



[The Deer Forest Commission (1892)]

Around 1800 there was no objection to the people taking a stag at any time, but in 1832 the Day Trespass Act was passed and any person found trespassing in pursuit of deer could be fined.

In the 1840s deer shoots and deer forests were greatly popularised when Queen Victoria and Prince Albert visited the Highlands and took part in the shooting of deer. The Queen's interest and example in deer hunting in the Highlands encouraged both female as well as male members of the aristocracy to participate in this blood sport.

Demand for Highland deer forests continued to increase for the rest of the 19th century, as did the rent charged by the landowners. There was no way that crofters could compete with the rents that the aristocracy were prepared to pay for sporting parks. In the circumstances there was a steady increase in the number of deer parks in the Highlands, particularly in the second half of the 19th century when profits from sheep farming declined and the former sheep farms were converted into deer forests.

A total of 73 deer forests existed in the Highlands in the early 1870s and according to Napier, that number had increased in 1884 to 110 deer forests, covering an area of almost 2,000,000 acres. The Parliamentary return for 1891 shows that there were 130 deer forests covering 2,472,133 acres. By the 20th century 34% of the land of the crofting counties was under deer forests and that trend continued until the First World War at least. On the last occasion the figures were published in 1957 there were 2.8 million acres of land devoted to deer forests.

The truth is that the natural resources of the Highlands and Islands, including the land, were always developed in a haphazard manner, with little consideration for the welfare of the native population.

In 1872 a Select Committee of the House of Commons was appointed to inquire into the laws for the protection of deer in Scotland, and generally to ascertain whether the substitution of deer in place of sheep was against the interests of the community. It reported in 1873 that the deer forests had not tended to the depopulation of the country, nor had the food supply of the nation been diminished by the displacement of sheep by deer. Westminster politicians and civil servants were never sympathetic to the plight of the crofting communities, mainly because they did not understand or endeavour to inform themselves.

Also, the Napier Commission of 1883, whose conclusions may have been influenced by the fact that three of the six members of the Commission were deer forest owners, stated that, according to a summary of the evidence brought before them, it was rarely that crofters, at least in recent times, had been removed to make or add to deer forests, and that comparatively little of the land so occupied could now be profitably cultivated or pastured by small tenants. That was a slanted view with which the crofting community would not agree.

The Park Deer Raid of 1887 had a profound effect on public opinion at that time, and even the establishment duly noted the social instability which could be produced by that form of land use. However, nothing was done to alleviate the plight of the crofting community.

Four years later the widespread land raiding of 1891 also failed to bring about any significant change for a fairer distribution of the available land resources. However, it seems the anguished cries of the deprived crofter population penetrated, to some extent, to the establishment, because on 6th December 1892, the fourth Gladstone Ministry, which gained power that year, set up a Royal Commission of Inquiry to look at the unchecked expansion of sporting deer parks in the Highlands and Islands, and earmarking deer forest lands which might be suitable for small-holdings. That Commission is usually referred to as the Deer Forest Commission, or the Brand Commission, so named after its Chairman, David Brand, Sheriff of Argyll.

The remit of the Deer Forest Commission, Highlands and Islands, was as follows:

Whereas we have deemed it expedient that a Commission should forthwith issue to enquire whether any, and if any, what land in the Counties of Argyll, Ross and Cromarty, Inverness, Sutherland, Caithness, Orkney and Shetland, now occupied for the purpose of deer forest, grouse moor, or any sporting purpose, or for grazing, not in the occupation of crofters or other small tenants, is capable of being cultivated to profit or otherwise advantageously occupied by crofters, or other small tenants.

The Highland and Island crofting population welcomed the Deer Forest Commission, and the people of Park, in Lochs were delighted, as they felt that their hour had come at last. No one, they felt, could deny that there was plenty of suitable land for new crofts in the Park Deer Forest. After all, the whole area of the Park Deer Forest was occupied by hundreds and hundreds of crofters until they were evicted earlier in that century.

The Report of The Royal Commission, Highland and Islands, 1892, scheduled the deer forest land under three categories, and each category was identified by a colour scheme, thus:

- Category 1 - yellow, was land that was suitable for new holdings.
- Category 2 - pink, was land which could be advantageously occupied as extensions of grazings by neighbouring crofters.
- Category 3 - brown, was land considered suitable for occupation as moderately sized holdings or farms, at rents exceeding the statutory limit of £30 yearly. In other words, land holdings larger than crofts, for which there was no demand by crofters.

The crofters failed to appreciate that the remit of the Deer Forest Commission only asked them to schedule, or identify, the available land. They were not asked to create new landholdings. Therefore it was necessary to appoint some other authority in order to create new landholdings and distribute them, before the landless cottars could benefit from the exercise. There was therefore plenty of scope left for the landowners' lobby to exert their influence and ensure that the Highland and Island deer forests came to no harm.

In the case of the Park Deer Forest in the Parish of Lochs, the Deer Forest Commission did not schedule any land under Category No.1 - yellow. Apparently the Commission felt that there was no land there that was suitable for new crofter holdings. That was an unusual conclusion considering that the whole peninsula was occupied by crofters until they were evicted during that century. Also, one third of the peninsula was occupied by crofters at that time and the land was of the same nature throughout the whole peninsula.

The numerous landless cottars of Lochs were bitterly disappointed with the Deer Forest Commission Report. There was nothing in it for them because it was not convenient for them to take up the land that was scheduled under category 2 - pink, as land that was suitable for extensions to grazings by neighbouring crofters.

The Park Deer Forest survived unscathed after the Royal Commission, and the landless cottars were left as before in overcrowded barns and temporary homes on their friends' lands. The Deer Forest Commission was a political manoeuvre, and at the end of the millennium the Park Deer Forest is still intact as one unit extending to 44,000 acres of sterilised land, while most of the local crofter population have by now given up the struggle. Once again, the landowners won the contest.

There were 3,000,000 acres of land exclusively devoted to sport when the Deer Forest Commission was set up, and only 11 per cent, or just over 326,000 acres, were scheduled by the Commission.

Although the remit of the Deer Forest Commission only provided for the Commission to schedule the available suitable land, nevertheless, certain members thought it advisable to add, that the profitable cultivation, or advantageous occupation of the scheduled lands could only be obtained under a well-considered scheme of land purchase by a representative body possessed with full powers for carrying out properly defined regulations both as to the selection of tenants for new holdings and also for all grazings scheduled.

That advice was followed by the Government some 5 years later when, in 1887, the Congested District Board was set up to purchase land.

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