

# Land Title Origins in the Isle of Man

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**M**ANN is probably the oldest political unit in Europe, due no doubt to its size and geographical position.

Traditionally our island had its origin in troubles in Ireland (*plus ça change!*) when an Irish giant, Finn McCoul, in a fight with a Scottish giant, tore up a great fistful of earth with the people on it and threw it after his retreating adversary. It missed him and, landing in the middle of the Irish Sea, formed the land on which we are now standing, leaving a depression in the middle of the Northern Irish plain which now forms Lough Neagh.

We can turn to the archaeologists for confirmation of this. Around the shores of Lough Neagh are found the artifacts of a stone age people of what is known as the Bann culture, its area strictly localised and found nowhere else in Ireland, or indeed in the British Isles, except, extensively, Mann.

Despite older and newer influences, Manx culture, language and tempo have remained overwhelmingly Celtic, or rather Gaelic, in character.

To come to the subject of particular interest to this conference — the land. To the ancient Celts, the concept of individual private ownership of land was as alien as that of private ownership of the sun or rain. Land was held in common by the tribe; its title might be vested in the king or chieftain, but this was simply a legal fiction. Land for use in cultivation was parcelled out annually or at regular periods; grazing land was held in common.

Despite the Norse invasions, Mann was subject to a somewhat vague, and indeed intermittent, Norwegian overlordship until 1263.

The Norse UDAL or freehold system did not make any lasting impression, and was abolished by King Godred — “Godred Crovan” — after his victory at Skyhill over the Norse landowners, and the older Celtic system of land tenure was re-established.

Under Godred’s successors — his dynasty lasted 200 years — large areas of land were granted to the Church, which was responsible for such education and social security of the people as existed.

Tithes were also levied by the Church on all agricultural and fishing produce, whilst the civil and military administration was financed by so-called rents, paid in kind and labour. In passing I would remind you that words cannot always be accurately translated, the Gaelic word for rent being “mail” (this word forming the root of the English term blackmail).

Manx law demanded that from March 25 until Michaelmas corn land had to be protected by a temporary fence or hedge, but that after the crops were harvested, such fence must be pulled down, so that all land could be grazed in common.



With the decay of the influence of faraway Norway after her defeat by the Scots in the Battle of Largs, 1263, a century or more of invasions, warfare and anarchy followed, stability being restored when the great Lancashire family of Stanley became kings of Mann in 1405. But it must be remembered, in order to understand subsequent

events, that they were constitutional monarchs and not feudal ones.

We can clearly see a new, possibly English influence, in a law passed in 1422 making it lawful for a person to enclose his land “at all and several times of the year.”

The enclosures in England in Tudor times do not seem to have instituted similar ones in Mann, but in 1577 we find a new law on the statute books, making it now compulsory for a man (I avoid the term “landowner” advisedly) to fence his land. Further laws in 1580, 1667 and 1691 enforced this law, and defined the height and width of boundary hedges.

The old legal fiction of the ownership of land being vested in the king held good, though by now the Stanleys had dropped the title of king and were known merely as “Lord of Mann”.

The farmers were called the Lord’s tenants, and paid the Lord’s rent as before, working for short periods on the roads and repairing the fortifications, and supplying the latter with foodstuffs and fuel for the use of the garrisons and the civil list.

Custom duties were also levied as a source of revenue, but these were always much lighter than those imposed elsewhere.

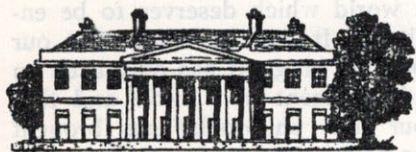
The people bought and sold their lands or left them to their heirs. They were in effect freeholders, but at the handing over of the property a straw grown on the land was solemnly given to the new owner to denote possession, and this was known as “tenure of the straw.”

Conditions outside the control of the Manx people were to threaten their traditional existence.

Despite their motto “*sans changer*”, the Stanleys were in fact changing, and financially at least not for the better (if better is taken to mean richer).

The sixteenth century was one of extravagance and ostentation, particularly under Edward I, 1521-72, who was “so celebrated for magnificence and liberality”, writes Camden, “that with Edward, Earl of Derby’s death, the glory of hos-

pitality seemed to fall asleep." Providing for his numerous progeny, both legitimate and otherwise, greatly depleted the family's vast English estates.



During his brief reign of some seven months in 1593-94, his grandson Ferdinando first explored the idea of augmenting his depleted fortunes with what we should now call a "land grab" in Mann by reducing his Manx "tenants", so-called, to the status of the tenants of his English estates, to transfer in fact the island to his personal estate.

Ferdinando however became involved in a plot to oust the aging Queen Elizabeth and place himself on the throne of England (he was a descendant of Henry VII and had the same claim as James VI of Scotland).

His subsequent death by poison remains one of the mysteries of history. Was it administered by the old Queen's agents? Or by a plotter who wished to close his mouth? He was a fascinating figure of his time but without doubt his death was an advantage for the Manx people.

A prolonged lawsuit between his brother William and his daughters over the inheritance of his estates caused further financial embarrassment, lawyers had to be paid and judges to be bribed — even King James was not above taking a hand-out of £2,000, a great sum in those days.

William, despite all this, was not very successful, and spent most of the rest of his life in retirement.

Under his son James, known as Yn Stanlagh Mooar, or the Great Stanley, during the English civil war period, Manx arms reached new heights both on land and sea, but the reduction of the Royalist forces elsewhere by the Parliamentarians meant that Mann was virtually at war with the rest of Britain.

James, who had made himself

unpopular with the Manx people by his claims on their land, figuratively speaking lost his head, and invaded England on August 15 1651, with 300 badly equipped Manx troops. After two battles and some melodramatic adventures he fell into English hands and lost his head in fact at Bolton market place, on October 15, Bolton which had seen his greatest triumph. After his death the successful Illiam Dhona rebellion against his Countess, the famous Charlotte de la Tremouille, illustrated a solidarity of the people which the restoration of 1660 and the judicial murder of "Illiam Dhona", William Christian their leader, did not shake. In 1704, after more than four decades of struggle, came the Act of Settlement, the so-called "Manx Magna Carta", which confirmed the people in their farm lands.

Now the year 1651 had in addition to the execution of James seen another act which was to have a great consequence for the Manx people. In that year the English Parliament passed the Navigation Act, which prohibited the landing of cargoes in English ports by other than English ships. This was directed against the Dutch, who at that time were gaining a monopoly of shipping. But its effect upon the Manx was this — Manx exports were mainly to France and Spain — salt, fish, meat, hides, etc. in exchange for spirits, wines and other exotic produce for which we had no great market, so they were exchanged for English manufactured goods. In order to survive, the Manx trader was forced to smuggle his wines, etc., into England. Within a few decades this legitimate smuggling (if I may so call it) was augmented by adventurers who imported vast quantities of goods into the island with the sole purpose of smuggling them into England. The "trade" grew to such proportions as to seriously threaten the revenues of "Great Britain", as our adjacent island had become known after the Act of Union; and by 1765 the UK Parliament annexed the island by

buying out the Dukes of Athol, to whom the sovereignty of Mann had descended.

This was known as the Revestment, though the Manx people referred to it as *Yn Chialg Vooar* — the great swindle. They bore the brunt of the economic depression and the despotic rule that ensued, including the closing down of the schools (compulsory education having been introduced as early as 1703).

Now, despite enforced enclosures in the 16th and 17th centuries of mainly lowland areas, the mountains still remained common land—the king's forest, though licences had been given to enclose portions to add to the acreage of farms, these additions being known as *intacks*.

These common lands were used, of course, for grazing, and from them was dug the peat which was once the main fuel supply. Any infringement of them was bitterly contested. In the 1850s an attempted enclosure was successfully resisted by the "Sulby Cossacks," as the rebellious crofters were called, and the "Great Enquest" refused to ratify these enclosures. But in 1860 and 1864 Acts of Tynwald were passed which excluded the public from the grazing of some 30,000 acres of which some 12,000 were enclosed or sold. As the loss of public grazing ultimately ruined a large proportion of the upland farmers, many of these farms have come under public ownership and the area now administered by our government is greater than before.

The influx of cheap food made a great impact on traditional farming practices. Many old-established families left their farms and a class of tenant farmers became dominant on the agricultural scene.



Today the existence of this class is in turn threatened by the policies of our government.

Despite the fact that we in Mann

have per head of population, three times the agricultural resources of Great Britain, that we are surrounded by the richest fishing grounds left in Europe, yielding some seven million pounds of fish last year, and that our visiting industry alone brings us in (proportionately) considerably more than all the United Kingdom's total export trade, our affairs are so badly managed, that for generations we have been haunted by the spectre of unemployment.

Perhaps the greatest defect in our way of life is our structure of taxation, for while low income tax and no surtax favour the rich, the Common Purse agreement with the United Kingdom has placed an unequal burden on those subject formerly to purchase tax and now value added tax. Those running a small business are subject to 10 per cent tax on turnover, whilst the speculator whose profits are often excessive is exempt from capital

gains tax.

Now why nationalism? As an answer perhaps I can best express myself by quoting that great 19th century statesman Benjamin Disraeli. "A civilised community must rest on a large realised capital of thought and sentiment. There must be a reserve fund of public morality to draw upon in the exigencies of national life. Society has a soul as well as a body.

"The traditions of a nation are part of its existence. Its valour and its discipline, its venerable laws, its eloquence and its scholarship are as much portions of its life as its agriculture, its commerce and its engineering skill. If it be true that an aristocracy distinguished merely by wealth must perish from satiety, so I hold it equally true that a people who recognise no higher aim than physical enjoyment must become selfish and enervated. Under such circumstances, the supremacy of race which is the key

to history will assert itself.

"Some human progeny distinguished by their bodily vigour or their masculine intelligence will assert their superiority and conquer a world which deserves to be enslaved. It will be found that our boasted progress has only been an advancement in a circle and that our new philosophy has brought us back to that old serfdom which it has taken ages to extirpate."

I began this talk with a legend. Let me finish with one, a parable if you like. Britain was once threatened with disaster, a dark age, but a miracle was vouchsafed to the people, a sword appeared embedded in a block of stone, from whence not the strongest man could withdraw it, until the coming of the boy Arthur. The stone represented the apathy in which the people were sunk, the sword Excalibur their spirit, their will to exert themselves, their pride.