The Poor Had No Lawyers

Who Owns Scotland

(And How They Got It)

ANDY WIGHTMAN
“a generation ago, the very idea that a British politician would go to Ireland to see how to run an economy would have been laughable. The Irish Republic was seen as Britain’s poor and troubled country cousin, a rural backwater on the edge of Europe. Today things are different. Ireland stands as a shining example of the art of the possible in long-term economic policymaking, and that is why I am in Dublin: to listen and to learn.”

George Osborne

Source: The Times, 23 February 2006. Look and learn from across the Irish Sea by George Osborne
“[a]t the height of the lunacy, around three-quarters of the total lending by Irish banks – €420bn or about two and a half times the size of the economy – got bound up in property, construction and land speculation of one sort or another”.

“.....a sort of Northern Rock on steroids.”

Source: Financial Time. How bankers brought Ireland to its knees By David Gardner May 15 201
Who pays to put out the fires?

Local Taxes
Edinburgh house prices reach new record level

Source: Herald, 3 November 2010
Figure 3 Index of housing market costs 1983–2007
Rest of us

1 house (if you’re lucky)

£400 rent cap

£26,000 benefits cap

No car
Mr Stephen Strathdee
39 Farms
£3 million in land sales
£3.5 million in public subsidies
Bentley GT convertible
“...adding together the common lands of the Royal Burghs, the common lands of the Burghs which held their foundation rights from private individuals, the extensive commons of the villages and the hamlets, the common pasturages and grazings, and the commons attaching to run-rig tenancies, we shall be rather under than over estimating the common acreage in the latter part of the sixteenth century, at fully one-half of the entire area of Scotland.’
The poor had no lawyers ...............
The 1st Land Grab

Feudalism

Robert Bruce - a murdering medieval warlord
SCOTLAND

c. 1400

PARISHES,
BARONIES,
LORDSHIPS &
EARLDOMS
The 2nd Land Grab
to spoil the kirk of christ of her patrimony
The 3rd Land Grab

the palladium of our land proprietors
Our sovereign lord, considering the great hurt sustained by his majesty's lieges by the fraudulent dealing of parties who, having alienated their lands and received great sums of money for that, yet, by their unjust concealing of some private right formerly made by them, renders subsequent alienation done for great sums of money altogether unprofitable, which cannot be avoided unless the said private rights be made public and patent to his highness's lieges; 1617 Registration Act
Our sovereign lord, considering the great prejudice which his majesty's lieges sustain in their lands and heritages, not only by the abstracting, corrupting and concealing of their true evidents in their minority and less age and by the omission thereof, by the injury of time, through war, plague, fire or such occasions, declares that whatsoever his majesty's lieges, their predecessors and authors have possessed heretofore, or for the space of 40 years, continuously and together following and ensuing the date of their said infestments, and that peaceably without any lawful interruption made to them therein during the said space of 40 years, that such persons, theirheirs and successors shall never be troubled, pursued nor deprived in the heritable right and property of their said lands and heritages.

1617 Act of Prescription
The 4th Land Grab

A State of Possession Already Subsisting Beyond the Memory of Man
mere miserable starved caricatures of their former greatness
Item, it is decreed and ordained that the common good of all our sovereign lord’s burghs within the realm be observed and kept for the common good of the town and to be spent in common and necessary things for the burgh by the advice of the town council at the time and deacons of crafts where they are, and an annual inspection is to be taken in the chamberlain ayres of the expenses and disposition of the same. And further, that the burgh rents, such as land, fishing, farms, mills and other annual revenues, are only to be set for three years, and if any happen to be set [in] other ways, that they are not to be of any value, force or effect at any time in the future.

Common Good Act 1491
As touching the election of aldermen, bailies and other officers of burghs, because of the great disturbance and contention each year for the choosing of the same through the multitude and clamour of common simple persons, it is thought expedient that neither officers nor council be continued according to the king’s laws of burghs for more than a year, and that the choosing of the new officers occur in this manner: that is to say, that the old town council shall choose the new council in such number as is suits the town, and the new council and the old one of the previous year shall choose all officers pertaining to the town, such as aldermen, bailies, dean of guild and other officers, Officers of Burghs Act 1469
The 6th Land Grab
I hereby take possession of this island of Rockall
BY AUTHORITY OF
HER MAJESTY QUEEN ELIZABETH THE SECOND,
BY THE GRACE OF GOD OF THE
UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND AND OF
HER OTHER REALMS AND TERRITORIES, QUEEN,
HEAD OF THE COMMONWEALTH,
DEFENDER OF THE FAITH, ETC. ETC., ETC.,
AND IN ACCORDANCE WITH HER MAJESTY'S
INSTRUCTIONS DATED 14. 9. 55.
A LANDING WAS EFFECTED THIS DAY UPON
THIS ISLAND OF ROCKALL FROM H.M.S. VIDAL.
THE UNION FLAG WAS HOISTED AND
POSSESSION OF THE ISLAND WAS TAKEN IN THE
NAME OF HER MAJESTY.

CAPTAIN H.M.S. VIDAL
The commons today
The Hill of Alyth
the fifth day of February

of Sasines for the County of Forfar and by Memorandum in the Division of

said Register for the County of Perth on the first day of March, all in the

year Nineteen hundred and one, but that the said subjects known as The Hill of

Alyth are not referred to by name in the particular description of the said

Lands and Baronies of Lintrathen, Alyth and Cortachy and others, FURTHER

CONSIDERING that we or our predecessors in title have at various times dispon

parts of said subjects known as The Hill of Alyth to which we or they may

have had a right but granted no warrant of in respect thereof; and that SIR

RICHARD ALEXANDER RAMSAY, Baronet of Bamff, Alyth, Perthshire, and RICHARD

McWILLIAM HAIG HADDOW of Tullyfergus, Alyth, Perthshire, have a right to

those parts of the said Hill of Alyth hereinafter disposed and that we as

Trustees foresaid and our predecessors as proprietors of the aforesaid Lands

and Barony have never claimed the said subjects as part of our or their

property but that nevertheless it can be construed from the titles of the said

Lands /
Lands and Barony that the said subjects may be included therein, FURTHER
CONSIDERING that the said Sir Neis Alexander Ramsay and Richmond McWilliam
Haig Haddow for the avoidance of any doubt and in order to obtain an
irredeemable title to the said subjects hereinafter disposed have
requested us as Trustees foresaid to grant these presents, THEREFORE we as
Trustees foresaid do hereby at the request of and with the consent and
concurrence of the said Sir Neis Alexander Ramsay and Richmond McWilliam
Haig Haddow as evidenced by their signatures hereto and without any
consideration being paid to us dispose and convey (First) to the said Sir
Neis Alexander Ramsay and his executors and assignees whomsoever heritably
and irredeemably ALL and WHOLE these parts and portions of the Hill of
a considerable ridge of very high and lofty hills
Then follows a clause erecting this into a free Barony to be called the Barony of Dunvegan. One seisin to be sufficient for the whole. To be held for the services customary and usual and for the fixed payment of 160 marks per annum during non-entry, and 500 marks as the fine on marriage.

**Carta Roderici MacLeod.**

**DE DUNVEGAN.**

Jacobus dei gratia magne britanie francie et Hibernie rex fideique defensor, omnibus probis hominibus . . . totius terre sue clericis et laicis salutem scietatis nos cum avisamento et consensu dominorum nostri secreti consilii regni nostri Scotie dedisse concecisse disponuisse et hac presenti carta nostra confirmasse tenoreque presentium dare concedere disponere et pro-perpetuo confirmare dilecto nostro Roderice MacLeod de Dunvegan et heredibus masculis de corpore suo legitime procreatis seu procreandis quibus deficientibus Alexandro McLeod, de Manginis, et heredibus masculis de corpore suo legitime procreatis seu procreandis quibus deficientibus William MacLeod alias Mac William MacLeod de Meidill, et heredibus masculis de corpore suo legitime procreatis seu procreandis quibus omnibus deficientibus prefato Roderice MacLeod suis que legitimis et propinquoribus heredibus masculis quibus cunque cognomen, et arma de MacLeod gerendis omnes et singulas terras alias que particulariter subscriptas Viz. totam et integrum baroniam de Glenelg cum turre fortalicio manerie loco molendinis pasturis toftis croftis partibus pendiculis, annexis connexis lie out-

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1 See *Registrum Magni Sigilli*, 1609-20, No. 458.
Land worth £100 per acre now £60,000 per acre
The Jubilee Line cost the taxpayer £ 3.5 billion
Land values along the route rose by between £9.75 billion and £13.5 billion
The Landlord’s Game

Monopoly
## European Municipal Government

<table>
<thead>
<tr>
<th>Country</th>
<th>Number of municipalities</th>
<th>median population</th>
<th>sq km</th>
</tr>
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<tr>
<td>France</td>
<td>36781</td>
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Land Information - 1872

SCOTLAND.

OWNERS OF LANDS AND HERITAGES
17 & 18 VICT., CAP. 91.

1872-73.

RETURN

I.

OF THE NAME AND ADDRESS OF EVERY OWNER OF ONE ACRE AND UPWARDS IN EXTENT (OUTSIDE THE MUNICIPAL BOUNDARIES OF BOROUGHS CONTAINING MORE THAN 20,000 INHABITANTS), WITH THE ESTIMATED ACREAGE, AND THE ANNUAL VALUE OF THE LANDS AND HERITAGES OF INDIVIDUAL OWNERS;

AND OF THE NUMBER OF OWNERS OF LESS THAN ONE ACRE, WITH THE ESTIMATED ACREAGE AND ANNUAL VALUE OF THE LANDS AND HERITAGES OF SUCH OWNERS IN EACH COUNTY.

II.

A SIMILAR RETURN FOR MUNICIPAL BOROUGHS CONTAINING MORE THAN 20,000 INHABITANTS.

Presented to both Houses of Parliament by Command of Her Majesty.

EDINBURGH: PRINTED BY MURRAY AND GIBB,
PRINTERS TO HER MAJESTY'S STATIONARY OFFICE.

C.—608. [Price 6d.]
Land Information - 1910
Land Registration
## Survey Accuracy

<table>
<thead>
<tr>
<th>Scale Description</th>
<th>Absolute Accuracy</th>
<th>Relative Accuracy</th>
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<tbody>
<tr>
<td>Absolute accuracy compared with the National Grid. Absolute error - Root Mean Square Error (RMSE)</td>
<td>99% confidence level</td>
<td>Distance between points taken from the map. Relative error. 99% confidence level</td>
</tr>
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<td>1:1250 (urban)</td>
<td>0.5 metres</td>
<td>+/- 0.5 metres (60 metres)</td>
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<tr>
<td>1:2500 resurvey of reformed (urban and rural)</td>
<td>1.1 metres</td>
<td>+/- 1.0 metres (100 metres)</td>
</tr>
<tr>
<td>1:2500 overhaul (urban and rural)</td>
<td>2.7 metres</td>
<td>+/- 1.9 metres (200 metres)</td>
</tr>
<tr>
<td>1:10 000 (mountain and moorland)</td>
<td>4.1 metres</td>
<td>+/- 4.0 metres (500 metres)</td>
</tr>
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Land Grabbing & the Commons

Beneficial Ownership
How to get the land back?

- Succession Law
- Small Holdings Legislation
- Restoration of Parish and Town Councils
- Land Reform Act
- Land Registration Act (commons & beneficial ownership)
- Common Good Act
- Land Restitution Act
- Land Tax
Common Good Land in Scotland
A Review and Critique

Andy Wightman & James Perman
Caledonia Centre for Social Development
Commonweal Working Paper No. 5

www.andywightman.com