absolutely these charges and to point out that the harmless so-called breaches of the law were caused by the desperate conditions of poverty in which these people were steeped, and he blamed the Estate management for the congestion of the population. They connived it and encouraged it as a fruitful source of revenue to the estate coffers.

Mr MacRae called in question the statement made in the witness box last Thursday by Mr Maclennan, the Chamberlain, that the alleged destitution of three years ago, revealed by the enquiry by Sheriff Fraser and Malcolm McNeill, did not really exist, and furthermore that there was not a square inch of cultivable land in the Park Deer Forest. On the contrary it was a well-known fact that 33 crofting townships were cleared out of that area.

Mr MacRae maintained that it was a mistake to have instituted criminal proceedings against these men. It was quite clear at the first stage that the civil actions adopted were quite sufficient. He firmly maintained that it was not by taking a starving people by dozens before a criminal court and sending them to prison shackled and manacled like criminals of the blackest dye, without paying the slightest attention to their home circumstances, that the evil was to be cured.

He maintained that the Lewis Estate was infinitely more culpable than the men who appeared before his Lordship in the dock. Mr MacRae went on to say that the interests of justice might be served much better by a lighter sentence than the extremist limit, which the law allowed. He felt his Lordship would be fully justified in giving the men a complete acquittal.

In addressing the men the Sheriff said he was sorry that they did not follow the course adopted by the other men, their companions, who had left the Bar. However, as they refused to abstain from such offences in the future, he must therefore treat them in the same way as the 12 men on Thursday last.

He had to consider what had been said by Mr MacRae on their behalf, and he was very sorry to think there was such great poverty as Mr MacRae said there was in Lewis, but he must also remark that it seemed to him that the poverty

had arisen from men like the accused squatting on the crofts belonging to their relatives, instead of going and seeking work for themselves elsewhere.

On the whole matter he saw no reason for making any difference between the accused and the men who were sentenced last Thursday. It was quite true that, as Mr MacRae said, 14 days was the longest period allowed by the Act, but his Lordship considered it a very short sentence for the offence they had been guilty of. The sentence of the Court was that the men be imprisoned for 14 days.

Six of the land raiders from Cromore came to trial before Sheriff Davidson at Stornoway on the 13th May 1891, as follows:

Alexander Macleod	24 Cromore	son of John
Donald Macleod	24 Cromore	son of John
John Macleod	24 Cromore	son of John
Angus Macleod	24 Cromore	son of John
Kenneth Mackenzie	5 Cromore	son of Donald
John Montgomery	8 Cromore	son of Murdo

They were charged with the contravention of the Trespass Scotland Act 1865 by encamping on the Park Deer Forest. One of the men cited had gone away to the fishing at Barra, and a warrant was issued for his apprehension. They were sentenced to 7 days imprisonment because of the great poverty of their families. It is clear that not all the men involved in the land raiding in southern Park in 1891 came to trial.

On 23rd April 1891 the first group of 12 land raiders that came to be tried at Stornoway and incarcerated in Inverness Prison for 14 days, were liberated and were met by a large crowd at Inverness Prison gate and congratulated on their release.

Each of the men was, in the first instance, supplied with a pipe and a quantity of tobacco and thereafter took his seat in a waiting carriage, which was drawn by a spanking pair of horses, and was led by a piper, and a banner unfurled bearing the legend "The Land for the People". As the carriage drove off the waiting crowd raised a loud and hearty cheer.

The raiders were driven round the Town as far as Clachnaharry and returned via Bridge Street and Academy Street to the Royal Hotel. At different points the raiders were lustily cheered, the ladies predominating in their enthusiasm.

They were then entertained to a substantial public breakfast by the Highland News at the Royal Hotel at 9.15am, but before commencing, three verses of Psalm 122 from verse 6 was sung in Gaelic to the tune of St. Paul's, led by Councillor James MacBain, in the orthodox style of presenting each line:

"Sior ghuidhibh do Jerusalem
Sith thàimh is sonas mòr"

"Pray that Jerusalem may have
Peace and felicity" etc.

Then the Chairman, Rev. Mr MacEachan, who was one of the original promoters of the Land Law Reform Association, engaged in prayer, which embraced a variety of petitions, including the restoration of the land to the descendants of the ancient people.

Breakfast over, which was said to have been served in the very best style, the Chairman made what was referred to as a bottom principle speech; "Parliament, he said, has sent a Commission to the Highlands (The Napier Commission), and you and other crofters have to be thanked for what would never have been granted, but for your efforts in the cause of truth and justice. Every concession made has been a silent testimony to the righteousness of your cause, but much, very much, remains to be done".

Then followed a series of speakers, Councillor James MacBean, Councillor Gunn and Mr Mackenzie of Greig Street (a native of Lewis), who occupied the Vice-Chair. He thanked those present and those who organised the breakfast, for their kindness to his Countrymen.

Mr Malcolm Mackenzie, one of the liberated men, spoke, saying that they could not thank the gentlemen too much for the honour they had done to them that day.

They enjoyed a coach drive and a most excellent repast in that big house. They did not consider that they were in prison - they were simply in college. They were endeavouring to improve, and not to break the laws. They wanted the laws that their fathers lived under.

Rev. Mr MacEachean having pronounced the Benediction, the company adjourned to the railway station where, amidst loud cheers from a big crowd, the Lochs men steamed out for Stornoway.

Long before the hour of arrival of the steamer 'Clydesdale', which conveyed the land raiders from Strome ferry to Stornoway, a large procession, including contingents from the various crofter townships of the surrounding districts, headed by a piper, paraded the streets of the town, and when the steamer came alongside the pier, there was a crowd of several thousand people who raised a tremendous volley of cheers at the sight of the raiders.

On their landing, the vast crowd marched to Perceval Square where County Councillor Mr J G Macdonald presided, and congratulated the men on the action they took. Malcolm Mackenzie, Crossbost, who figured in the High Court of Judiciary for the Park Deer Raid in 1887, next addressed the meeting, followed by Donald Macmillan, Crossbost, one of the Crossbost raiders, who delivered a stirring and eloquent address.

About a week later the second batch of Lewis land raiders was also entertained to a breakfast given in their honour at the Royal Hotel, Inverness, after which speeches were delivered, among them an able speech by Councillor Gunn. Malcolm Mackenzie, one of the men, replied in Gaelic, remarking that he was in America for 14 years and he knew well the miseries of emigration and that it was not a remedy to cure the land question as their political enemies recommended. It was said that those who witnessed the release of the men would not readily forget what they saw on that occasion when they were heralded with demonstrations of friendship and looked upon as martyrs.

Curiously enough we find that Sheriff Jamieson in a report dated 28th April 1891 seems to have modified his views on crofting. Perhaps the stout defence put up by Mr MacRae on behalf of the raiders and his insistence that the Lewis Estate was infinitely more culpable than the land raiders might have caused the Sheriff to reflect.

The Sheriff stated that he visited Leurbost and found 125 houses, each containing a family on 60 crofts. A similar state of affairs existed in the township of Crossbost from which many of the land raiders came. He deplored the squatting in the villages and blamed the management of the estate, and goes on to say that if squatting is to be prevented in future, it would certainly be worth while to attempt to find crofts for at least a very large proportion of the present squatters, by cutting up some of the large farms which adjoin crofter township.

It is quite remarkable to find the good Sheriff with his war paint removed, only two weeks after putting the land raiders down for the maximum sentence within his power. Meantime, having acquainted himself with the real facts of the living conditions of the crofting community, he is now in full agreement with the reasonable aspirations of the deprived landless families. He must have had an uneasy conscience after listening to the brilliant advocacy of Donald MacRae on behalf of the crofting community.

Unknown to the landless families and the whole crofter community of the 1890s the tide was turning in their favour. Even the hard man Sheriff Jamieson was converted to their viewpoint and he was now advocating their case in high places. Also, Parliamentary and public opinion at that very time was forcing the Government to give consideration to the vexed problem of overcrowding in the crofter townships.

Unfortunately, the highland crofting community neglected the Land League which had proved to be the strong and effective voice of crofting in the desperate struggles of the 1880s during which time the first Crofters Act was passed, giving crofting a statutory basis for the first time. The key to the situation was continued crofter unity, but many of the official crofting tenants with landholdings of their own, now protected by security of tenure, were inclined to give up the struggle. Had the whole crofting community continued to provide strong support for the hundreds and hundreds of landless families by presenting a united front under wise and purposeful leadership at that time, they might have changed the future course of crofting history.

The fourth Gladstone ministry came to power in 1892 and yet another Royal Commission was appointed that year to find out how much land was used for sporting purposes, which might advantageously be occupied by crofters. Obviously a delaying device, because all the land used for sporting purposes was land from which the crofters were forcibly removed, such as southern Park. In the event nothing very much happened to the 2,000,000 acres under deer forests in the Highlands as a result of the Deer Forest Royal Commission 1892. The Park Deer Forest is still intact over 100 years later.