

# Squatters' rights – Cuillin mountains

*Editorial, West Highland Free Press*

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## **No formal title to the disputed territory**

The results may not have been what he, or we, or the majority of the Scottish people wished for, but heartfelt congratulations are owed to our former colleague Brian Wilson MP for forcing through, from his position in the Scotland Office, the inquiry into John MacLeod of MacLeod's ownership of the Cuillin mountains.

For this exercise was very far from being a waste of effort, and nor is it a dead rubber. The implications even of the Crown Estate Commissioners' half-hearted conclusion is substantial. They decided not to challenge MacLeod's claim more by default than conviction. Queen's Counsel made it perfectly clear that John MacLeod possessed no formal title to the disputed territory.

## **Squatters' rights**

His proprietorship of the mountain range, which he wishes to flog off for £10 million, rests entirely on precedent and previously undisputed claim – in effect, on squatters' rights. The Crown Estate – cravenly, given that they themselves banked £133 million in profit last year alone – decided not to take the matter to court because there was a fair chance of losing both the case and their resultant expenses. The *West Highland Free Press* cannot be alone in wishing that some small fraction of those Crown Estate millions had been gambled on what would have been, at the very least, an enthralling and pioneering test case.

Aside from sending a long overdue flutter of anxiety through the Scottish land-owning fraternity (a welcome achievement in itself), the Wilson initiative accomplished at least one other valuable result. We now know where we stand. If Scottish law is presently incapable of restraining the rapacity of such as John MacLeod then Scottish law must and can be changed. The land reform legislation, which is currently making its way through the ante-chambers of the Scottish Parliament, provides an ideal vehicle for tightening up the qualifications for such dubious land claims, which have no greater foundation than the military marches of medieval robber-barons. The Scottish Executive ignores such issues at its peril. To do so would be to invite further national scandals at regular intervals in the future.

*Fifteen-century land gabs should have no legitimacy in a 21<sup>st</sup> century democracy.*

## **“Get off his back”**

To nobody’s surprise, the Scottish Landowners’ Federation weighed in this week to request that MacLeod of MacLeod should now be left to collect his £10 million and spend it at leisure. We are asked to “*get off his back*”. Those words cannot have been phrased with much optimism. The *West Highland Free Press* might, just might, get off John MacLeod’s back when he ceases to display unprincipled greed; when he stops attempting to exploit the doubtful, accidental privileges of birth to make himself a multi-millionaire from one of Britain’s greatest and most treasured national assets.

## **We now know where we stand**

We started by praising a current Scotland Office Minister. We are irresistibly drawn to close with the words of one of Brian Wilson’s most illustrious predecessors. Ninety years ago the future Scottish Secretary Thomas Johnston had this to say on the subject of MacLeod’s caste:

*“The first step in (Land law) Reform ..... is destroy these superstitions. Show the people that our Old Nobility is not noble, that its lands are stolen lands – stolen either by force or fraud; show people that the title-deeds are rapine, murder, massacre, cheating, or Court harlotry; dissolve the halo of divinity that surrounds the hereditary title ...”*

It is possible that the present Scottish Executive in Holyrood will prefer by inaction to advertise itself as being less enlightened and radical than the greatest Scottish Secretary of the 20<sup>th</sup> century. It is possible but we would not advise it.

## **Further information**

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