

# **The Napier Commission and the 'Crofters' War' in Tiree Overpopulation and Clearance – Highland Land Wars – Napier Commission – Crofters' Holdings Act**

by  
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It is possible that the Highlanders' love of their land, trust in their chiefs and ignorance of the outside world due to their geographical and linguistic isolation exposed them to exploitation more than most people living in rural areas so that by 1843, they were the poorest and worst fed of all Scots.<sup>1</sup>

One reason given for the extent of sub-division of crofts on the Duke's Tiree estate in the 1820s was that "four fencible regiments of men" had been raised during the Napoleonic Wars and holdings were carved out of existing tenancies to accommodate those who had seen service.<sup>2</sup> By 1846 the total population of Tiree had risen to about 5,000. This was when Colonel Jock Campbell (*am Bàillidh Mor*, the Big Factor) came on the scene. There is no doubt that Campbell had the full authority of the 8<sup>th</sup> Duke of Argyll to reduce the population of Tiree, but it was the terrible deeds he perpetrated during his reign as factor that awoke the deep hatred of the peasantry for himself and his master. Before he passed away in Mull some twenty years later, he had reduced the population to around 2,000. His legacy was well remembered by crofter witnesses to the Napier Commission in 1883.

One story from the time of *am Bàillidh Mor* relevant to his period of occupation of Island House: The road leading up to the house had a gravel surface, and on a cold and frosty November day, in her bare feet, a woman from Balephuill came to pay the rent. As she found it very painful to walk on the hard gravel, she took to the grass, but when she arrived at the office, the Colonel turned her away, ordering her to walk on the gravel or the rent would not be accepted and she would be evicted.<sup>3</sup>

The population which had been 4,450 in 1830 had dropped to 2,700 fifty years later due to evictions and the potato famines. By 1846, it was reported that the 'population at just under 5,000 is so enormously redundant that they have exhausted every particle of fuel on the island and depend on a distant property for the supply of peat - where upwards of 1,400 people are in such a condition that they cannot pay a farthing to the proprietor nor to any tenant and are without doubting liable to destitution from [even] partial failure of any one crop'. Yet there is a Gaelic saying, which is still an adage on the island, which can be translated as "If it were not for fear of the double rent, Tiree could yield two crops per annum". Oral sources say that there is a field on the slope of Beinn Ghott [NM0346] that did exactly that many years ago.<sup>4</sup>

In July 1856 seven fishing boats, with a complement of forty souls, were overwhelmed and nine men drowned. Although there was only a slight breeze blowing at the time of sailing, they were

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<sup>1</sup> SC p.84

<sup>2</sup> SC p.161

<sup>3</sup> TE p.106

<sup>4</sup> TE p.20

warned not to sail by an experienced fisherman, Archibald Campbell of Barrapol, as he was positive that a storm was brewing.<sup>5</sup> Eric Linklater observed that "an island community may live without a doctor or minister but cannot exist without a good boatman".<sup>6</sup> By the 1880s Tiree supported a vigorous fishing community, most of which were Tiree-born, with over 170 men and boys describing themselves as 'fisherman'.<sup>7</sup> But returns to crofters were limited by the impossibility, in the absence of adequate rail links, of transporting fresh fish to southern markets - as well as by the control exercised over the industry by curers. The latter operated a credit system of payment which, by ensuring that fishermen were almost as perpetually and deeply in debt as kelpers had once been, made it easy for curers to keep down prices and otherwise manipulate the market to their own advantage. Despite the difficulties under which they laboured, however, it was possible for Hebridean crofters to derive a reasonable income from the cod and ling fishings. In Lewis in the 1870s, for example, the six or eight men who made up a boat's crew could clear £15 to £20 apiece in a good winter - besides providing themselves and their families with fish for consumption. Such returns were seldom equalled outside the Outer Isles, the industry's main centre, but in most of the north-west, especially in Tiree, Skye, Wester Ross and Sutherland, crofters were assured of at least some income from the winter fishings. However it was to the summer herring fishings that they looked for real financial rewards. The native crofters were not as directly involved in the deep-water herring fishing but each summer almost all the drifters from the east coast took on one or two local men as crew members. In fact it was not uncommon for crofters to travel to Castlebay [*G Bagh a Chaisteil*] on Barra [*G Barraigh*] and Stornoway [*G Steornabhagh*] on the Isle of Lewis [*G Eilean Leodhais*] in order to obtain employment.

The steady rise in income from such sources meant that the typical crofter of the 1870s was much better off than his father had been. Once the blight had died down in the 1850s, potatoes again became the most important foodstuff. But dependence upon them was everywhere less complete than before the famine, the staple diet of boiled potatoes being supplemented by fairly large quantities of fresh and salted fish. And although meat was still a rarity, because sheep and cattle were too valuable to be slaughtered for food, a chicken or two might be put on the table on a special occasion, while milk and eggs were usually quite plentiful. Grain crops were generally used as winter fodder for cattle. But when crofters' potatoes ran out in spring and early summer there was usually enough money available to buy meal - imports of which rose steadily between the 1850s and 1880s.<sup>8</sup> The wives and daughters of the crofters had their own specific tasks, principally dairy work and textile work, in addition to their housework. On the crofts, where the men often had to work away from home, the women would take over the responsibility for cultivation, but the men performed the heavier work of digging, and cutting and floating the seaweed before they left, to return in time to do the peat cutting.<sup>9</sup>

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<sup>5</sup> TE p.84

<sup>6</sup> OS p.198

<sup>7</sup> 1881 Census for Tiree

<sup>8</sup> MCC p.161-163

<sup>9</sup> PSS p.211-212

In comparison to the 18<sup>th</sup> century and the early decades of the 19<sup>th</sup> century, the period that extended from the 1860s to the 1880s was relatively prosperous. But the average crofter had little reason to feel satisfied with the conditions under which they lived. Their houses were little more than hovels and they had no security of tenure. On being cleared from their land they received no compensation for any improvements made. Most of their income was derived from what the family earned away from home as their portion of arable land was insufficient to earn a decent living. In the decade prior to the 'Land War' that began in north-west Scotland in 1882, the region's agrarian structure was dominated, as it had been since the 18<sup>th</sup> century, by a few wealthy landlords controlling vast expanses of territory. The island of Tiree was a relatively small component of the Duke of Argyll's 168,315 acre [68,170ha] domain. Since landlords could not effectively manage their estates from London or the south of France, absenteeism had the effect of enhancing the role of estate factors - men who, as one Tiree crofter remarked bitterly, '*had all the power in their own hands*'.<sup>10</sup> There are instances where a factor increased crofters' rents by sixpence for each time they failed to doff their caps to him.

Nevertheless overpopulation among the peasantry was not a phenomenon confined to the Highlands. A 'Letter to the Editor' in a London newspaper of 1873 regarding a failed emigration scheme to Paraguay read as follows: "*Why should English labouring men seek a home and employment in foreign lands when our colonies hold out such splendid inducements to them? Canada and Australia alone would absorb the whole of the surplus of the English labour market. They offer abundance of employment both for mechanics and for agricultural hands.*"

Predictably the problem of landlessness was most acute in areas where the crofting population was at its most dense. In Tiree and the Outer Isles, it was not uncommon, as the Napier Commission<sup>11</sup> noted, to find 'crowds of squatters who construct hovels, appropriate land, and possess and pasture stock, but pay no rent, obey no control, and scarcely recognise any allegiance or authority'. In Tiree, for instance, the Duke of Argyll's policy of consolidating crofts at every opportunity - while benefitting those lucky enough to become tenants of the holdings thus enlarged - led to frequent dispossession of the families of deceased crofters. Having nowhere else to go, they joined the landless population originally created by the Tiree clearances of the 1850s. By 1904, as a result, Tiree contained over 200 cottars and squatters.<sup>12</sup>

The creation of sheep farms, often comprising large tracts of empty, uncultivated and often fertile land, which hemmed in the congested townships on their boundaries, created social tensions, which unavoidably led to revolt among the disadvantaged. The farms established on Tiree in the 1840s and 1850s, having been forcibly cleared of their original occupants (who were probably relatives of the present landless cottars and squatters existing on poor land, held in small quantities, on the boundaries) were but a few of the farms designated by crofters as suitable for resettlement by themselves.

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<sup>10</sup> MCC p.175

<sup>11</sup> The Napier Commission in 1883 conducted the first official enquiry into crofting conditions.

<sup>12</sup> MCC p.179-180

The 1880s in the Highlands grew to become a decade of severe, occasionally chronic, agricultural depression. As wool prices collapsed, sheep farmers' profits and landlords' rentals fell back sharply from the heights they had reached in the balmy years of the 1860s and early 1870s. The poor harvests of 1881-1882 plunged the crofting population to a level reminiscent of the potato famine. Then on 1<sup>st</sup> October 1882 after prolonged rain in August and September came a severe southerly gale that destroyed the unharvested grain. In addition, the storm damaged or destroyed some 1,200 fishing boats, their nets and fishing gear.<sup>13</sup>

Contemporary Irish unrest and the activities of the Irish Land League did not go unnoticed in the Highlands (as early as 1866 there were rumours of Irish Fenians stirring unrest in Campbeltown where they had a significant presence) and crofters on Skye intimated their intention to cease paying rent to their landlord. This crisis was allayed by a 25% reduction in rents. But the 'Battle of the Braes' incident, also on Skye in 1882, gave wide publicity to the crofters' plight swinging public opinion in the crofting community's favour. By late 1882, there were indications that these events might at last launch Highland land reforms. Tíree crofters petitioned the Duke of Argyll for a reduction in their rents, and the tenants of Balephuill township demanded the restoration of common pastures on Ben Hynish which the Duke's managers, years before, had added to a neighbouring farm. Given the extent of threats throughout the region, the British government intervened actively in crofting affairs for the first time since the famine of the 1840s. On 8<sup>th</sup> May 1883, the Napier Commission began taking evidence on Skye at a locality called The Braes, south of Portree, where the spate of public disobedience had first erupted.

On Tíree on Tuesday, 7<sup>th</sup> August 1883, the Napier Royal Commission, comprising Lord Napier & Ettrick as Chairman, Sir Kenneth MacKenzie, Donald Cameron MP, C. Fraser-Mackintosh MP, Sheriff Nicolson and Professor MacKinnon convened to take evidence from the islanders. Lamentably it was not seen fit to take evidence under oath. This serious flaw in proceedings gave all parties the opportunity to exaggerate or to minimise conditions according to their point of view in the dispute and there is obvious 'pay-back' couched in the attitude and words of the witnesses. Specifically named, Colonel Jock Campbell, the Big or Black Factor, was held responsible for the worst of the clearance excesses on Tíree. But the Big Factor had died on Mull almost twenty years previously and was unable to face his accusers. Most of the witnesses also appeared as delegates for the communities where they resided - elected or self-appointed.

The first witness to appear was Donald MacDougall, a crofter aged 52 years of Balephuill. He began by requesting an assurance that his evidence would not prejudice his tenancy but the Duke's resident factor (who was present) was unable to give him this assurance. However, subsequently during the proceedings, the Duke's Chamberlain declared that *'the crofters are at liberty to make any statement they have to make without any fear of after consequences'*. Donald's evidence encompassed the subsequently all-too-familiar tales of excessive rents despite removal from rights of common grazing without compensation, and carrying threats of eviction as follows *'this factor that cleared our place thirty years ago [c1850] got the management of the property, but ordained a statute, like that of the Medes and Persians, that*

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<sup>13</sup> MCC p.187-188

*no one should have either a sheep or a pig, for fear that these sheep of ours, would break in upon the large farms. He went round also among us, holding a paper in the one hand and a notice to quit in the other, and he told us that unless we signed this paper, the effect of which was that we would require to be obedient to anything and everything which either he or the Duke of Argyle would order us to do, we would have to quit the place. We signed the paper, otherwise we would have to quit.'* The cleared land was now part of the holding of a tacksman who concurrently held two other large tacks in Tiree.

The next witness was John MacFadyen, unmarried, of Caolis who lived with his brother Alexander and represented the communities of Caolis, Ruaig and Salum in the north-east corner of Tiree. His petition was for '*more land, fair rent, fixity of tenure, and compensation for improvements*' - a common thread that ran through most of the demands considered vital by the crofters. Asked to name the large tacks with no crofters on them, he replied '*Scaranish, Ballepheatrish, Cornaigmore, Hough, Grianal, Hynish, Cruaidhghoirtean, Crosspool, Reef. There are several others where the place was only, partially cleared and a large tack formed of the portion that was cleared, and a few of the crofters still remain on the outskirts of the place.*' Next was Angus Munn, carer for his bed-ridden parents, who had been forced to take up fishing to support his family on only a three acre croft in Heanish because '*we have been forcibly deprived of our holdings of two crofts, during our father and mother's lifetime, to make room for another party who got into the factor's favour, and on going to his Grace the Duke of Argyle to Mull, he advised us to come home and that he himself would look after it. On the factor becoming aware of this he reported that we had no stock to stock the ground with, and on being challenged by the factor as to the stock, we had to call witnesses to let them see what number of stock we had; and on the factor's becoming aware of this, he, in a rage, asked us about the stock. Having replied in the affirmative, he said, "Did I not tell you that you were not to have a hoof on the grass after a certain day?" On being questioned as to what was to be done with them, "Drown them," said he.*'

Alexander Maclean aged 74 of Balameanach was the next witness: he had been deprived of two crofts and not compensated despite improvements made and currently he managed to survive only on the money sent to him by his children working in the Lowlands. He was also the first witness to raise the subject of payment by goods or cash from the North British Chemical Company's store, described further in the testimony of James Slevin, the Resident Manager, and that of his superior Edward C Stanford (see [Appendix A](#) for a full transcript of Edward Stanford's testimony).

Part of the testimony of Donald Macdonald, who represented all of the crofters of Balemartine, relating to the accusations of clearances by the Big Factor is believed worthy of documenting in full, as follows: "*I wish also to read a paper containing general cases of evictions of special importance: — 1<sup>st</sup>, Neil M'Donald, crofter at Mannal, was about thirty-four years ago, for no well-grounded reasons, evicted from his home and farm by the factor, John Campbell, Esq. He had no other home to go to, and was forbidden by the factor to build a house in any part of the island. The factor also threatened with instant eviction any crofter or cottar who might out of pity afford him even one night's shelter from the cold, so his only place of shelter was a small*

boat turned upside down, with a hole in the centre for a chimney, and some straw laid round the openings to prevent the snow drift from perishing himself and little ones. One neighbour, who out of pity was moved to take and give his children shelter in his house, was instantly summoned before the factor, and severely reprimanded for being so humane. 2<sup>nd</sup>, Hector M'Donald, Balamartin (crofter), was some time afterwards evicted in the same manner. Forced to leave his house and home, having no house to go to, every individual crofter and cottar in Tyree were, on the threat of eviction, forbidden to give him even one night's shelter. His wife being nigh her confinement, he for her sought shelter in his sister's house; but the farmer on whose croft the sister's house stood (John Sinclair, Barrapoll) was instructed by the factor to turn the evicted family out. In the said John Sinclair's cart the wife and family were removed, and the woman, while being driven in the cart, by the way was delivered of a child, as no one would be allowed to shelter her during the time of her delivery. 3<sup>rd</sup>, Hugh M'Lean, crofter, Mannal. This man, who was blind, was about nineteen years ago disgracefully evicted as the above. Having no house to go to, he was still in his own home. The factor then sent men to strip the roof off that home by means of instruments of iron. He then removed to the barn, in which lay a quantity of grain. The same men were then sent back with orders to strip the barn too; and the poor blind man, with his crippled wife, and no sons to help him, as of the sons he had two were drowned some time before, and his only other son was insane in the asylum, was cruelly turned out and left at the roadside. 4<sup>th</sup>, Alexander M'Donald, a blind man, was evicted while John Campbell, Esq., was factor of the island, by whose orders men were sent to have this man's house stripped while the poor man was in bed and unable to leave it. He was then removed by some friends to the barn, but the factor ordered the roof to be taken off the barn too; and thus the sightless man was rendered houseless. And the only reason for evicting this man was simply to give his holding to one of the factor's favourites. The man then became a burden to the parish, and from that time till now his maintenance cost the parish about £600. 5<sup>th</sup>, Gilchrist M'Donald. Since I can remember, my father was a crofter in Balamartin. About nineteen years ago [c1864], although being only one year's rent in arrears, he, and a neighbour who was only 50 shillings in arrears, were evicted. The latter from his own croft. This was done in order to give both the crofts to the factor's servant man, which servant was not a native of the island. Some weeks before the time to leave the house I paid the rent, but on the appointed day (as we were still in the house, not having another to go to) some men — others refused to do it — by order of the factor were sent to the house, and these men by means of an iron bar broke open the door, turned us and all our things there and then out of the house. My father was about sixty years of age, and without the croft was unable to do anything for himself. My mother, who was about the same age, was imbecile, and in that state was carried by them out of bed and laid at the road side. As the factor would not grant me leave to build a small house to shelter them, I had to remove them to Glasgow, which city not agreeing with them, I was obliged to return with them to Tyree again, but the only house I could get was an old kiln belonging to the crofters of Balamartin. The little I got for the stock on the farm was all spent in maintaining us before getting leave from the factor to build a house and had it ready for dwelling in."

The next witness, Donald MacFarlane, also of Balemartine, told a similar tale of clearance at Heylipol: "Some thirty-two years ago [c1850] I had a croft at Hillipool, before it was cleared for a sheep farm for the factor's nephew. The last year I had the croft, the factor tilled the third part of it for his own use, without even telling me that it was to be done. I paid the rent in full from Whitsunday till Martinmas, and the factor's crop growing in it. If I would say

*anything against the factor's doings I was in danger of losing all I had. I then lost the whole croft and got another holding in Balamartin, for which I was charged twice as much rent as the tenant that had it before me. Shortly after I gave it up, as it would not pay at such high rent. My house is still on the holding, but the present tenant is against its being there, and is determined to have it out of his way. We, the undersigned, beg to state that our grievances are very similar to the above, and that we have been wrongfully evicted for no other reason but to make room for the factor's nephew. Afterwards it fell into the factor's own hands, who had it until his death. John Cameron, caranish. Other fifteen families were evicted from Hillipool at the same time, and for the same reason as the above. Donald M'Millan, Mannal."*

The next witness to come before the Commission was Alexander Buchanan of Baugh, the parish surgeon, who hailed from Callander in Perthshire and had been a resident of Tiree since a young man [c1860]. In addition to his medical duties he leased a farm of 160 acres [65ha] employing some six servants including a governess for his six children. His wife, Colina, the daughter of Colin Campbell, came from Mull. His wife was also the proprietor of Cornaig, Coll. Buchanan confirmed the preceding stories of the clearances as being true. He also gave evidence that he had been abroad and had met former crofters from Tiree; he said, "*Their condition is that they would not return, although they would get their land back again for nothing. Question: You are quite convinced that those who went are better off than those who remained? I am. Question: Those who remained were not much improved in their condition by their neighbours going away? No; in fact, there was no improvement. Question: It was rather the other way they say? Yes.*"

Next came the Duke's Ground Officer (resident sub-factor), Hugh MacDiarmid, who leased two farms - one of which was 500 acres [200ha] - he was also from Perthshire and resident on the island from 1876. He occupied Island House. He declared that leases were not granted on land with an annual rental of less than £100 per annum thus excluding all the crofters. When asked about the preceding evidence given by the witnesses; "*Have you any observation to make upon the evidence which you have heard given - did you take any notes? Yes, but I wish to go to Bunessan [Ross of Mull], where Mr Wylie [Chamberlain to the Duke of Argyll] will be; I have been taking notes for him.*"

He was followed by Lachlan MacPhail, Donald Campbell and Donald Maclean, representing Kilmoluag and Balevuilin, who raised issues concerning rent increases and sea ware harvesting. The persistent criticism of the late Jock Campbell's methods of land management in Tiree under threat of eviction continued. The consistency of the complaints made by the representatives for the crofters is vexing. But without evidence being taken under oath one must be wary of collusion and exaggeration. Nevertheless the numerous accounts clearly indicate that the people at the bottom of the Tiree hierarchy felt that under the present system they were being and had been long treated unfairly without redress. *Question: How many people are now living in Ballvuilin? Seventeen [crofters] have land; thirty or thirty-two are without land. Question: At Kilmoluag how many have you? Nineteen [crofters]. Question: And how many cottars? About thirty. Question: Are the cottars a great burden upon you? Yes. Question: Do you pay poor rates? Yes. Question: Are these cottars in whole or in part people who have been*

*sent into these two towns from other places? Yes; there were some of them sent consequent upon the clearing of Hylipool; some also were sent from another town which was partially cleared, Baugh, but the great majority of them belong to the place. Question: (To Donald Maclean). You state that there are sixty cottars between Ballivuilin and Kilmoluag; where could you point out any land that could be given to you? Wherever they would wish to send us.* This final answer speaks volumes. The cottars feel that they are willing to go anywhere to seek a subsistence living on their own land: a major improvement on their current situation.

Neil McNeil of Vault presented the following statement from himself and his neighbours: *'The township of Vault consists of twelve crofters and fourteen cottars. I represent the township. Our grievances are: (1) That a former factor made us sign a document that we would be obedient to his laws. The result was that he nearly doubled our rents within the last thirty-eight years, partly for drainage and twice for reasons unknown to us. (2) That owing to the inferiority of the soil through incessant tillage, we have to buy all our meal from Glasgow. Our sons and daughters gather our rent through the world. (3) Scarcity of fuel and wool, for we have no sheep. (4) That the cottars are a great burden to us.'*

The next witness 'for his sins' carried the same name as the target of the crofters' ire - John Campbell. But this John Campbell was a crofter of Balinoe and his statement, among other issues, presented more evidence of land being given to favourites and servants of the Big Factor.

Duncan MacKinnon, a cottar at Scarinish, had occupied a recognised holding '*from time immemorial and paid the rent*' only to be '*evicted to make room for sheep. My father was seventy-five years of age when we were evicted.*' Men like Duncan were - not surprisingly - later prominent in raids on, and seizures of, land from which their fathers and grandfathers had been cleared.

The statements of Donald Sinclair and Archibald Campbell of Balephuill repeated a familiar tale of hardship that the Commission must have wearied of hearing: "*The most of us, and our fathers before us, had crofts, and without any reason being assigned they were taken from us. Our crofts were then added to the neighbouring sheep farm.*"

The final witness to be heard on Tiree was James Sleven, Resident Manager of the North British Chemical Company. At the time of the 1881 and 1891 Census, Sleven, an Irishman, lived with his wife and family at Middleton Cottage [NL4394]. In countering some of the evidence of operating a barter or 'trucking system' and preferring to supply his workers with goods instead of cash for their earnings, he explained that, for example, on numerous occasions the clerk carrying the cash box [by sea] from Glasgow was unable to land because of the weather and the lack of suitable quay facilities on the island. With no bank in Tiree, this forced him to pay in goods from the Company shop to prevent the seaweed gatherers from getting nothing in the short term, for their labour.

[Appendix B](#) is a record of the names of all the witnesses who presented evidence that was relevant to conditions on Tiree. For the convenience of researchers this list provides the evidence serial number at which the witness begins his testimony. A copy of this entire report is available in the public domain for research purposes.

When the Napier Commission re-convened the following day at Bunessan, James Wylie, Chamberlain for the Duke of Argyll, was a significant witness as Tiree also came under his authority. When asked *inter alia*, "*In your opinion, then, the people practically have no grievance? I do not say that; it is hardly a fair question to put to me. Question: What I should like to know is what you, having the great authority you have under the Duke of Argyll, propose doing; and you cannot suppose all those people come to us with idle grievances, do you? I am afraid some of them are not well founded. Question: But surely you would admit there is a residuum—a grain of truth at the bottom of their grievances? I am not prepared to admit that.*"

The Napier Commission report, which was in addition a detailed portrayal of the enormous problems in the Highland economy, was published in April 1884, but no action was taken. The victims of the worst inequalities of land shortage, the cottars, were simply ignored and by the autumn of 1884 it was apparent that a solution to the crofters' problems was far from imminent.

Conversely some of the more interesting observations of the Commission's report include: "*Of the terms under which the smaller tenants held their possessions no definite account is presented, but it is assumed that they were entitled to security of tenure, subject to rent and services, as the descendants or successors of those subordinate members or dependants of the family, who in former ages won the land for the clan and maintained the fortunes of the chief by their swords. This claim to security of tenure is held to have been in some sort transmitted to existing occupiers. If the picture thus submitted is a faithful likeness of any phase of popular life that ever existed in the northern parts of Scotland, it could only be in fortunate localities and in favourable seasons. That it contains some of the lineaments of truth must be admitted, but it is a view drawn without a shadow, and offers in many respects a striking deviation from the dark realities portrayed in the narratives of contemporary observers, in the statistical accounts compiled by the clergy in the last decade of the eighteenth century, and in the notices of estate management preserved in the families of hereditary proprietors.*" and "*It is difficult to deny that a Macdonald, a Macleod, a Mackenzie, a Mackay, or a Cameron, who gave a son to his landlord eighty years ago to fill up the ranks of a Highland regiment, did morally acquire a tenure in his holding more sacred than the stipulations of a written covenant. Few will affirm that the descendant in possession of such a man should even now be regarded by the hereditary landlord in the same light as a labourer living in a lowland village.*"

But the most thorough analysis that emerged from the wise men that formed the Commission and who predicted the problems to surface many years in the future came from Sir Kenneth MacKenzie when he said "*I felt that it would be a misfortune if any of the measures recommended should have the effect of permanently differentiating the Highlands from the rest of Britain, and I doubted whether all of them would be suitable and likely to be made*

*applicable to the whole country. It is improbable that, if once introduced, the period of their operation in the Highlands could be limited. If exceptional privileges were to be conferred, if it were only as the subjects of special favour that it was possible to contemplate Highlanders as thriving, the grant of such privileges, while it might patch up existing evils for the moment, could hardly fail also to protract artificially the existence of the causes which had produced them, and to ensure their recurrence. In my opinion, the faulty tenure under which they have arisen should rather be brought to an end as speedily as proper consideration for the crofters will permit, and encouragement should be given to the gradual replacement of the crofting system by one of small farms, to which the land law reforms desirable for the rest of the country would be applicable. I have come to believe that those recommendations of the Report to which I have not taken exception need not at least discourage such a consummation."*

In commenting thus, the Commissioner predicted the 'hobby farm' and 'hippie in-comer' scenario that has carried through into the 21<sup>st</sup> century in the guise of a 'green' or 'alternative' modern crofting setting and rules out the possibility of the Highlands ever experiencing authentic self-sustaining economic development and condemning the crofter, old and new, to an insecure and privation-guaranteed existence. Nevertheless in many cases, the Highlander's love of the land together with a tenacity for the traditional lifestyle of his forefathers which predestined him to subsistence living without respite, were a voluntary preference to a higher standard of living in the Lowlands or overseas and it must be recognized as a preference chosen willingly and freely by rational beings.

The Reverend Donald MacKinnon, Master of Arts, Professor of Celtic Languages, History, Literature, and Antiquities at the University of Edinburgh, himself a Highlander and as indisputably Gaelic as any of the crofter witnesses likewise spoke against the apparent and ill-advised wishes of the crofters and their counselors. "*But while I thus thought it my duty to denounce the ejection of these people. I believed then, and do still, that a certain amount of judiciously conducted emigration would be for the benefit not only of those who would thus escape from poverty, but also for the benefit of those who would remain behind. In the face of the fact that almost without exception the crofters who have emigrated have been successful, and that a good many of them have become very wealthy men, I cannot see what claim these people [Political agitators and opportunists] have to be considered friends of the crofters, who, while they maintain that their condition is so low, yet advise them to continue in that position, from which there seems so little hope of escape, thus doing all they can to suppress the natural aspirations of men to better their position in life. Why, because a man has been born a crofter, whose lot in life is at best a poor one, induce him, by bad advice, to remain hopelessly with all his offspring crofters to the end? It appears to me that both the public and the crofters themselves have formed an erroneous idea about their true position. Crofters, even with the best holdings they possess in this country, were not intended or expected to be self-supporting farmers but working men with allotments; and when, as in their case, what was merely intended to be subsidiary to the main purpose of living by labour, has come to engross their whole time and attention, to the exclusion of that labour to which it was intended chiefly to be supplementary, it is no cause of wonder that poverty has come in the wake of so unwise a transposition. The result is seen in the deplorable fact, that a very large majority of our male adult population spend from eight to nine months of the year in absolute idleness, and*

*consequently in poverty, for the relief of which appeals have had from time to time to be made to public charity. There is here, therefore, manifestly a state of matters requiring rectification, and the only apparent remedy is a certain amount of emigration, combined with crofts of such extent as give employment to such families as wish to follow farming exclusively, and another class of crofts for those who wish to be fishermen, of such extent as will enable each family to keep a cow, with as much land as will not interfere with their vocation as fishermen. Without either migration to some place where land is more abundant, or emigration, this last remedy is not practicable; for there is not in this country anything like the quantity of land that would be necessary to make crofts of a proper size, and to give besides crofts of proper extent to those who now hold only fractions of crofts, and to those who have no crofts at all. A good many could be accommodated by reducing the size of the excessively large farms, and laying the lands thus taken out in crofts of proper size, if the money could be found to stock the lands—of which, I believe, there is little probability. Of the finding of money for this purpose by Government, as has been suggested—and as the crofters, I think, unfortunately, expect — I do not entertain any hope, for I do not see what claim crofters can set up to Government aid any more than men who are in poor circumstances in any other locality, and following any other vocation. I certainly would not advise the increase of crofts of such limited extent as even the best of the existing ones. Much of the poverty of which they complain is undoubtedly of their own making, for they too commonly spend in entire idleness time during which they might earn money enough to improve their circumstances very materially; and as illustrative of this, it is right that I should state that many strong able-bodied men are now returning home to live in entire idleness until next summer, from the fishing in Banff and Aberdeenshires, who from the failure of the fishing there hardly earned as much money as would pay their way home, while there is abundance of railway work where they could have got employment, going on in the district which they have left; and when one or two, perhaps three men, come home in such circumstances to one family, the result may easily be seen; and even when men return after a short time of absence, who have been fairly fortunate, their earnings as a rule simply go to pay debts due from the previous year, so that they are for about nine months running into debt for the expenses of the current year.*

*... for now it is becoming evident that landlords are willing to break down their large farms into moderately sized holdings. How much can be done in this way to raise the status of the crofters, has been clearly illustrated by His Grace the Duke of Argyll, in Tyree, where we see not only that a good many of the crofters have by the good management of their landlords, and by their own thrift and industry, been raised to the position of farmers, but that a "steady improvement is visible among the smaller tenants, so that they are decidedly superior to others of their class in the West Highlands," and "that while general progress is visible in everything, their houses are unique in comfort among the other cottages of the Highlands," than which there can be no better test of a rise in the social scale. All this has been accomplished since 1853, and be it observed, that during the transition period, there has not been a single clearance or eviction in the island."*

But to return to the time of the post-Commission dialogue; in keeping with trouble brewing throughout the region, the tenants of several Tiree townships began a rent strike and

threatened to occupy the grazings on Ben Hynish and Ben Hough. Between 1883 and 1884, grazing rights became an issue and the people protested by imposing rent strikes.

In conjunction with the Liberal government's impending Third Reform Act, the measure which gave crofting tenants votes for the first time, the HLLRA's<sup>14</sup> declarations amounted to a knell of doom for landlordism's long dominance of Highland politics. At the HLLRA's meetings on Tiree it was demanded that 'the land be justly divided' and, both in Tiree and South Uist, wire fences around sheep farms were clandestinely destroyed. Throughout the Hebrides there were seizures of land, crofting rents withheld and farm fences destroyed. The people who had been cleared from their land two generations previously became united in action to have some sort of permanent stake in the land. By the end of 1884, the crofting population throughout north-west Scotland, so long quiescent in the face of oppression and exploitation, were actively engaged in a campaign of subversion.<sup>15</sup>

On 6 July 1885, the SS *Cairnsmuir*, bound for China via Glasgow, struck the shallow reef Bogha Mor off the west coast of Tiree. Reversing the engines failed to pull her clear and the engine room flooded. The crew took to the boats but stood by until the conditions deteriorated then made for the shore. Word spread that the cargo included wine, beer and spirits. When the local Customs Officer began collecting crates that had been washed ashore, he found most of them empty.<sup>16</sup> No doubt this rumour took the cottars' minds off their agricultural difficulties for a hangover or two and stiffened their resolve!

The General Election, held towards the end of 1885, was a triumph for the HLLRA with four of the five crofting constituencies falling to its candidates rather than to the traditional Liberal or Tory lairds. The Crofters' Bill which followed was largely fashioned by the stance of the HLLRA MPs in the balance of power at Westminster. At an HLLRA meeting in Baugh it was resolved in April 1886 'that as the Government has rejected all or any amendments proposed on behalf of cottars, some of the lands unjustly taken from themselves and their fathers and now lying waste be taken possession of and planted with potatoes.' The land raid agreed took place within weeks. Other seizures followed. The farm of Greenhill had been untenanted at the time of the Baugh resolution but, unexpectedly, in early May the Duke of Argyll let Greenhill to an unusually-prosperous crofter, Lachlan MacNeill, formerly of Jura. MacNeill, at the time of the 1881 census, had been unmarried and living with his brother Neil at Vault (who had been a witness at the Napier Commission hearings). The duke - who was land reform's bitterest opponent in the world of politics - may, by this action, have been seeking to cause trouble for the HLLRA. If so, he succeeded. By taking over Greenhill, the farm's new tenant was widely considered to have betrayed his fellow crofters. [It is claimed that he was bought over by the Duke's man, MacDiarmid, and promised that in return for information about the plans of the HLLRA, his brother would be given the lease of Greenhill for £80 per annum.] The ensuing ill-feeling - aggravated by the offending crofter being both an HLLRA member and a brother of the chairman of the association's Tiree branch - played no small part in precipitating the

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<sup>14</sup> Highland Land Reform Association founded in February 1883 to represent the crofting community in the Highlands, modelled on the Irish Land League.

<sup>15</sup> MCC p.192-209

<sup>16</sup> "History of Scotland", Dr MacPhail.

confrontation which followed. On 22<sup>nd</sup> May, Greenhill's tenant and his brother Neil were expelled from the HLLRA. Days later, Greenhill was occupied by over 300 men who at once proceeded to divide the farm among crofters and cottars from nearby townships. Because the government refused to sanction military intervention in the Hebrides, the forty policemen who landed on the island, on 21<sup>st</sup> July 1886, to serve writs that the Duke of Argyll<sup>17</sup> had taken out against Greenhill's illegal occupants, were unescorted by troops. They were thus no match for the island's crofters. Confronted at Greenhill by a force of men and youths armed with sticks and clubs, the police - outnumbered by about six to one - were obliged to withdraw to the relative security of the inn at Scarinish, their mission unaccomplished. The problem of what to do next was solved for them by Tiree's crofting population. On the morning of 22<sup>nd</sup> July, Scarinish Inn was surrounded by the men responsible for the seizure of Greenhill. The police contingent, it was demanded, should immediately withdraw from Tiree. They left that afternoon.

With the police in full retreat and the Duke of Argyll complaining that Tiree was 'under the rule of savagery', military involvement became inevitable. On 31<sup>st</sup> July 1886, a detachment of fifty police escorted by five times that number of marines was landed on the island from the vessels *Ajax* and *Assistance*. Eight crofters, including Donald Sinclair, the new chairman of Tiree's HLLRA branch, were promptly arrested and conveyed to the mainland where they were subsequently found guilty of mobbing and rioting as well as of deforcement<sup>18</sup> - five being sentenced to six month's imprisonment, the others to four months. Since crofters found guilty of similar offences in the past had been fined a few shillings or jailed for two or three weeks, the Scottish Secretary became the recipient of a spate of protests and representations about the severity of the sentences. By way of demonstrating how he meant henceforth to conduct policy in the Highlands, the protestations were ignored.

The flawed Crofters' Holdings (Scotland) Act of 1886 applied to holdings tenanted on a year-to-year basis, rented under £30 annually and consisting of arable land held in conjunction with rights of common pasturage. This therefore affected almost every crofter in north-west Scotland and gave most of what the HLLRA had been demanding. However, in containing little provision for making more land available to them, it fell far short of meeting crofters' wishes. And most importantly it made no provision for cottars and squatting populations, resulting in another wave of land seizures. The Act, by which the state curbed the power of the landowners in the interests of the tenants, was a radical change in land tenure. Clearances became impossible as crofters were given security of tenure and a fair rent. This Act did not provide the additional land needed to support the population; that was the main objective of the Congested Districts (Scotland) Act of 1897. How effective these measures and their implementation were [and] are matters of dispute. Their achievement was to introduce a land system more acceptable to the people in districts where social tension had been most acute in the previous century. But it is also possible to suggest that they were more concerned with resolving the problems of the past instead of looking to those of the future. No legislation could remove the fundamental economic difficulties that remained to plague the Highlands. The legislation that was passed may have made matters worse in the long run by freezing the

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<sup>17</sup> The Duke of Argyll, who served in Gladstone's Cabinet, felt himself so victimized by the pro-crofter land legislation that he resigned and joined Joseph Chamberlain's anti-Irish-home-rule Liberal Unionists. CSP p.75

<sup>18</sup> The withholding of property (especially land) by force or violence, as from the rightful owner.

availability of land and consequently the structure of Highland society and its economy.<sup>19</sup> The Highland Land War was far from settled and confrontations between the crofters and authorities on Lewis escalated and continued until military withdrawal in early autumn 1888 which marked the end of the land seizures, rent-strikes and other conflicts with authority.<sup>20</sup>

Over the next twenty years or so the improvement of returns from fishing and cattle gave the crofters a higher income. A significant benefit was the shift of focus of the government's Highlands & Islands policy towards sponsored development of the Highland economy in general. The question of the cottars' rights to land remained unresolved. The Duke of Argyll's response to landless families' appeals for a measure of land redistribution elicited only an offer of assisted passages to the colonies. Land raids were threatened in the early months of 1902 and again in the spring of 1903. This situation festered into World War One when men of the islands were serving their country overseas and getting killed and maimed as their reward. In January 1918 a number of cottars from Cornaigbeg took possession of a 13-acre field on Balephetrish farm and at once proceeded to prepare it for a spring planting of potatoes. Their actions, they said, were dictated by the wartime government's injunctions to increase agricultural production as well as by their own poverty. The Prime Minister, the Balephetrish raiders pointed out, 'had asked the people to get food and that was what they were doing.' And they were doing it, moreover, on land which would have been settled by the Board of Agriculture before the war, had not the amount of compensation demanded by its landlord and tenant been so high. The Balephetrish raiders were all old men - two at least being in their seventies - and all had sons on active service. But none of that prevented them from being sentenced to ten days' imprisonment as a result of legal proceedings initiated by the Duke of Argyll. It was against the background of unrest and virtual guerrilla warfare over the north-west between the cottars and the authorities that the Land Settlement (Scotland) Act was passed in December 1919. Balephetrish, the tenancy of the farm occupied from 1754 by the Campbell family fell to Tom Barr, a close friend of the estate factor, and matters remained like this - and not to the crofters' advantage - until after the First World War, when it was broken up into crofts and given to the young men who had 'fought for King and Country'. This happened in 1921, but only after a bitter struggle with the establishment. Barr and his friend the factor had a very cosy arrangement regarding all the livestock reared on the island. If Tom Barr came first and made an offer that was refused by the crofter, it was a foregone conclusion that the factor would not make another offer. It is of little wonder that they made a fortune.<sup>21</sup> By 1924 however the post-war crisis was clearly over. In Tiree, the majority of farms, brutally established during the first sixty years of the 19<sup>th</sup> century, were once more occupied by crofting tenants - many of them former cottars whose ancestors had been evicted from the localities to which their descendants now returned. More than a third of Tiree residents gained holdings as a result.<sup>22</sup> This intense emotional attachment to territory - an attachment stemming ultimately from the position of 'land' in the ancient kin-based society of the Highlands - continues to be prevalent among crofters. Such feelings keep many crofters on their holdings in defiance of financial self-

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<sup>19</sup> PSS p.51

<sup>20</sup> MCC p.229-244

<sup>21</sup> TE p.28

<sup>22</sup> MCC p.258-277

interest. Unaccompanied by the increase in living conditions experienced by their southern countrymen, crofting life is difficult to sustain. Had not the crofting community struggled for its existence, Tiree would now be as empty as Mull. The Highlands & Islands Development Board has commented, 'Crofting helps maintain communities and their essential services in remote areas which would otherwise be deserted.'<sup>23</sup> But even hindsight can offer no remedy to the problem of the Highlander of that time and it remains so today. The Crofters' Holdings (Scotland) Act of 1886 was not the remedy. It interposed government regulation between landlord and tenant that gave the remaining Highlanders security of tenure but it discouraged investment and froze the crofters on the marginal land to which they had been driven; the slow decline of the economy would not be halted.<sup>24</sup> Rural depopulation in the Highlands was not more generally pronounced in the Highlands than in equally rural parts of the Lowlands. There are eleven Scottish counties that reached the historic peak of their populations between 1831 and 1861; seven of these are in the Highlands & Islands and four are in the Lowlands. In the forty years between 1851 and 1891, during which the law - at least until 1886 - afforded no protection against summary eviction, the drop in population of the Highland & Islands counties was 9%; the drop in the Lowland counties was the same. In the forty years between 1891 and 1931, on the other hand, in a period in which it was virtually impossible under Scottish law to evict a Highland crofter from his holding but singularly easy to evict a Lowland farm labourer from his cottage, the population of the Highlands & Islands counties fell by 26%, that of the Lowland group by only 16%. The law seems to have done nothing to stop the drain of men from the land.<sup>25</sup> The impact of the Education Act of 1872 on the population of the Highlands cannot be discounted either. The acquisition, for example, of fluent English was looked upon as a way of increasing their earning capacity in the seasonal migrant economy however the cultural influence of life in the cities, communication with young people of the same generation but with a different set of values tended to portray island life as dull and uninteresting and blunting their natural desires and ambitions to succeed as members of the wider Scottish community.

Ultimately this perception has led to the islands being populated either by a few of the old traditional crofting families or by incomers seeking an escape from the pressures of a modern society but with the money to enjoy all of its advantages. Where this will lead is a question that few commentators are prepared to predict for the long term since even on the mainland ample employment opportunities steadily shrink under the onslaught of cheap imported products. Only when land is owned by the people who inhabit it, as opposed to leasing or renting, can a community master its own destiny by secure investment in its future.

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<sup>23</sup> MCC p.281

<sup>24</sup> FH p.132

<sup>25</sup> CSP p.59-60

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