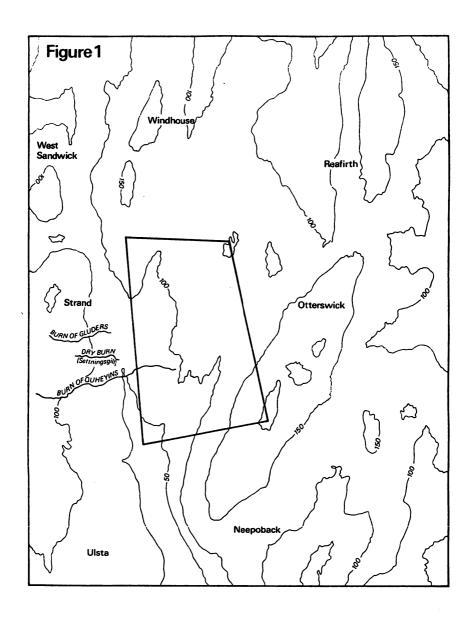
WILLA-MINA HOGA IN SOUTH YELL, SHETLAND

John H. Ballantyne

At some early date in Shetland the land was allocated into units for the purposes of paying scat, the Old Norse land tax. These units or areas, which were based on settlement groups of collections of townships, were called scattalds, and included the common grazing or out pasture, formerly known as hoga. Nowadays the term scattald is applied exclusively to the out pasture. Scattalds were formerly owned pro indiviso by the proprietors of the merk lands in the townships with rights therein, but during the 19th century many scattalds were divided by judicial proceedings in the Court of Session or Sheriff Court. Before the passing of the Crofters Act in 1886 several of these divided scattalds (and some of the few scattalds which had been under sole ownership) were cleared of tenants and enclosed for use as sheep farms. Nevertheless, there are still a considerable number of scattalds on which the rights of grazing are held in common by shareholding tenants, and these rights are now protected under the Crofting Acts. In all, there are over 120 scattalds in Shetland of which the Aithsting scattald in the west mainland of 16,401 acres is the largest (Knox, pages 194-234). On the other hand there are a number of scattalds of less than a thousand acres.

There is, however, an area of common pasture, called Willa-mina Hoga, a landlocked and remote moorland area of some 900 acres lying at the head of Aris Dale in the south of Yell which does not form part of any scattald, and has no township attached to it. For its size it is the only such area of common pasture in Shetland. The name Willa-mina Hoga has been corrupted from its former rendering of 'Hollmennis Hoga', which indicates a derivation from the Old Norse almenning. Willa-mina Hoga is bounded by scattalds on its four sides, namely Windhouse to the north, Otterswick to the east, Nipoback to the south, and Strand to the west.

The earliest known reference to Willa-mina Hoga occurs in the



description of the scattald marches of Yell by Gilbert Neven, bailie of Yell, which were surveyed by him in the spring of 1667, accompanied by a number of udallers and other witnesses. The original document has gone missing, but a copy on parchment made by Thomas Irvine of Midbrake in 1821 is extant (SA, SC.12/50/1). On the back of this copy Thomas Irvine gave details of the original document which he stated was on five sheets of stout foolscap paper in the handwriting of Gilbert Neven and joined together in a roll six feet in length, and which had lately been in the possession of the family of Gossaburgh, but was then in the possession of Mr Gilbert Duncan, N.P. Lerwick. It was registered in the Sheriff Court Books on 6 September 1859 after the original had been rediscovered in the repositories of the late Mr G. Duncan (SA, D. 16/388/157). After describing the boundaries of each scattald Gilbert Neven added:

'Onlie it is to be knowen that benorth the lyne of Strand Scattell which goes from the head of the burne called the burne of Arisdaill to the face of the Hill be-north Noube as is above descrybed, Ther is waist ground not stricklie merched which is ancientlie called Hollmennis-hogga or vo [blank] hill wherin all the Scattellers of Strand and Nebeback may as farelie pasture as any in Windhous Scattell may doe'.

At first sight it seems strange that Gilbert Neven did not include the Otterswick scattellers as having pasturage rights in Willa-mina Hoga in 1667, but the fact that Gilbert had significant proprietorial interests in the scattalds of Windhouse, Nipobak and Strand, but none in the Otterswick scattald before 1671, may well have coloured his description.

Although Gilbert Neven stated that Willa-mina Hoga was not strictly marched, its boundaries can be delineated from his descriptions of the marches of the adjoining scattalds on the Ordnance Survey Map (Figure 1) as being between the following points:

The march stone on Una Stakka Houlla, described as 'the knowes or hillocks called Unna-Stackaes-houla, Wher stands a great stone'.

The cairn on the Hill of Arisdale, described as 'the Wart or

Watch-place which stands upon the tope of the great Hill besouth Sturascord called Moefeyll'.

Sundrabister, described as 'the head or place where the great burne of Aresdaill seemes to haie its beginning'.

Birries Houlla Komba, described as the 'highest part (or brow) of the great Hill lying upon the north syd of the great slack or Valley called Noube'.

Attempts to include Willa-mina Hoga in Scattald Divisions

Windhouse Scattald

In September 1824 the boundaries of Windhouse Scattald, and also of Willa-mina Hoga, were perambulated by a party led by the lawyer William Sievwright following an interlocutor by the sheriff, in connection with an action for division of ownership (Gardie House Papers). On the third day of the perambulation the party proceeded southwards from the noosts at the head of Reafirth Voe along the eastern boundary of Windhouse scattald to Una Stakka Houlla. Here the party had trouble in finding the march stone described in the petition, and it was not until the following morning when after a further search of several hours:

'a large earthfast stone was discovered, lying in a small leog or gully to the westward of these knolls or hillocks, and between them and what is called the Alan Hill; which in the absence of all other evidence, was fixed on as the spot sought for; from whence after erecting a turf pyramid on the bank above it, we proceeded southwards along the western boundry of Otterswick Scattald, straight onwards to the wart or Watch place called Moe-feyll or Moefield, or the Wart of Arisdale, where Otterswick Scattald is known to terminate, and Nebeback Scattald to commence; ... and as our direction now was to the head of the burn of Arisdale, the point where the three small burns meet and from the large stream commonly called by that name, was reckoned the only place which could be called its head; our course was directed for a low spot of greensward lying betwixt the junction of the burns, which spot lies about west

by compass from the wart. At this point a small pyramid of turf was raised. From this point we proceeded north and west along the north side of one of the burns which join to form the burn of Arisdale and flows down the slack or valley called still Noubie or the Noub ... on to the southmost end and highest part of the hill lying upon the north side of the said slack or valley, which point of said hill is now called Birrigars-houll, and is still held as the point at which the scattald of Strand terminates and that of Westsandwick commences.'

Although Willa-mina Hoga was perambulated in 1824 it was not included in the division of Windhouse scattald. Unfortunately the other papers relating to the action of the division which might throw some light on the status of Willa-mina Hoga no longer appear to be extant, apart from a copy of the final decreet dated 8 January 1835 (SA, D. 1/112/1).

Between 1875 and 1880 the south part of Windhouse scattald, which adjoins Willa-mina Hoga, was fenced off and made into a sheep farm by G.H.B. Hay of Hayfield.

Nipoback Scattald

There is no reference to Willa-mina Hoga in the Court of Session action for the division of Nipoback scattald. This action began in 1829 but did not reach completion until 1862 (SRO, CS.46, 16 March 1862).

Otterswick Scattald

A division of the Otterswick scattald was already under contemplation by 1868 as on 18 September of that year Andrew D. Mathewson, the Yell schoolmaster and surveyor, wrote to William Henderson of Burrayoe.

'I have no hesitation, for the united, and also the separate benefits of yourself, Betty Manson [widow of Olla Thomason of Murligarth, a small proprietor in the township of Swarrister], and the other proprietors, in recommending a Division of the Scattald – and for the Interest, I would even go further and say; the Willamina Scattald should now also be divided; – Mr McQueen to get

the Neepoback scattald's share laid to his line from the Wart of Errisdale to the Burn of Errisdale and your share and Bruce Henderson's to be added to your North West sides. This may be your best chance and perhaps your last—for starting with the Otterswick Scattald would be a fair opportunity for the Willamina Scattald which lies along the West side of Otterswick and both Betty Manson and every other proprietor could get their share of the 900 acres lying in the interior of this Island of benefit to no-one.'

(SA, A.D. Mathewson Papers)

Again in 1873 Mathewson was stating that:

'The Willamina Scattald being about 900 acres should be now divided according to the number of merks land in the Ministry of Mid and South Yell so as the wire fences may enclose their respective entire shares and not leave it for any future arrangement.'

(SA, A.D. Mathewson Papers)

In 1879 a summons of division was raised in the Sheriff Court at the instance of Charles Ogilvie Robertson of Gossaburgh for the division of the ownership of Otterswick scattald and also of Willa-mina Hoga (described as Hoolmennes Hogo or Wilhelmina Scattald) in which all the scattald proprietors in the parish of Mid and South Yell were cited as defenders. Objections were raised by five proprietors claiming that ownership of 'Holminnes Hogo' was exclusive to the proprietors of the respective scattalds of Windhouse, Nepoback and Strand – no doubt relying on Gilbert Neven's 1667 description, though ignoring the fact that Neven was only referring to pasturage rights. The matter rested there, and despite the action being awakened in 1885 the Otterswick scattald remains undivided to this day (SA, SC.12/6/126).

Strand Scattald

The ownership of the *solum* of the scattalds of Strand and Ulsta, known since the last century as the West Yell scattald, was divided by agreement between the proprietors in 1982. Willa-mina Hoga was not included in the division.

Current Status of Willa-mina Hoga

The current position is that Willa-mina Hoga is an undivided area of common pasture over which the users of the co-terminous common grazings of Nipoback, West Yell, and Otterswick exercise right of pasturage. The rights of souming for these scattalds were determined by the Scottish Land Court following Hearings in 1914, and are on the basis of one sheep for every two acres as was the standard throughout Yell (no souming right has been determined for Windhouse scattald as it has never been under the jurisdiction of the Crofting Acts). However, only in the application for the regulation of the West Yell Common Grazings was a claim made to the Land Court for a souming right over Willa-mina Hoga on the basis that it was one of the principles of the law of Scotland that land cannot belong to nobody. This was granted to the extent of 225 sheep on the grounds that this portion had been for many years occupied by the present tenants and their predecessors (Scottish Land Court, Zetland RN 1782).

Willa-mina Hoga remains open pasture with free access to livestock on all but the north side, and consequently is grazed by sheep from the West Yell, Nipoback and Otterswick scattalds. The families whose sheep formerly grazed on Willa-mina Hoga would probably have been mainly from the township of Arisdale, and this is supported by a Sheriff Court case in 1803 (SA, SC.12/6/5566) concerning a dispute over sheep where it was stated that the sheep of John Johnson in Arisdale went two miles 'benorth his crue' - this would place them in the centre of Willa-mina Hoga. It is likely that John Johnson came from a line of udallers whose ancestry goes back to John Laurenceson of Aywick, foud of Yell, in the time of Patrick, Earl of Orkney, I am also told that the Johnson family of Lowerhouses in Coppister and likewise the Hughson family in Coppister (both descended through daughters of John Johnson of Arisdale) had a number of sheep on Willa-mina Hoga at the beginning of this century (Mrs M. McLeod, West Yell). However, other shareholders on the adjoining scattalds also had sheep on Willa-mina Hoga at this period (viz., the Johnson family of Otterswick. Robert Wishart of Fealykirk. John Grant and Jerom Henderson of Arisdale, Thomas Robertson of Hillhead, and Thomas Omand of Houlland).

The stone structure (known variously as Staney Pund, Stany Crue or

the Gimmer Crue) at the south-west corner of Willa-mina Hoga appears to have been a traditional gathering point for sheep which grazed on the Hoga. It is situated on the slope about 200 yards northnorth-east above the junction of the Burn of Sundrabister with the Burn of Arisdale. This crue has now finally fallen into disuse, after having been revived for a time in the first half of this century by shareholders in the West Yell scattald (which include Coppister) in preference to the *crue* at Arisdale which was on the Nipoback scattald. Also a crue at Hamar Wasta on the west side of the Burn of Arisdale between Sundrabister and Arisdale was used by the West Yell shareholders for a time. However, for the past number of years the sheep on Willa-mina Hoga belonging to the shareholders in Nipoback and West Yell scattalds have been caaed at Arisdale, and a large new crue has recently been erected here. The sheep belonging to the Otterswick shareholders which graze in the Tronamoor area of Willamina Hoga are caaed from the Otterswick side.

Perceptions of Willa-mina Hoga

Willa-mina Hoga is still perceived as a free scattald or every man's land (Smith, 119; Donaldson, 38). There is still a strong tradition to this effect in the crofting community in the south of Yell as was confirmed in 1987 by various informants, viz.:

'No-one has scattald rights on it – it is free pasture' (L.A. Clark, Holligarth).

'Belongs to no-body – when they marched off the scattalds this was left over' (George Thomason, Gossaburgh).

'Unclaimed land where sheep could be grazed overnight when being driven from Cullivoe' (the late Alex J. McLeod, West Yell).

'This was ground where people driving cattle and sheep through Yell could rest their stock for as long as they wished – no man could disturb them, for no man owned it' (Magnus T. Anderson, Ulsta).

Although I have not found any documentary evidence of Willa-mina

Hoga being used as a resting place for livestock, it would have been logical in the old days to drive stock through the centre of south Yell where the valleys run on a north-south line and are clear of townships and in-bye land. This is reminiscent of ancient droving traditions in mainland Scotland (Haldane, 207 and 210-1). This tradition of Willamina Hoga being free pasture for stock being driven through Yell is interesting in view of the suggested line of the place name 'Almenning' in Norway with cattle trade routes (see under 'Almenning in the Norwegian Context').

James T. Irvine, in a paper entitled 'Some notes on Hogas and Hagraas' written in 1884 for Sir Henry Dryden (SA, D. 16/392/72) cited 'Almana Hoga' in south Yell as belonging to no scattald. He argued, somewhat fancifully, that this was evidence of the pagan origin of scattalds, suggesting that when the Christian missionaries first apportioned the scattalds in Yell they found that this waste area was devoted to the Gods of the Waste, probably Booth, son of Odin. Because of this the early ministers refused to accept it, and thus 'Almana Hoga':

'remained attached to no special Toon but common to all the Toons of such scattholds as surrounded them, though in truth no part of any one of them'.

It can be seen that the present perception of Willa-mina Hoga as being free pasture available for use by anyone is, if anything, wider than that of Gilbert Neven in 1667. The old rendering 'Hollmennis Hoga' is no longer used in conversation, though I am told that the late Bruce Henderson of Arisdale called it 'Hollims Hoga' (M.T. and Mrs B.J. Anderson, Ulsta).

Sundrabister

The name Sundrabister (or 'Sindrabuster' as I have heard it pronounced), given to the area of flat ground in the valley just to the south of where the Burn of Arisdale is joined by the Burn of Sundrabister, suggests that at one time it was a settlement. There are possible old foundation stones of a former building on the level ground 125 yards to the south of the junction of the burns. The earliest written reference to Sundrabister that I have seen occurs in 1858 in the

evidence of Thomas Pole, aged 77, in the proceedings for the division of the Nipoback scattald in which he stated that the Pund of Sundrabister was one of the boundary points of the scattald (SRO, CS.46, 16 March 1862). If there was a settlement here at one time it must have been given up well before 1667 as Gilbert Neven does not mention it in describing this boundary point. One can only assume that Sundrabister was a former settlement and that it has no direct association with Willa-mina Hoga other than its proximity.

Various derivations have been put forward as to the origin of the 'Sundra' or 'Sindra' element of this name. Both Jakobsen and Stewart suggest 'more southerly', as being derived from *syndri* (Jakobsen 1936, 154; Stewart, 54). Jakobsen also puts forward the man's name 'Sindri' as a possibility (Jakobsen 1936, 154); while the Ordnance Survey Place Names Book states that Sundrabister signifies 'dividing place'. Other place names in Shetland with an apparently similar derivation are:

- (1) Sundraquoy, an outset, on Sound scattald in south Unst (Stewart, 188-9).
- (2) Sinnabister, said to be an old settlement or outset, in the Clift Hills about half a mile just west of north of the Hill of Deepdale (SA, SC. 12/6/6193), though Jakobsen considered the 'Sinna-' element to be derived from the Old Norse sina, meaning withered grass (Jakobsen, 1936, 32).

Place Names in Shetland derived from Almenning

The word Hollmennis (or Woll-mennis) is derived from the Old Norse almenning-r, meaning common pasture (Fenton, 34), or literally 'land for all men' (Jakobsen 1897, 110). This derivation has been long accepted, and indeed on a map showing the Norse names of Shetland, which was published for schools in 1875 by Messrs. W. & A.K. Johnston, Willa-mina Hoga was rendered 'Allismenishoga'. Other derivations from almenning in Shetland place names occur in the following:

- (1) 'Williamsetter'. A township, near Bigton (Stewart, 243).
- (2) Old infield pasture names:

- (a) 'De Wolmen' (or 'de Wulmin' or 'Wilmin'), at Aith in Cunningsburgh. Arable land by the end of the 19th century, but remembered by old people as having been in former times common pasture in the home-field (Jakobsen 1897, 110; Jakobsen 1936, 20). Also rendered as 'Willman' (Stewart, 37).
- (b) 'De Wolmen', in Papa Stour. Arable land by the end of the 19th century (Jacobsen 1936, 20). Given as a rig name at Setter in 1929 by P.A. Jamieson who rendered it as 'Wilmans' (OLM, IX, 73). Also rendered as 'Willmans' (Stewart, 37).
- (c) 'De Wolmens', in Foula (Jakobsen 1936,20). Pasture land within the township of Hametoun, part of an outset which appears to have been established before or early in the 18th century (Baldwin, 36 and 53-4).
- (3) 'Wolemens Brunt'. A hill, at Channerwick in Dunrossness the 'brunt' here probably alluding to the burning of the ground to bring it under cultivation (Jakobsen 1936, 20).
- (4) 'Wolmemning'. An area of out-field pasture apparently shared between the scattalds of Snabrough and Wick in south-west Unst. According to a description of the scattald marches of Unst in 1771 it is stated that the boundary between these two scattalds stretches westwards from Roehenga-houla 'to the middle of the Garths called wolmemning ["Houlmamenga" inserted in pencil in a different hand at a later date] or common Garths, where is the northmost sea-march of Snabrough'. A note adds:

'There is yet to be seen the vestige of two dykes twixt the dykes of Snabrough and those of Week; all to the southward of the southmost dyke belongs to Snabrough, and all to the northward of the northward dyke belongs to Week scattald, and the ground between ... is in common to both scattalds.'

(OLM, III, 217-8)

In another version said to be from Thomas Mouat's Book of Scattald Marches, 1771, the boundary between Wick and Snabrough scattalds is described as beginning at 'Snabrough at the sea in the middle of the Garths called Wolminning in Blomal Sound and runs eastwards to a known march betwixt the dykes of Valild and Snabrugh called Rockingahoula, ...'.

(SA, D.12/224)

In his dictionary Jakobsen defines 'wolmen' as meaning a common (Jakobsen 1928). Jakobsen, however, considered that Willa-mina Hoga in Yell, because of its former rendering as Hollmennis Hoga, was derived from an earlier form of 'wolmen', namely 'olmennin' (Jakobsen 1936, 20). It is interesting to note that Gilbert Neven in 1667 stated that Hollmennis Hoga was the ancient name for the waste ground which he was describing.

Almenning in the Norwegian Context

The term *almenning* remains in use in Norway for 'common land' even though the original concept of free use by all no longer applies. The present categories of *almenning* are as follows:

(1) 'Statsallmenning'. These are the remnants of commons (now mainly mountains) that once constituted much larger areas and over which the Crown eventually asserted ownership. In the past these commons were sold by the Crown, to be subsequently divided between the purchasers and those who possessed rights in the commons, but these sales have been prohibited for more than a hundred years. The land which now falls within this category was delimited by a Government Commission between 1912 and 1954.

The laws concerning commons are extremely ancient, and are closely linked to the development of land tenure systems and patterns of settlement. They are based on the principle that the traditional utilisation of resources rests with the local community, and what remains after local needs are covered, as well as the land itself, belongs to the State.

Within this framework rights of use connected with farming like that of pasture, summer farms ('setre'), firewood, and wood for building and other purposes, are reserved for the local farming population, while everyone living in the municipality has equal rights of hunting and fishing. In addition the public (i.e. everybody living in Norway) has access to certain limited forms of fishing and hunting (Sevatdal 1985, 33-4).

- (2) 'Bygdeallmenning'. These are commons where ownership as well as rights of use rests with the local farming population. A person's share of ownership is usually determined by reference to his historical tax assessment or *landskyld*.
- (3) 'Privatallmenninger'. This is land in ownership but on which local farmers have common rights. These are areas which were sold by the Crown to private individuals who built up large estates in this and 18th centuries. way in the 17th 'privatallmenninger' have since disappeared by a process of apportionment whereby the farmers' rights of commonty have been transmuted to the land and the remainder became the exclusive property of the landowner (i.e. no longer with common rights belonging to others). In addition some large areas of 'privatallmenninger' in Nordland were repurchased by the State at the end of the 19th century. However, there are still a few 'privatallmenninger' left.

The above categories do not apply to the vast tracts of unsettled land in the three northern counties of Nordland, Troms and Finnmark which have never been privately owned. It is thought that these areas may have lost the legal status as commons which they might have once possessed.

Almenning also occurs as a place name in Norway, and the late Fridtjov Isachsen, professor of geography in Oslo, in an article on the old cattle trade routes across the mountains between western and

eastern Norway (NGT, IV, 488-513) examined the location of nine farms called 'Almenningen', 'Almenning' or 'Almenninga' in southern Norway identified in O. Rygh's substantive work on Norwegian placenames (there are a further three to the north of Trøndelag not included in Isachsen's examination). He found that five of them were on old cattle routes or in one of the main areas of origin for the cattle trade. This led him to the interpretation that there was a connection between the name 'Almenning' and the institution of "free pastures" for cattle traders where animals could be pastured overnight on their way to market in the east. The institution is supposed to have arisen in the 17th century and lasted until the 19th. Of the other four farms with the name 'Almenning' Isachsen found that one in Roan was on an island and was probably a place for the free use of anybody during the fishing season, another was on an old trade route to the mining districts of central Sweden, while he was unable to suggest an interpretation for the remaining two without local knowledge. He also noted that during his field work he came across a farmer in Gloppen in west Norway who still used 'almenninger' as a term for "free pasture" for cattle traders. From this evidence Isachsen concluded that the farm name 'Almenning' belonged to a category of names which derives from rights of use along an established route.

Almenning in Iceland and Faroe

In Iceland *Almenning* is the local name for the deserts around Cape Horn in the north-west of the country, while the term *Almenning-r* is used for common pasture where cattle are grazed during the summer months. (Cleasby & Vigfusson, 17).

In Faroe the term *Almenningur* only applies in a limited context. For instance, it is used to refer to common land around a settlement on which outhouses can be built (e.g. Husavik in Sandoy) and of land by a church where horses can be tethered during the service. It can also be used to denote a public way (e.g. the path from the priest's farm of Todnes on Sandoy to the Annexe farm).

Summary

Willa-mina Hoga in Yell is unique in a Shetland context in that it is a large area of moorland, not forming part of any scattald, and

consequently to this day is of indeterminate ownership. The derivation of the name Willa-mina from the Old Norse *almenning* is indicative of its status as free pasture or unclaimed land.

The incidence of *almenning* in other place names in Shetland is examined, as is the current use of the word in Norway, Iceland and Faroe. The association of the farm name 'Almenning' in Norway with free pasturage on old cattle trade routes is noted as linking in with traditions relating to Willa-mina Hoga.

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