



Crofting Land Tenure

Ordinary people did not get the vote until the Franchise Act of 1884, when the electorate of Ross and Cromarty (including Lewis at that time) increased from 1,720 to 10,265 and the 1918 Franchise Act gave the women the right to vote for the first time in Parliamentary elections. The minimum age was then 30. Not until the Equal Franchise Act of 1928 was the vote given to women at 21 years of age.

Therefore, in the 18th century when crofting came in, there were political and economic forces at work in the Highlands and Islands over which the ordinary common people had no control because their voice was never heard in Parliament.

In the circumstances there were rumblings of discontent in the Scottish Highlands from time to time. One such event was the Jacobite Rising of 1745, the initial success of which alarmed the British Government and when the Highland Clansmen suffered a setback at Culloden in 1746 the Westminster Government adopted a savage repression of the Highland people, including disarming the Clansmen, irrespective of whether they were in favour of the restoration of the Jacobite House of Stuart or not.

Under that severe pressure the old communal clan society disintegrated and in its place private landlordism was imposed on the Highland and Island community with the encouragement of central government.

Worse still, the people's leaders, the clan chiefs, changed sides and assumed control of the clan lands once the clansmen were disarmed and unable to defend their rights. Gone forever was the clansman's sense of kinship and loyalty to a patriarchal clan chief and in its place came a demoralised feeling of helplessness and fear of the cruel landownership regime which demanded absolute obedience.

The new owners of the soil in the Highlands and Islands set in motion plans to develop and exploit the natural resources of the Highlands including the indigenous people for their own financial advantage.

The ancient runrig communal clan system of land tenure was replaced by the crofting system of land tenure, so as to gain direct control over the smallholder population, who were in future to hold their land tenure direct from the private landholders instead of the middleman tacksmen who were dismissed from the scene. Private landowners were then able to grant or withhold tenurial rights as well without any form of security of tenure as well as fix the crofters' annual rent. In the absence of security of tenure landholders moved the crofters from the best land and replaced them with large commercial sheep farms, hence the disreputable Highland clearances.

Under the new crofting system which spread quickly throughout the Highlands in the 18th century, the old clan tacks continued as villages or townships set out as permanent landholdings or crofts tenanted by a crofter on a year to year basis. The common grazing system located outside the township boundary wall continued, as before, as land in the collective occupation of all the tenants in the township and managed by a village Grazing Committee, duly elected by the crofting tenants of the township every few years.

The crofting system of land tenure is therefore structured as townships or communities with a unique system of land tenure which combines both private enterprise and communalism. A croft normally consists of two constituent parts. On the one hand there is the inbye land of the croft proper, which is located within the township and tenanted by an individual crofter or entrepreneur. Normally the inbye land of a croft only extends to 5 or 10 acres and therefore a croft is a part-time land holding.

The other part of a croft is the share the individual crofting tenants of the township held in the common grazing, which is located outside the village boundary wall.

Crofting was deliberately structured by the landowning fraternity in the 18th century so that the crofters and their families would not be fully occupied with crofting agriculture, hence the smallness of the crofts, so that the crofter population would be available, and indeed obliged, to participate in the kelping and fishing industries which were very lucrative activities for the landowners, who claimed absolute rights to all the seaweed growing on the shores of their estates, as well as all the seaweed cast up on shores by the action of the sea and wind. Good kelping estates were sometimes referred to as 'estates with a golden fringe'.

Also, the crofter population were removed from the good inland land and replaced by large commercial sheep farms. The crofters were planted along the shoreline. There was never a time when a crofter could earn a living from the potential agricultural output of an average croft without having to rely on some additional employment.

Civil Servants and National Politicians never understood the crofting system, and what really is 'a way of life' involving a small part-time landholding. Civil Servants always treated crofting as an agricultural industry like farming, as may be seen from the remit of the numerous Commissions of Enquiry into the problems of crofting. They felt that the solutions to all crofting problems were agricultural, whereas in actual fact the crofting problem is the lack of additional employment.

Traditionally, in Lewis, the fishing industry, mainly the herring fishing industry, was the main additional employment that sustained the crofting way of life in the 19th and 20th centuries. Like the kelp industry earlier, the herring fishing is completely gone, and indeed all forms of fishing are precarious. The Harris Tweed industry is also virtually gone and at the present time the Arnish Oil Development is closed. The new fish farming industry is also precarious and uncertain.

The economic situation in the crofting world is serious; hence the serious population drain to the industrial mainland.

The Western Isles are the heartland of the crofting system of land tenure. That unique form of land use has enabled the rural areas to maintain a healthy level of human settlement hitherto. There are about 18,000 crofts in the Highlands and Islands, 6,000 of these are in the Western Isles. Crofting is also environmentally friendly. It is the crofting system that created and sustained the present Highland and Island environment, including our rich Gaelic language, song, story, music and religion etc.

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