



[The Napier Commission (1883) and the First Crofters' Act (1886)]

The ownership of the land in the Highlands and Islands of Scotland has always been a contentious issue. There were the competing claims of the Scottish and Norwegian Kings, the claims of private landowners which resulted in the disreputable Highland clearances and eventually very nearly caused a rebellion in the Highland and Islands. Crofting agitation in the early 1880s was such that the period is referred to as the period of the 'Crofters War' when they demanded Land Law Reform and the Government set up the Napier Commission of Enquiry in 1883 to mollify the crofters.

The Napier Commission of Enquiry, which was packed with landowners, reported in 1884 and was only prepared to give security of tenure to about ten per cent of the crofters whose landholdings were assessed at £6 annual rent or over. The Commission stated: 'We have no hesitation in affirming that the grant at this moment to the whole mass of poor tenants in the Highland and Islands, fixing of tenure in their holdings and free sale of their rights, goodwill and improvements would be to perpetuate social evils of a dangerous character'.

Public opinion in the industrial areas of the Country was very supportive and sympathetic to the crofters' cause and the establishment was becoming worried that the industrial areas might become de-stabilised. Scots overseas were also making their views known by supporting the crofters' cause with money etc. At last the Highland land question had become a political and social question. Hitherto the Highlands and Islands were represented in Parliament by landlords or their sympathisers.

The 1884 Franchise Act increased the Ross-shire voters (including Lewis at that time) from 1,720 to 10,265 voters at the time of the General Election of 1885. The crofters had the vote for the very first time and that resulted in a marked increase in crofter political agitation because they saw in the extension of the Franchise, the opportunity to secure a remedy for their grievances by legislation. Four pro-crofter M.P.s were returned in the General Election of 1885 for the Highlands for the first time.

The members of the Napier Crofters Commission were:

Chairman Lord Napier	An Anglican Tory and a career diplomat. He was a border landowner and his address was a castle in Selkirk.
Sir Kenneth Mackenzie Bart of Gairloch	Owner of close on 170 acres of Highland land, 43,000 acres of which was deer forest. He was Lord Lieutenant of Ross and Cromarty and Convener of Ross County Council.
Sheriff Alexander Nicolson	He was the son of the proprietor of Husebost in Skye and Sheriff Substitute for Kirkcudbright and an advocate at the Edinburgh bar. In that way he had a great deal in common with the Sheriff Advocates and judges who had for generations defended the landlords' interests.
Donald Cameron of Lochiel	M.P. and a landowner educated at Harrow. He too was a Lieutenant of his County, Inverness-shire, and a Convener of its County Council. He also owned a deer forest.
Charles Fraser Macintosh	M.P., lawyer, landowner and factor.
Donald Mackinnon	Professor of Celtic at Edinburgh. He was the only member of the Commission who was not a landowner. He was a native of Colonsay, and it is said that he owed his academic career to a landlord, Lord Colonsay, a Court of Session judge, said not to have any sympathy for the policies of land reform.
Malcolm McNeil	Secretary of the Crofters Commission and a son of the Laird of Colonsay and a relative of Lady Gordon Cathcart, Proprietress of Uist and Barra.

The remit of the Napier Commission was to, 'Enquire into the conditions of the crofters and cottars in the Highland and Islands of Scotland and all matters affecting the same or relating thereto'.

They were also authorised to examine witnesses, to require production of documents and records, and make such inspections as they found necessary. However honourable and good the members of the Napier Commission were, they were nevertheless almost certain to be biased and one sided landlord sympathisers because of their background. However, the very existence of the Napier Commission with all its faults, proved to be a watershed in the history of the Highlands.

Following the publication of the Napier Report in 1884 a Crofters Bill was introduced in the House of Commons in February 1886. Radical politicians were active everywhere. Both Irish and Scottish home rule issues were prominent questions which caused the Government concern. The Irish had secured a Land Act in 1881 and that fact influenced the struggle for land law reform in Scotland.

The first Crofters Act of 1886 finally became law on 25th June 1886 when it received the Royal assent on the very last day of Parliamentary Session just before Parliament was prorogued and a General Election ensued.

The presence in the House of several new pro-crofter Highland M.P.s and their friends, as well as the support of a large group of the Irish Nationalists M.P.s in the House of Commons helped to bring about the passing of the first Crofters Act. That was a day to be remembered in the crofting calendar. We may well ask ourselves what might have been our history if that Act had failed to pass at that time.

While the 1886 Act put an end to the Highland clearances by granting security of tenure to the crofters, which in turn enabled the crofters to build substantial permanent houses, it failed to restore the lost land from which the crofters and their forebears were forcibly evicted over a long period. The 1886 Crofters Act divides crofting history into two periods, the long dark and distressing period of about 130 years from the rise of private landlordism after the Battle of Culloden to the passing of the 1886 Crofters Act, and secondly the more enlightened period after the passing of the 1886 Act.

The failure to restore the former crofter townships to the crofters resulted in a continuation of the gross overcrowding of the crofting community and a continuation by the landless families agitating for living space in the former crofting townships, now under sheep and sporting deer parks.

Eventually the landless families all over Lewis took the law into their own hands by land raiding the former crofting villages and re-settling many of them.

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See also Hebridean Connections, for more information about the Napier Commission:

<http://www.hebrideanconnections.com/Details.aspx?subjectid=21850>

For more information about the Crofters' Act:

<http://www.hebrideanconnections.com/Details.aspx?subjectid=13548>